

March 18, 2015

The Honorable Gregory Smith, Chairperson
Senate Committee on Corrections and Juvenile Justice
Statehouse, Room 441-E
Topeka, Kansas 66612

Dear Senator Smith:

SUBJECT: Fiscal Note for SB 70 by Senate Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning SB 70 is respectfully submitted to your committee.

SB 70 would require each person who makes an initial or renewal application for a teaching certificate to submit at the time of application a complete set of legible fingerprints taken by a qualified law enforcement agency. Fingerprints would be released by the Kansas Department of Education to the Kansas Bureau of Investigation (KBI) for the purpose of conducting a criminal history records check, utilizing the files and records of the KBI and the Federal Bureau of Investigation.

In addition, any employees of a school district with direct contact with students would be subject to the same background check requirements prior to any work involving students. Fingerprints of these employees would be submitted by school districts to the KBI every five years from and after July 1, 2015 for employees hired prior to this date, and every five years from the first day of employment for those hired after July 1, 2015. This requirement also would be applicable to all Kansas public innovative school districts.

SB 70 would also provide a list of crimes that prohibit the State Board of Education from issuing or renewing a teaching license. The Board would be required to revoke the license of any person convicted or who has entered into a criminal diversion agreement for any of these crimes. The bill would require the individual who has been convicted of a listed offense or has entered into a criminal diversion agreement to file a report with the State Board of Education within 30 days of the date of conviction or diversion agreement.

According to the Kansas Department of Education, only applicants making an initial application for a teaching certificate are currently required to give a set of fingerprints for a criminal background check. SB 70 would expand the fingerprint requirement any teacher

making an application for an initial teaching license or a renewal. The Department currently collects a \$50 fee from an applicant and forwards the funds directly to the KBI for processing. This practice would continue when expanded to including teaching license renewals. According to the Department, there are approximately 35,000 licensed professionals who would be required to submit finger prints when renewing a teaching license, at a maximum of every five years at a current cost of \$50 per person. However, the number of fingerprints processed would be determined by the number of individuals applying or renewing his or her teaching license.

The Department indicates that it would require an additional 1.00 FTE Public Service Executive II to ensure the Department is complying with all components of SB 70, including matching submitted felony and diversion reports to the Department's database of teaching licenses. The Department would require additional expenditures totaling \$41,870 from the State General Fund for this position, beginning in FY 2016.

In addition, the bill would subject any employee of a school district with direct student contact to the same fingerprint and background check requirements every five years. According to the Department of Education, because these individuals are not licensed by the Department, each individual school district would be required to ensure compliance. Each district would be required to submit fingerprints and remit the \$50 fingerprint and background check cost to the KBI. The Department notes the bill has the potential to require approximately 27,000 district employees who have direct contact with students to submit fingerprints and have a background check every five years with the enactment of SB 70.

The KBI indicates that the total cost to process all fingerprints and return the results to the Department of Education would be covered by the fees assessed to each individual submitting fingerprints. The KBI does not estimate the number of expected fingerprint submissions. Any fiscal effect from the enactment of SB 70 is not included in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Dale Dennis, Education
Shelia Sawyer-Tyler, KBI