

# GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

## Legislative Fiscal Note

**BILL NUMBER:** Senate Bill 867 (Third Edition)

**SHORT TITLE:** Protect Students in Schools.

**SPONSOR(S):** Senators Barefoot, Wade, and Newton

<b>FISCAL IMPACT</b> (\$ in millions)					
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No Estimate Available					
	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
<b>State Impact</b>					
General Fund Revenues:					
General Fund Expenditures:					
State Positions:					
<b>NET STATE IMPACT</b>	<b>No estimate available. Please see Assumptions &amp; Methodology section for additional details.</b>				
<b>Local Impact</b>					
Revenues:					
Expenditures:					
<b>NET LOCAL IMPACT</b>	<b>No estimate available. Please see Assumptions &amp; Methodology section for additional details.</b>				
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b>					
NC Department of Public Instruction, NC school districts, education employees					
<b>EFFECTIVE DATE:</b> 60 days after passage of the bill.					
<b>TECHNICAL CONSIDERATIONS:</b>					
None					

**BILL SUMMARY:**

Currently, the State Board of Education (SBE) does not have authority to require applicants for licensure to be checked for a criminal history. Per G.S. 115C-332, local school boards and regional school boards of directors are required to adopt a policy on whether and under what circumstances an applicant for a school personnel position is to be checked for a criminal history. Charter school boards of directors must adopt the policy of the local school administrative unit in which the charter school is located. Applicants do not have to pay for a criminal history check if required under local school board policy.

The proposed bill authorizes the SBE to require all applicants for licensure to be checked for a criminal history against the State and National Repositories of Criminal Histories. The bill would also permit the SBE to charge the applicant for the criminal history check a fee in the amount up

to, but not exceeding, the cost of providing the service. Additionally, the proposed bill would require that applicants for licensure renewal are checked for a criminal history upon application for renewal.

The proposed bill would also mandate local boards of education, regional school boards of directors, and charter school boards of directors, to require applicants for school personnel positions to be checked for a criminal history in the State and National Repositories of Criminal History. However, applicants to a local board of education position who were licensed in the last 6 months prior to employment would not be required to have a new criminal history check.

The proposed bill allows local school boards to charge applicants for the cost of providing the service. Finally, it authorizes the Department of Public Safety to provide State and National criminal histories to the State Board of Education and board of directors of charter schools.

#### **ASSUMPTIONS AND METHODOLOGY:**

The proposed bill does not specify a fee for individuals subject to the criminal background history check. As noted in Section 1.(a) of the bill, “The State Board of Education shall establish a schedule of fees for teacher licensure and administrative changes. The fees established under this subsection shall not exceed the actual cost of providing the service.” According to licensure information provided by the NC Department of Public Instruction, there were 43,000 applications for teacher licensure this past year. 12,000 of those applications were for initial teacher licenses. The other 31,000 applications were for application renewals. License renewals have a 5-year life cycle.

The estimated cost of the checks, according to information provided by the Charlotte Mecklenburg School system, is \$51 per licensee. It is unclear whether that cost could be reduced with a Statewide implementation of background history checks. Given the current data, the approximate cost to provide the checks to licensed teachers would be \$2,193,000. As the bill notes, this cost would be borne by the licensee, unless a local school district (LEA) paid it for the applicant.

Comparable data is not available for non-licensed applicants for school personnel positions who must also be checked for a criminal history in the State and National Repositories of Criminal History. As the LEA may require the applicant to pay for the criminal history check, no local fiscal impact is necessarily required by this bill.

DPI estimates a one-time cost of \$250,000 to reprogram its licensure system to re-architect portions of the system in order to add criminal background checks to the workflow and to provide space sufficient to store any additional artifacts necessary to carry out the background check process. DPI also estimates that an additional attorney and paralegal position will be needed to address the extensive volume of criminal checks that would now be required to be done at the State level. The Department estimates the cost of these two additional recurring positions to be approximately \$140,000. Like the rest of DPI’s fully receipt-supported Licensure Division, these personnel and the system reprogramming could be supported through the authorized fee.

**SOURCES OF DATA:** NC Department of Public Instruction

**TECHNICAL CONSIDERATIONS:** None

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**DATE:** May 31, 2016



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