

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 312** HLS 21RS 307

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> May 6, 2021	11:11 AM	<b>Author:</b> FREIBERG
<b>Dept./Agy.:</b> Education		<b>Analyst:</b> Garrett Ordner
<b>Subject:</b> Teacher Certification Background Check		

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

Proposed legislation requires any applicant for a teaching certification or authorization after June 1, 2022 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 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. Subject to exceptions provided for in existing statute, prohibits the Board of Elementary and Secondary Education from issuing a teaching certification or authorization to a person who has been convicted of or pled nolo contendere to a crime provided for in existing statute.

<b>EXPENDITURES</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	INCREASE	\$440,000	\$440,000	\$440,000	\$440,000	<b>\$1,760,000</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>						

  

<b>REVENUES</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

There will be an increase in Self-Generated Revenue (SGR) expenditures for the Department of Education (LDE) to hire three positions and purchase equipment to process criminal background checks for teacher certifications. The Board of Elementary and Secondary Education (BESE) may require State General Fund (SGF) expenditures for increased workload needed to review certifications. The Office of State Police (OSP) reports that it will be able to process the background checks using existing resources and absorb costs within the \$2 retention of the \$13.25 fee charged for federal background checks.

LDE expects the additional background checks will cost \$584,000 (see NOTE on next page) in the first year of implementation and \$444,000 in subsequent fiscal years. LDE will utilize SGR to fund the additional staffing and equipment. LDE anticipates it will need to add three Education Program Consultant 3 positions to process additional background checks for a total cost of \$324,000 per year (each position is estimated to cost \$108,000, including \$72,000 in salaries and \$36,000 in benefits). In addition, it will require \$260,000 in the first year of implementation for initial IT equipment purchases, and \$120,000 for annual software maintenance and hardware costs in future fiscal years. LDE is also authorized to collect fingerprinting fees on behalf of fingerprinting vendors. Fingerprinting fees will vary by vendor.

**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 certification prior to June 1, 2022, to obtain a criminal history record check when seeking its renewal, advancement, or any other modification by June 1, 2027, whichever occurs sooner. LDE estimates it will process approximately 32,000 background checks per year for the first three years of implementation and a reduced, but indeterminable number of background checks in subsequent fiscal years. Proposed law authorizes LDE to charge a criminal history record check 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 will result in up to \$800,000 SGR revenues for the LDE for FY 23-25 (32,000 x \$25) and an indeterminable amount of revenues thereafter.

The 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 32,000 teacher background checks conducted annually, OSP would receive an additional \$896,000 for the first three years of implementation and a reduced amount in subsequent fiscal years. OSP and local sheriffs' offices may receive additional revenue if they provide fingerprinting services for the background checks.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>
<input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}		<input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
<input checked="" type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

*Alan M. Boxberger*

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**Staff Director**

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**CONTINUED EXPLANATION from page one:**  
**EXPENDITURE EXPLANATION CONTINUED FROM PAGE ONE**

NOTE: The LFO anticipates costs will be significantly less than \$584,000 in FY 22. Proposed law will apply to certifications sought on or after June 1, 2022. LDE is likely to require acquisition of IT equipment and a portion of salaries for the suggested three 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 22 (July 1, 2021) and that a significant portion of the \$324,000 annual personnel services costs will not be needed in FY 22. **LDE may require SGF resources in FY 22 to onboard necessary positions and acquire the IT equipment as it will not begin collecting SGR revenues for background checks prior to June 1, 2021, and a significant portion of first year expenditures will be realized prior to initiating background checks.**

BESE reports it may need to add one Associate Education Administrator position for a total SGF cost of \$75,000 (including \$49,500 salary and \$25,500 in related benefits) in order to process certification revocations that may result from the requirement of a background check for all holders of a teaching certification or teaching authorization. Note: The LFO is unable to determine the need for this position; BESE may be able to obtain this information by collaborating with the LDE certification staff. To the extent this occurs, it may negate the need for additional staff and associated costs.

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}

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