

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 156** HLS 22RS 619

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: March 27, 2022 1:31 PM	Author: FREIBERG
Dept./Agy.: Education	Analyst: Garrett Ordner
Subject: Teacher Certification Background Check	

TEACHERS/CERTIFICATION EG INCREASE GF EX See Note Page 1 of 2
Provides relative to criminal history review with respect to teacher certification

Proposed legislation requires any applicant for an educator credential or teaching authorization after June 1, 2023 to undergo a criminal history record check by the LA Bureau of Criminal Identification and Information (BCII). Requires the Department of Education (LDE) to: (1) request information from BCII concerning whether the person has been arrested or pled nolo contendere to any criminal offense and (2) require and provide the procedure for submission of a person's fingerprints. Allows LDE to charge a processing fee of no more than \$25 (which may be increased by 5% each year) and collect processing fees charged by the BCII for a state criminal history record check and the Federal Bureau of Investigation (FBI) for a federal criminal history record check, as well as fingerprinting fees. Provides that any person with an existing credential or authorization issued prior to June 1, 2023 must undergo a criminal history record check when seeking to have such credential or teaching authorization renewed, advanced, or otherwise modified or by June 1, 2028, whichever occurs sooner. Subject to exceptions provided for in existing statute, prohibits the Board of Elementary and Secondary Education from issuing an educator credential or teaching authorization to a person who has been convicted of or pled nolo contendere to a crime provided for in existing statute. Repeals existing law requiring local background check results to be provided to LDE.

EXPENDITURES	2022-23	2023-24	2024-25	2025-26	2026-27	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total						

REVENUES	2022-23	2023-24	2024-25	2025-26	2026-27	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

EXPENDITURE EXPLANATION

There will be an increase in SGF and SGR expenditures for the Department of Education (LDE) to create five (5) positions and purchase equipment to process criminal background checks for educator credentials or teaching authorizations. The Office of State Police (OSP) reports that it will be able to process the background checks without incurring additional costs. The number of background checks needed cannot be determined from existing data; however, the LDE anticipates processing approximately 53,000 background checks (including 26,500 state and 26,500 federal) annually. LDE reports that its estimated costs will be \$808,000 in FY 23 and \$701,000 in subsequent years. LDE's reported costs associated with the proposed legislation exceed the expected revenue from processing fees; therefore, the LDE will require additional SGF funding to implement the proposed legislation.

EXPENDITURE EXPLANATION CONTINUED ON PAGE TWO

REVENUE EXPLANATION

There will be a SGR increase to the LDE from additional background check fees beginning in FY 23 when the requirement goes into effect. The proposed law requires anyone granted a credential or authorization prior to June 1, 2023, to obtain a criminal history record check when seeking its renewal, advancement, or any other modification by June 1, 2028, whichever occurs sooner. LDE estimates it will process approximately 53,000 background checks per year (including 26,500 state and 26,500 federal). Proposed law authorizes LDE to charge a processing fee not to exceed \$25, in addition to any processing fees charged by the LA Bureau of Criminal Identification and Information and the Federal Bureau of Investigation for criminal history record checks. A \$25 processing fee for 26,500 pairs of state/federal background checks will result in an average of \$662,500 SGR revenues for the LDE each year. The proposed legislation allows for a 5% annual increase in the amount of the processing fee; however, whether the LDE will increase this fee annually is indeterminable.

The Office of State Police (OSP) charges \$26 for state background checks and \$13.25 for federal background checks. OSP retains \$2 of the \$13.25 fee charged for the federal background checks and remits the remainder to the Federal Bureau of Investigation. Based on 26,500 pairs of background checks conducted annually, OSP would receive an additional \$742,000 per year. OSP and local sheriffs' offices may receive additional revenue if they provide fingerprinting services for the background checks.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
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Interim Deputy Fiscal Officer

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CONTINUED EXPLANATION from page one:

EXPENDITURE EXPLANATION CONTINUED FROM PAGE ONE

The LDE expects the additional background checks will cost \$808,080 in the first year of implementation and \$701,080 in subsequent fiscal years. LDE will utilize SGF and SGR to fund the additional staffing and equipment. The LDE anticipates it will need to add five (5) Education Program Consultant 2 positions to process additional background checks for a total cost of \$493,000 per year (each position is estimated to cost \$98,600, including \$68,000 in salaries and \$30,600 in benefits) as well as \$6,290 per year in operating expenses (\$1,108 in travel expenses and \$150 for supplies per position). In addition, it will require \$280,000 in the first year of implementation for initial IT equipment purchases, and \$173,000 for annual software maintenance and hardware costs in future fiscal years, as well as \$28,790 in annual costs for a secure server on which to store the information used in background check processing. The LDE is also authorized to collect fingerprinting fees on behalf of fingerprinting vendors. Fingerprinting fees will vary by vendor. Note: The proposed legislation removes the requirement that background checks obtained by local school districts also be provided to the LDE. The resulting reduction in workload may allow the LDE to implement the proposed legislation with fewer additional positions than it initially reported.

NOTE: The LFO anticipates costs may be significantly less than \$808,080 in FY 23. Proposed law will apply to certifications sought on or after June 1, 2023. LDE is likely to require acquisition of IT equipment and a portion of salaries for the requested five positions, but the LFO assumes the positions will not be filled until close to implementation, at a date to provide adequate time for training. Therefore, the LFO assumes the positions will not need to be filled at the beginning of FY 23 (July 1, 2022) and that a significant portion of the \$493,000 annual personnel services and \$6,290 operating costs will not be needed in FY 23; however, costs associated with this program exceed anticipated revenues by nearly \$40,000 annually beginning in FY 24. To the extent that costs cannot be funded through the proposed processing fee, LDE will require additional SGF funding.

Senate Dual Referral Rules
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 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
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