

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 24, 2007

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

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

IN RE: SB9 by Shapiro (Relating to the dissemination of criminal history record information and child abuse investigation reports for certain purposes, including the certification and employment of educators and other public school employees who engage in certain misconduct.), **As Passed 2nd House**

The fiscal implication to the state cannot be determined.

Costs to the Texas Education Agency and to the Department of Public Safety referenced below are expected to be covered by revenue from fees authorized under current law and under the provisions of the bill for no significant net fiscal impact to the state.

The bill specifies that school districts are not required to comply with the Act if the state does not provide sufficient funds. These local costs cannot be estimated and could be accrued to the state as a cost to General Revenue.

The bill would require the Texas Education Agency (TEA) to approve applicants for employment as teachers, librarians, educational aides, administrators, or counselors for open-enrollment charter schools following a national criminal history record information (CHRI) review.

The bill would require that the following groups of employees be subject to a national CHRI review: applicants for or holders of educator certificates who are current employed by a school district, open-enrollment charter school, or shared service agreement; teachers, librarians, educational aides, administrators, and counselors at open-enrollment charter schools; non-certified employees of school districts, open-enrollment charter schools, and shared service agreements employed on or after January 1, 2008; employees of contracting entities offered contractual employment on or after January 1, 2008; and substitute teachers.

The bill would require name-based CHRI review and would allow for national CHRI review for certain contract employees who were hired prior to September 1, 2007; student teachers; and volunteers other than parents, guardians, or grandparents of students enrolled in the district or school in which the volunteer service is provided.

The bill would require TEA to establish a schedule for completing required CHRI review for previously unreviewed certified personnel and for substitute teachers to be completed no later than the end of FY2011.

TEA, school districts, shared service arrangements, and contracting entities are permitted to require employees or applicants to pay costs associated with obtaining criminal history record information required under the provisions of the bill.

TEA estimates that an additional 29 FTEs would be required to conduct additional investigations associated with information obtained through CHRI reviews required by the bill at a cost of about \$1 million per year. TEA identifies about \$1 million in other costs related to software development and maintenance in FY2008 and about \$260,000 in associated on-going costs in subsequent years. It is assumed that revenue from fees charged for CHRI reviews will be sufficient to offset these costs for no net fiscal impact to the state. Software development necessary to implement the provisions of the

bill may need to be performed prior to the collection of adequate fee revenue to offset that cost. Currently, TEA charges a \$47 fee to applicants for educator certification for the purpose of conducting CHRI reviews, and applicants incur an additional \$10 cost for fingerprint capture. The bill would require DPS to establish an electronic clearinghouse and subscription service to provide criminal history record information to persons entitled to access such information. The bill would allow DPS to charge a subscription fee to cover costs of administering the electronic clearinghouse.

In addition to entities authorized under current law, the bill would grant access to criminal history record information, including information subject to an order of non-disclosure, to the Texas Education Agency, school districts, open-enrollment charter schools, and entities that contract with school districts or charter schools.

DPS estimates that 66 additional FTEs would be required to establish and maintain the clearinghouse, process additional CHRI reviews required by the bill, and audit entities granted access to criminal history record information to ensure the information is being accessed, stored, and used appropriately. DPS estimates total additional administrative costs at \$11 million annually in FY2008 and FY2009 and at \$9 million in subsequent years. It is assumed that revenue from fees charged for CHRI reviews and subscription fees for access to the clearinghouse authorized by the bill would be sufficient to offset these costs for no net fiscal impact to the state.

The bill would allow school districts to require visitors to show a government-issued identification and would authorize districts to establish an electronic database for storing information about campus visitors for security purposes. Districts would be authorized to verify sex offender status of campus visitors.

The bill stipulates that local employers may assess a fee to cover other local costs associated with submitting information on behalf of employees subject to CHRI to TEA or DPS under the provisions of the bill. However, the bill also specifies that if the state does not provide sufficient funds to offset local school district costs associated with the provisions of the bill, school districts would not be required to comply with requirements of the bill. These costs cannot be estimated, but could be accrued to the state as a cost to General Revenue.

The bill would allow that school districts, charter schools, and shared service arrangements that currently contract with consumer reporting agencies for the purpose of conducting background checks are not subject to the provisions of the bill. To the extent that employers are currently contracting for these services, state and local costs could be reduced. However, the extent of these contracts cannot be estimated.

The bill would create a 15-member task force to establish a strategy for reducing child abuse and neglect and improving child welfare. Members of the task force would be entitled to reimbursement for expenses. Associated costs are estimated to be insignificant.

Local Government Impact

School districts and open-enrollment charter schools would be required to submit information on behalf of employees subject to criminal history record information review. The bill stipulates that local employers may assess a fee to cover these costs. However, the bill also specifies that if the state does not provide sufficient funds that school districts would not be required to comply with requirements of the bill. These costs cannot be estimated, but could be accrued to the state as a cost to General Revenue.

School districts would be authorized to create electronic databases to store information on campus visitors.

Source Agencies:

LBB Staff: JOB, JSp, UP, JSc