

March 6, 2017

The Honorable John Barker, Chairperson  
House Committee on Federal and State Affairs  
Statehouse, Room 285-N  
Topeka, Kansas 66612

Dear Representative Barker:

**SUBJECT:** Fiscal Note for HB 2171 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2171 is respectfully submitted to your committee.

HB 2171 would create the Student Privacy and Protection Act. The bill would require that every public school student restroom, locker room and shower room that is accessible by multiple students at the same time be designated for use by male students only or female students only. Any other public school facility used for overnight accommodations where a student may be in a state of undress in the presence of other students or school personnel would be required to provide a separate, private area designated for use by students based on their sex. Students who desire greater privacy when using a public school facility would be able to submit a request to school officials for alternative facilities.

The bill would allow a citizen to file a complaint with the Office of the Attorney General that a public school is in violation of the provisions of the bill, if the citizen provides written notice to the public school describing the violation and the public school does not cure the violation within three business days after receiving written notice. The complaint filed with the Attorney General would be required to have a copy of the written notice that had been delivered to the public school and a signed statement by the citizen describing the violation.

Upon receiving the complaint, the Attorney General would be required to investigate the violation. If the Attorney General determines that no violation occurred, then a written notice would be sent to the citizen who filed the complaint and to the public school. If the Attorney General determines that legal action is warranted, then an action may be filed in a court of competent jurisdiction seeking equitable relief that the Attorney General deems appropriate.

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Estimated State Fiscal Effect				
	FY 2018 SGF	FY 2018 All Funds	FY 2019 SGF	FY 2019 All Funds
Revenue	--	--	--	--
Expenditure	\$129,255	\$129,255	\$123,795	\$123,795
FTE Pos.	--	1.00	--	1.00

Enactment of HB 2171 would have no effect on state aid to school districts and as a result, would have no fiscal effect for the Kansas Department of Education. The Office of the Attorney General indicates that enactment of the bill would require an additional 1.00 FTE investigator to process, review and investigate complaints filed by the public. For this new position, expenditures totaling \$129,255 from the State General Fund would be required, including \$57,220 for salaries and wages, \$22,035 for other operating expenditures (including one-time expenditures totaling \$5,490 for office equipment and ongoing expenditures of \$16,545 for travel expenses and supplies), and \$50,000 for expenditures relating to constitutional (both federal and state) challenges to the provisions of the bill. For FY 2019, expenditures totaling \$123,795 would be required, including \$57,220 for salaries and wages and \$16,575 for other operating expenditures, and \$50,000 for expenditures relating to constitutional challenges. Any fiscal effect associated with HB 2171 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,  
Director of the Budget

cc: Dale Dennis, Education  
Willie Prescott, Office of the Attorney General