



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 1136 Introduced on March 22, 2018
Author: Allen
Subject: Principals
Requestor: Senate Education
RFA Analyst(s): Powell, Gardner, Mitchell, and Heineman
Impact Date: April 17, 2018

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	See Below	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill defines the process by which school principals or senior administrators may file a petition for judicial admission of a child in need of mental health treatment to a treatment program or facility. The Department of Education, the Department of Mental Health, and the Department of Administration indicated that additional responsibilities associated with this bill can be managed within existing appropriations and authorizations. The Judicial Department indicated that any additional expenditures can be managed within existing appropriations and authorizations; however, the agency also noted that this bill could result in an increased Circuit Court backlog.

Non-recurring expenditures by local school districts statewide will increase by a total of \$123,000 for training associated with conducting student risk assessments. Periodic training for new personnel will also need to be conducted.

County governments indicated they did not anticipate an expenditure increase associated with this bill; however, if the number of such petitions were to dramatically increase it may result in the need for an additional part time or full time probate court employee to handle the associated documentation.

Explanation of Fiscal Impact

Introduced on March 22, 2018

State Expenditure

This bill defines the process by which school principals or senior administrators may file a petition for judicial admission of a child in need of mental health treatment to a treatment program or facility. Title 44, Chapter 24 of the South Carolina Code of Laws currently governs this process. It allows the process to be initiated by a parent, guardian, or interested person. This bill sets out the rules under which such a process can be initiated by a principal, acting as an interested person.

The principal or senior administrator may file a petition if they believe the child in need of treatment requires judicial admission due to behavior dangerous to himself or others and is in need of a mental health examination to determine appropriate mental health treatment. Before such a petition may be filed, the principal or senior administrator must consult with a school counselor, school resource officer, or school safety officer (who must meet with the student regarding the dangerous behavior), contact the parent or guardian in some circumstances, and consider information provided by school staff, law enforcement, other students, parents or legal guardians, or others regarding the student's behavior.

Local school districts, in collaboration with the Department of Education, are directed to establish policies, guidelines, and protocols addressing indicators of student behavior that would merit a consideration of judicial admission and the process for requesting such.

The bill makes the referring school official immune from a causes of action for damages for failing to escalate such a petition, as long as the steps outlined above have been followed.

Once these steps have been followed, a principal or senior administrator of a school may petition for judicial admission of a child in need of treatment. The petition must be accompanied by a written statement including the reason for the petition, an assertion that the parent or guardian has been contacted, if applicable, and has refused or failed to initiate mental health intervention, and the underlying facts on which the request is based.

If a judicial admission to treatment is made, the court must notify the State Law Enforcement Division, which must transmit the information to the National Instant Criminal Background Check System. The child could later make applicable petitions regarding this designation to have restrictions associated with it, including those related to firearms, removed.

Department of Education. The Department of Education indicates it can assist districts in establishing policies, guidelines, and protocols using existing personnel and within existing appropriations and authorizations.

Department of Mental Health. The Department of Mental Health (DMH) indicates that this bill does not result in significant additional responsibilities for the agency. This bill alters the process and requirements for petitions filed by a principal or senior administrator regarding mental health treatment for a child in need. DMH reports that these changes are not expected to significantly increase the number of children accessing mental health services. It expects that any additional expenditures can be managed within existing appropriations and authorizations.

Department of Administration. The Department of Administration indicates there will be no expenditure impact for Guardian Ad Litem services as any costs associated with the implementation of this bill can be managed within existing appropriations and authorizations.

Judicial Department. The agency indicates that this bill may increase the caseload in the Probate Court and the Court of Common Pleas. An estimate of the increased Probate Court caseload is not available as it is unknown how many additional cases would result. Current law already allows parents and other interested persons to petition the court for commitment. Any increased expenditures at the Probate Court level would be the responsibility of local governments. If school officials are sued for damages as a result of this bill, the caseload in the Court of Common Pleas may increase. Additional costs related to this would be paid for through the Judicial Department's General Funds. The agency expects that any additional expenditures can be managed within existing appropriations and authorizations; however, this bill could result in an increased backlog of cases in Circuit Court.

State Law Enforcement Division. Forwarding names to the National Instant Criminal Background Check System is an activity that occurs in the normal course of agency operations. The State Law Enforcement Division expects that any additional expenditures can be managed within existing appropriations and authorizations.

State Revenue

N/A

Local Expenditure

The Department of Education responded on behalf of the local school districts. The Department indicates that, in order to effectively implement the new responsibilities associated with this bill, districts may need to train educators in the process of conducting a student risk assessment and the district's policies and protocols. Such training would typically take one day to complete at a cost of \$1,500. This estimate is based on previous mental health training conducted in school districts. The statewide local expenditure impact of conducting such training across all eighty-two school districts is \$123,000. Periodic trainings for new school personnel may be required.

Local governments were also surveyed regarding the potential impact of such petitions on probate courts. Twenty-three counties were surveyed, with two counties responding. The responding counties indicated that they did not anticipate an expenditure increase associated with this bill; however, if the number of such petitions were to dramatically increase it may result in the need for an additional part time or full time probate court employee to handle the associated documentation. One county estimated that, if an additional employee was required, expenditures could be increased by up to \$40,000 annually.

Local Revenue

N/A



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