

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 197** SLS 23RS 389

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 28, 2023	2:06 PM	Author: PEACOCK
Dept./Agy.: Education		Analyst: Julie Silva
Subject: Teacher certification and criminal history record checks		

TEACHERS EG INCREASE GF EX See Note
Provides relative to teacher certification. (gov sig)

Proposed legislation amends current law concerning criminal background checks (CBCs) for administrators, teachers, and other employees who have educator credentials or teaching authorizations. Proposed legislation additionally expands certification pathways for teachers.

EXPENDITURES	2023-24	2024-25	2025-26	2026-27	2027-28	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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

REVENUES	2023-24	2024-25	2025-26	2026-27	2027-28	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

Proposed legislation will result in an increase in state expenditures. The Louisiana Department of Education (LDE) reports an additional five (5) Education Program Consultant 2 positions would be necessary to comply with the provisions in proposed legislation, estimated to cost \$97,584 (\$67,299 annual salary and \$30,285 related benefits) per position, for a total of \$487,920 in FY 24. LDE assumes a 4% annual increase in salaries and related benefits in future fiscal years. LDE anticipates an indeterminable increase in equipment costs related to the need for additional software licenses as well as additional secure servers to store data used in criminal history background check (CBC) processing.

LDE reports the requirements of proposed legislation will increase the number of CBCs requested by the department, as well as increase the number of educator certification applications received and processed. LDE is authorized to collect a \$25 fee for each new CBC and a \$50 fee for educator certification applications. It is not known if the potential increases in fee collections would offset the increase in costs to the department due to proposed legislation; therefore, LDE's reported costs associated with the proposed legislation may exceed the expected revenue from processing fees. If this is the case, LDE will require additional SGF to implement the proposed legislation.

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REVENUE EXPLANATION

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. The expected increase in CBCs requested will result in additional fees collected by OSP. Based on the estimate associated with additional certification applications alone, OSP could expect an additional \$140,000 (\$28 x 5,000) in revenues per year. OSP and local sheriffs' offices may receive additional revenue if they provide fingerprinting services for the background checks.

LDE will see an increase in SGR as a result of the proposed legislation. Act 745 of the 2022 Regular Session allows LDE to charge a fee of \$25 to process CBCs. Present law allows for a 5% annual increase in the amount of the processing fee; however, whether the LDE will increase this fee annually is indeterminable. LDE also collects a \$50 processing fee for each teacher certification application. The expected increase in certification applications will result in additional fees collected. If \$50 is charged for each certification application, along with a \$25 dollar fee for CBC processing, for an estimated additional 5,000 applications per year, LDE can expect an annual increase in revenues of \$375,000.

Senate
 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:

Proposed legislation expands certification pathways for teachers. LDE reports that while the actual number of new certification applications the department can expect is indeterminable, they assume a similar impact as experienced over the last year following the implementation of comparable expansions. LDE estimates the proposed legislation will lead to an additional 5,000 applications for certifications in FY 24, and expects this increase to remain steady in future years. Based on this, the department anticipates a need for additional staff to handle the expected increase in workload.

Proposed legislation also requires LDE to act as the central fingerprint data repository for all employees who have educator credentials or teaching authorizations. It further provides that school systems, when hiring such an employee, request CBC data from LDE. If a check was completed within the previous 12-month period, the CBC will be shared with the requesting school system. If one has not been completed within that timeframe, LDE will notify the school system and charge them for a new CBC. Local school systems may experience costs or savings related to this requirement. If a CBC has been completed within 12 months, and an additional check is not required, local school systems will not incur any of the costs associated with the processing of a CBC. Alternatively, if the most recent CBC was completed outside of the 12-month period, local school systems will be charged for a new CBC, which will now include the additional \$25 fee LDE is permitted to charge when such a check is processed through the department. These costs may be passed on to the employee, at the discretion of the school system.

LDE reports the proposed legislation will increase the number of CBC requests the department will be required to process. Though the total impact is indeterminable, LDE estimates an additional 30,524 CBCs will be generated and reviewed for each data sharing request by school systems, as each request will generate two reports, one state and one federal. LDE staff will be required to process all requests by school systems and either share existing CBCs, or process new checks for these employees, if necessary. The department anticipates a need for additional staff to handle the expected increase in workload associated with this requirement. LDE is authorized to charge the \$25 processing fee for each new CBC requested; however, there would be no fee collected related to the processing and sharing of a CBC, if it is requested within the 12-month period.

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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