




Date: August 28, 2019

To: Representative Lyndon Carlson, Chair
Representative Pat Garofalo
Representative Paul Marquart, Chair
Representative Greg Davids

Senator Julie Rosen, Chair
Senator Richard Cohen
Senator Roger Chamberlain, Chair
Senator Ann Rest

From: Britta Reitan, State Budget Director 

Subject: Local Impact Note Request: HF 4207 (Maye Quade) – Affirmative consent instruction required, and money appropriated.

Minnesota Management and Budget (“MMB”) has completed the local impact note requested for HF 4207 (Maye Quade) – Affirmative consent instruction required, and money appropriated. A copy of the note is attached.

Local impact notes are similar to the fiscal notes that you are familiar with, but they focus on the fiscal impact of proposed legislation on local governments rather than the state. This process is described in Minnesota Statutes 2018, sections 3.987 and 3.988. This statute requires MMB to gather and analyze information on local costs of legislation when requested by the chair or ranking minority member of the House and Senate Taxes committees, the House Ways and Means committee, or the Senate Finance committee.

HF 4207 requires that school districts and charter schools develop and implement a sexual consent program designed to prevent and reduce the incidence of sexual assault. It requires that the commissioner of Education, in consultation with the Department of Health, assist school districts in developing and implementing a curriculum on sexual consent in order to prevent the incidence of sexual assault. Grades 8 through 12 are listed as the range for which this curriculum would be designed and administered. Lastly, it allows districts and schools to accept funds for consent programs from public or private sources in order to fund the new program.

MMB received 13 total responses from districts around the state. After analyzing their responses, we believe HF 4207 would impose costs on school districts. However, costs varied among schools of similar sizes, with some being able to incorporate the mandated instruction easily into current curriculum while others indicated the need to hire new staff. A statewide total could not be calculated due to a limited number of responses in combination with a wide range of anticipated costs. Local costs are informed by school-specific staffing structures as well as local labor market conditions, neither of which can be accurately projected statewide. Instead, this note thoroughly discusses the types and ranges of costs identified by the local governments that responded to the survey.

This note was requested in the 2018 session and an attempt to gather information from school districts was made at that time. In our first effort we were unable to generate an adequate response from school districts to provide a useful analysis. In the interim MMB has worked to establish stronger communication with more school districts, and surveys were re-sent. Responses from that attempt are used in this analysis.

If you or your staff have any questions about the local note process, please do not hesitate to contact Executive Budget Officer Melissa Lam Young at 651-201-8045.

cc: Legislative Staff
MMB Staff

August 28, 2019

HF 4207 (Maye Quade)

Affirmative consent instruction required, and money appropriated.

Local Fiscal Impact					
Net Expenditure Increase/Revenue Loss or (Expenditure Decrease/Revenue Gain)					
Dollars in Millions, Calendar Years					
	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Statewide	Yes - Unknown	Yes - Unknown	Yes - Unknown	Yes - Unknown	Yes - Unknown

Bill Description

House File 4207 requires that all public schools in the state of Minnesota develop and implement a sexual consent program to prevent and reduce the incidence of sexual assault. Section 1, subdivision 1, requires that the commissioner of Education, in consultation with the Department of Health, assist school districts in developing and implementing a curriculum on sexual consent in order to prevent the incidence of sexual assault. Grades 8 through 12 are listed as the range for which this curriculum would be designed and administered. Section 1, subdivision 2 allows districts and schools to accept funds for consent programs from public or private sources in order to fund the new program. Section 2, subdivisions 1 and 2, appropriates blank amounts in fiscal year 2019 to the Department of Education to assist districts and charter schools in implementing the requirements in the bill.

Local Impact Methodology

HF 4207 does not appropriate funding to districts and charter schools to develop and implement the curriculum. Any fiscal impact would need to be addressed by the individual schools and districts. To assist with the analysis of potential fiscal impact for schools, Minnesota Management and Budget (MMB) developed a survey to acquire information from districts around the state. The survey and bill language were provided to a response group of superintendents and business managers from 39 metro and non-metro school districts. The districts have volunteered to provide information to MMB on local impact notes should the need arise. A total of 13 districts (33%) responded to the request for information for this local impact note:

Respondents by District Type	
District Type	Number of Respondents
Metro inner-ring district	1
Metro outer-ring district	1
Non-metro district with 1000-2000 students	3
Non-metro district with less than 1000 students	1
Non-metro district with more than 2000 students	7
Total Responses	13

Assumptions

Fiscal Impacts can take the form of costs or savings. Given the methodology described above, MMB made the following assumptions about items of possible local fiscal impact in HF 4207:

1. Current law does not require affirmative consent curriculum be taught in in schools; thus, HF 4207 represents a state-mandated requirement for districts and charter schools.
2. All costs associated with developing and implementing this curriculum would be addressed by the school or district.

