

FISCAL IMPACT OF PROPOSED LEGISLATION

79th Oregon Legislative Assembly – 2017 Regular Session
Legislative Fiscal Office

Measure: HB 2649

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Date: 3/22/2017

Measure Description:

Directs State Board of Education to adopt by rule complaint process to report school district policy in violation of state law prohibiting harassment, intimidation, bullying and cyberbullying.

Government Unit(s) Affected:

Department of Education, School Districts

Analysis:

The bill directs the State Board of Education to adopt rules regarding a process for students or members of the public to submit complaints regarding school district policies on acts of harassment, intimidation, or bullying, which do not comply, or were applied in violation of the following Department of Education (ODE) requirements. The ODE requirements must include (1) ODE must develop a process to review and investigate complaints; (2) prior to submitting the complaint, the complainant notify the school where the reported act occurred; (3) ODE must provide the school an opportunity to follow district procedures relating to reported act; (4) ODE must maintain a record of these complaints for a period of not less than seven years from the receipt of the complaint; (4) ODE must adopt standards to determine if a school district policy complies with and was applied in accordance of the above mentioned requirements.

The Legislative Fiscal Office (LFO) notes that ODE is not directed to adopt rules regarding the actual school district policies of acts of harassment, intimidation or bullying; ODE may only adopt rules regarding the standards and requirements for the agency's own internal processing of complaints. The bill directs ODE to conduct investigations of these complaints which, regardless of the outcome, will require an indeterminate amount of resources as it is currently unknown how many of these complaints will be filed. The workload associated with this process could include the following: record and maintain the records of complaints, review incident-related documents and materials, conduct interviews, and prepare final orders.

ODE is further directed to develop and maintain a system to track the number of reported acts of harassment, intimidation, bullying, or cyberbullying received in each school district, as well as the number of disciplinary actions taken in each school district in response to the reports received. Additionally, this information should include the likely motive for the act, and demographic information about the person against whom each act was committed. School districts are required to compile this data and report it to ODE for every act that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop.

At this time, the Legislative Fiscal Office (LFO) believes that the ramifications of this measure are not fully understood given that the number of potential complaints to ODE is undetermined, and the potential increased workload to school districts regarding the reporting of data to ODE is still being evaluated. ODE proposes establishing a web-based system to collect this information. ODE's costs related to a web-based data collection system are estimated at a one-time cost of \$105,000 in the 2017-19 biennium, and may require a portion of a limited duration position to launch and make any necessary adjustments once the system is fully functioning. However, the necessity of a web-based system will be subject to the total number of estimated complaints, which is still being determined at this time. The fiscal impact to ODE related to the rule making process is likely minimal and absorbable within existing

budgetary parameters. Further analysis on the bill will be prepared as the measure is considered in the Joint Committee on Ways and Means.