

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 70

As Amended by House Committee on Education

Brief*

SB 70, as amended, would require any person applying for an initial or renewed teaching license or certificate to submit, at the time of application, fingerprints taken by a qualified law enforcement agency, unless the applicant has previously submitted a complete set taken by a qualified law enforcement agency. The fingerprints would then be submitted by the State Department of Education (Department) to the Kansas Bureau of Investigation (KBI) for a criminal background check. The bill would allow either the school district or the teacher to pay the cost of the background check. The State Board of Education (Board) would be prohibited from issuing a new or renewed license to any person who does not comply with the fingerprinting requirement.

Similarly, other employees of a school district in a position with direct contact with children would be required to submit fingerprints to the school district for a KBI criminal background check prior to commencing work involving students. The school district would be required to release submitted fingerprints for each employee to the KBI every five years from July 1, 2015, for employees hired prior to that date, or every five years from the first day of the employee's employment for employees hired on or after that date. The bill would allow a school district to pay the cost of the criminal record check or require the employee to pay the cost.

The bill would require a public innovative district to submit fingerprints of any employee with direct contact with

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

children to the KBI for a criminal background check under similar provisions (including timing), as those stated above.

The bill would amend a provision requiring the county or district attorney to file a report with the Board with information regarding persons who have been determined to have committed or have entered into diversion agreements for certain crimes, to instead require a licensed teacher who is convicted or has entered into a diversion agreement to file a report with the Board indicating the person's name, address, and social security number, within 30 days of the date of the conviction or diversion agreement. Failure to file this report would be a class B misdemeanor. If the person filing the report is a licensed employee of a unified school district, the Board would be required to notify the district within 30 days that the report has been received and provide a copy of the report to the district upon request.

A similar reporting requirement would be added for other employees of a school district or employees of a public innovative district. Such reports would be filed with the district and failure to file would be a class B misdemeanor. Regarding the innovative districts, the district could pay the cost of the criminal record check or require each employee subject to the bill, to pay for the record check.

Additionally, the Board would be required to revoke the license of any person convicted of any of the crimes which heretofore would have resulted only in requiring the Board not to issue or renew the license.

Background

The bill was introduced by the Senate Committee on Corrections and Juvenile Justice at the request of Senator Smith. In the Senate Committee, Senator Smith and a representative of the Kansas County and District Attorneys Association testified in support of the bill. The Attorney General provided written testimony supporting the bill. A

representative of the Department provided neutral testimony. There was no opponent testimony.

The Senate Committee adopted amendments extending reporting requirements to other employees of school districts and employees of public innovative districts and clarifying the background check provision for employees of public innovative districts.

The House Education Committee amended the bill to eliminate a requirement that the teacher or other district employee pay the fee for the criminal record check. Rather, the amendment would allow either the teacher or employee or the district to pay the fee. The House Education Committee also amended the bill to add the provision that either the employee or a public innovative district could pay the fee for the criminal record check.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department indicates there are approximately 35,000 licensed professionals who would be required to submit fingerprints when renewing a license, at a current cost of \$50 per person. The exact number of fingerprints processed would depend on the number of applications or renewals. The Department would require an additional 1.00 FTE Public Service Executive II to comply with the bill's provisions, requiring additional expenditures of \$41,870 from the State General Fund beginning in FY 2016.

The Department indicates individual school districts would be responsible for compliance with the fingerprint and background check requirements for non-licensed employees, at the same \$50 per person cost. The Department states the bill could require approximately 27,000 district employees with direct contact with students to submit fingerprints and have a background check every five years.

The KBI indicates the cost to process fingerprints and return results to the Department would be covered by the fees assessed to the individuals who submitted fingerprints.

Any fiscal effect is not included in *The FY 2016 Governor's Budget Report*.