3. The language of the bill allows for outside funding from public and private sources including public health funds and foundations, department professional development funds, federal block grants, or other federal or state grants. To the extent schools are able to obtain funding from these sources, the funding would offset any costs borne by schools and districts.
4. Districts that fail to develop and implement a consent program will receive assistance from the Minnesota Department of Education in establishing a program.

Survey

The survey sent to districts contained four sections relating to:

1. Developing or obtaining planning materials and guidelines
2. Conducting in-service training
3. Collaborating with local community health services agencies as well as state and local student organizations
4. Alternative funding sources

The first three sections of the survey asked the same three questions:

1. How many new Full Time Employees (“FTE”), if any, are needed to perform this task?
2. What is the cost of the new FTE, if any?
3. Assumptions or notes on the above answers?

Question four asked respondents to estimate how much funding, if any, the district would have access to from the alternative services authorized in the bill to offset spending on planning and implementing the consent program in their school.

Discussion of Local Costs

Assigning local costs as a result of HF 4207 was difficult for many districts. As a result, there is a wide range of costs due to districts making assumptions on how many people would need to cover what specific task. Interpretations of the language in the bill required many respondents to make assumptions of their own when responding. The table below represents a summary of the cost estimates provided by respondents, followed by a discussion of costs organized by the four survey sections.

School District Type	Average Annual Cost to District	Range
Metro inner-ring district (such as Roseville, St. Louis Park, Columbia Heights)	\$10,000	N/A (One Response)
Metro outer-ring district (such as White Bear Lake, Eastern Carver County)	\$5,000	N/A (One Response)
Non-metro district with 1,000-2,000 students	\$25,833.33	\$0 - \$67,500
Non-metro district with less than 1,000 students	\$68,592	N/A (One Response)
Non-metro district with more than 2,000 students	\$48,865.47	\$0 - \$78,000

1. Developing or obtaining planning materials and guidelines.

When asked about developing or obtaining planning materials and guidelines, a range of 0 new FTEs to 1 FTE were needed to develop or obtain materials or guidelines. The most frequent response was 0. The average additional FTE needed in addition was 0.185 FTEs. The cost range for hiring a new FTE ranged from \$0 to \$61,092. The average cost reported was \$14,976.54. The quartiles for cost are \$3,000 at the 25% level, \$10,000 for the median and \$20,250 for the 75% level.

2. Conducting in-service training

When asked about conducting in-service training for teachers, a range of 0 to 0.5 new FTE were needed to conduct this training for educators. Three districts (23% of respondents) assumed that the in-service training would be completed by the staff hired in the “developing” portion of the survey. The most frequent response was 0.1 FTE. The average additional FTE needed was 0.1875. The cost ranged from \$0 to \$55,560. The average cost reported was \$19,011. Quartiles for costs are \$1,875 for the 25% level, the median cost was \$16,500, and \$30,225 for the 75% level.

3. Collaborating with local community health services agencies as well as state and local student organizations

Districts were asked how many, if any, staff would be required to fulfill the collaboration with local and state entities to comply with the language in the bill. A range of 0 to 1 new FTE were given. The most frequent response was 0, with many districts again assuming that the FTE hired in section 1(a) would fulfill this role as well. The average additional FTE was 0.175. The cost range for hiring an additional FTE ranged from \$0 to \$61,092. The maximum in this range was given by a district that assumed this FTE would assume all responsibilities listed related to implementing this new curriculum. The average cost is \$12,752. Quartiles for cost are \$0 for the 25% level, the median cost is \$4,000 and the 75% level cost is \$16,750.

4. Alternative funding sources

The only specific commonality among all respondents is that they largely expect no funding from outside sources. As a result, the local cost estimates listed in this local impact note do not reflect any offsetting savings related to the authority to receive outside funding sources, as provided in the bill. A few responses were:

“We will have zero funding from these sources to implement a consent program.”

“No funding from these sources.”

“Very hard to determine. My gut reaction would be that there wouldn’t be much support from these type of entities in supporting this program which would be run on a limited basis.”

“Zero.”

Notes

A common note for districts in Greater Minnesota (4 of 11 non-metro districts, 36%) was the difficulty they foresaw in finding an additional staff person to work with this particular curriculum:

“That we could even find someone to perform this and the other roles suggested. Part-time staff are hard to come by.”

“The challenge will be finding someone to hire. Licensed health teachers are difficult to find during ongoing teacher shortage.”

“Will require a specialized counselor / social worker.”

“There is also no way we could find someone willing to only work at a .15 FTE and all of our support staff is already working at a 1.0 FTE”

The majority of the assumptions made are specific to each responding district. Because curriculum is designed largely at the district level, many will have different requirements of their staff in writing, developing, and teaching curriculum. For example, one district noted that they do not teach health to grades 10-12, only 7-9. Conversely, another district noted that they would be able to easily implement it into their 8-12 personal wellness curriculum.