

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 59** SLS 11RS 83
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 11, 2011 8:55 AM	Author: DONAHUE
Dept./Agy.: Education	Analyst: Alan M. Boxberger
Subject: Use of seclusion and physical restraint for student behavior	

STUDENTS OR INCREASE LF EX See Note Page 1 of 2
 Provides relative to the use of seclusion and physical restraint to address student behavior. (gov sig)

Proposed law requires the Board of Secondary and Elementary Education to prepare and adopt rules and guidelines for the appropriate use of seclusion, physical restraint or mechanical restraint with all students. In current law, the rules and guidelines apply to students with exceptionalities. The proposed law provides with respect to the use of seclusion and physical restraint in response to student behavior. Provides that the Louisiana Department of Education (LDOE) maintain statistics regarding the usage and demographic information of students involved in seclusion and restraint incidents.

EXPENDITURES	2011-12	2012-13	2013-14	2014-15	2015-16	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0
REVENUES	2011-12	2012-13	2013-14	2014-15	2015-16	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed legislation may result in an indeterminable but potentially significant increase in expenditures by local education agencies statewide. The LFO has determined that there are a large number of individuals already trained in these techniques, or as certified trainers, statewide. However, there is no central repository or database capturing the number of individuals trained by school, district or parish. This fact makes it impossible to accurately predict costs associated with providing a minimum of one trained individual in each school statewide. The Fiscal Office spoke with officials at the Department of Education, school boards, special councils and practicing professionals within the school system in an effort to estimate the population of trained individuals in the state but no singular entity monitors or tracks this information.

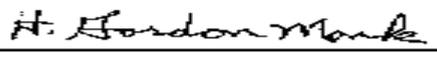
The proposed law requires nationally recognized, evidence-based training on the use of seclusion, physical restraints and mechanical restraints for all school employees authorized to employ these tools to address student behavior in each public elementary and secondary school (approximately 1,500 schools statewide). The proposed law requires that each school principal assign one school employee to oversee the use of seclusion and physical restraint within the school. Training costs could be absorbed or reallocated within each local educational agency's budget as training requirements. Some schools may be able to reallocate federal grants or allocations to cover a portion or all of the costs associated with training staff.

East Baton Rouge Parish reports currently having approximately 360 individuals certified in nonviolent Crisis Intervention, including 13 certified Crisis Prevention Intervention (CPI) Trainers in the parish, of which two are certified as Master CPI Trainers. The Louisiana Developmental Disabilities Council obtained information from CPI suggesting there are currently 186 active CPI Trainers statewide, contained within 30 local education agencies. To the degree that districts are able to consolidate classes, share resources, and make certified trainers available to those districts that may be without trainers, the cost impact can be mitigated. According to the Department of Education, urban school systems are more likely than smaller rural ones to currently have appropriately trained staff.

CONTINUE EXPENDITURE EXPLANATION ON PAGE 2

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>	
<input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}		<input type="checkbox"/> 6.8(F)1 >= \$500,000 Annual Fiscal Cost {S}	 H. Gordon Monk Legislative Fiscal Officer
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}		<input type="checkbox"/> 6.8(F)2 >= \$100,000 Annual SGF Cost {H&S}	
		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}	

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CONTINUED EXPLANATION from page one:

The Department of Education identified two common providers of nationally recognized training programs fulfilling the requirements of the proposed law. One program, Crisis Prevention Intervention (CPI), offers classes to train instructors in nonviolent crisis intervention. The cost of the four-day course is \$1,729 per person if taken at a CPI site (plus travel and per diem for attendees). If the course is provided by CPI locally or at a school district, the cost per person remains \$1,729 per person and adds travel, lodging and food for the trainer. Scheduling a course locally is contingent upon the availability of CPI resources. A second program, Handle with Care, offers classes for 10 to 20 people at a cost of \$2,200 and \$4,400 respectively (\$220 per person) plus travel and per diem. Handle with Care schedules classes throughout the nation on a recurring, rotating basis.

Schools, or school systems, requiring certification of staff will have numerous options, three of which will be discussed herein. First a school system could send a set, but appropriate, number of individuals to be trained as instructors. These individuals could then train and certify other employees within a school district to ensure full coverage of appropriately trained individuals in each school. This would incur an initial expenditure to acquire the instructor certification for each trainer, and follow-up expenses related to scheduling and conducting classes with the designated individual(s) from each public elementary and secondary school. Other cost factors could involve travel (if necessary), facility rental or usage, meals, etc. Instructors also require periodic continuing education or refresher courses to maintain certification, which vary in frequency by program.

A second alternative is for each school to send the minimum one individual to a scheduled training, or to bring on site training to certify the appropriate number of employees for a school or system. This option would incur similar expenditures as the first option outlined, including compensation to trainers and trainees, possible facility rental, travel, etc.

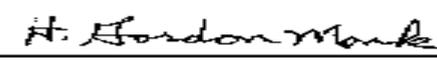
A third alternative would be for neighboring school systems to pool resources and attempt to share instructors or training sessions across a larger population pool. This action could mitigate costs and could alleviate the necessity of a school system acquiring a certified trainer. This again, could require additional compensation or travel expenditures.

The proposed law as drafted implies implementation during the 2011-12 school year. Schools may have difficulty scheduling a series of training sessions prior to the start of the school year. Depending upon the job classification of designated individuals, some may not work during summer months or may have temporary employment outside of the school system during the summer. Requiring school employees to work during designated non-school days would likely incur additional compensation, travel and/or per diem requirements. If schools wait until the school year begins to train, they may realize increased expenditures associated with substitute teachers if the trainees are classroom personnel.

There is at least one additional factor that could impact the costs associated with providing an appropriately trained individual in each school. Costs can increase proportionally to the degree that a school or school system determines that a need exists to train backup employees at each school in the event of absence, illness or turnover among the primary designees.

The Louisiana Department of Education reports no anticipated direct material fiscal impact as a result of the proposed law. The department utilizes an existing database that can be configured with current resources to capture the data required for system statistics reporting.

The Louisiana Schools for the Deaf and Visually Impaired, the Louisiana Special Education Center, and the three schools operated by the Office of Juvenile Justice currently have appropriately trained staff. The Louisiana School for Math, Science and the Arts and the New Orleans Center for the Creative Arts do not have staff currently trained and would incur expenditures to attain the minimum of one person trained per school.

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<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}	H. Gordon Monk Legislative Fiscal Officer