

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 18, 2005**

**TO:** Honorable Kent Grusendorf, Chair, House Committee on Public Education

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB1633** by Grusendorf (Relating to continuation and functions of the State Board for Educator Certification.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The State Board for Educator Certification (SBEC) is subject to the Sunset Act and will be abolished on September 1, 2005 unless continued by the Legislature. The bill would continue SBEC for 12 years and contains the additional provisions outlined below.

It is assumed that all costs associated with these provisions would be funded through fee revenues. SBEC has authority to set fees by rule adequate to cover the cost of administration under section 21.041, Education Code.

The bill would transfer authority to grant certification waivers and would transfer review of school district teaching permit applications from the commissioner of education to SBEC. It is estimated that transferring these functions would require the addition of 0.5 full-time equivalent positions (FTEs) at SBEC. Administrative costs associated with these provisions are estimated to be \$29,000 in fiscal year 2006 and \$25,000 in each subsequent year.

In addition, there would be one-time technology costs associated with programming services required to implement a system to track the waivers, estimated by the agency to be \$65,000 in fiscal year 2006. Because the workload attributable to these functions at the Texas Education Agency (TEA) is a proportionately small subset of the total workload of the TEA waivers unit, any savings to TEA resulting from this transfer is expected to be insignificant.

The bill would require SBEC to collect fingerprints and conduct state and national criminal history background checks on individuals applying for or holders of permits and provisional certificates. Legislation passed during the 78th Regular Session, 2003, related to this function was interpreted to mean that SBEC be required to fingerprint only initial certificate applicants. The provisions of this bill requiring fingerprint-based checks for applicants and holders of teaching permits and provisional certificates represent an expansion of the function.

Currently SBEC contracts with the Department of Public Safety (DPS) at a rate of \$39.00 per check to cover the state and national criminal history checks. The increased contract costs with DPS to implement these requirements for an estimated 300 educators annually are estimated at \$11,700 per year, plus an additional \$600 per year in increased subscription costs for Texas Online services at \$2 per educator. These costs would be offset by an associated increase in fee revenue estimated at \$14,199 annually.

Section 11 of the bill would give statutory authority to SBEC to issue a provisional certificate valid for 12 months upon review of an applicant's credentials for an applicant who is currently certified or licensed in good standing in another jurisdiction (other state or foreign country) that has certification or licensure requirements that are substantially equivalent to those set forth by SBEC, but who has not passed an examination deemed by SBEC to be similar to or at least as rigorous as the relevant certification examination described under Section 21.048, Texas Education Code.

## **Local Government Impact**

The bill would require certification of educational diagnosticians. School districts would be required to hire appropriately certified educational diagnosticians beginning September 1, 2006. Assuming that the vast majority of the roughly 3,500 educational diagnosticians employed by districts in 2004-05 would obtain the required certification, increased costs due to staff shortages would seem unlikely. The bill would not require school districts to pay certification costs for existing staff, although districts may choose to incur such costs to retain current staff.

The bill would require that fingerprints be submitted to SBEC for applicants for school district teaching permits. To the extent that school districts seeking approval of district teaching permits provide this service on behalf of the individual who would be covered by the permit, districts could incur costs associated with obtaining and submitting fingerprints. Costs incurred under this requirement will vary from district to district with those districts issuing the highest number of permits incurring the greatest cost potential. It is assumed that such costs would not be significant on a statewide basis.

**Source Agencies:** 116 Sunset Advisory Commission, 701 Central Education Agency, 705 State Board for Educator Certification

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