

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1562-01
Bill No.: SB 295
Subject: Children and Minors; Elementary and Secondary Education; Department of Elementary and Secondary Education; Teachers
Type: Original
Date: February 22, 2019

Bill Summary: This proposal requires school districts to conduct criminal background checks on all volunteers.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Criminal Records System Fund (0671)	\$71,148 to Could exceed \$241,384	\$71,148 to Could exceed \$241,384	\$71,148 to Could exceed \$241,384
Total Estimated Net Effect on <u>Other</u> State Funds	\$71,148 to Could exceed \$241,384	\$71,148 to Could exceed \$241,384	\$71,148 to Could exceed \$241,384

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Local Government	\$0 to (\$71,148 to Could exceed \$342,874)	\$0 to (\$71,148 to Could exceed \$342,874)	\$0 to (\$71,148 to Could exceed \$342,874)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the proposal will result in no cost to the department.

Officials from **Department of Public Safety - Missouri State Highway Patrol (MHP)** state, in 2018, public school districts submitted 694 criminal record checks on volunteers. These requests were submitted from 98 school districts of the 560 school districts within the state. Based on this, the CJIS Division estimates, an additional 3,234 record checks will be generated annually resulting in \$71,148 deposited into the Criminal History Record Fund.

694 records checks divided by 98 districts = an average of 7 submissions per district per year on volunteers.

462 districts not submitting x 7 volunteer submissions = 3,234 volunteers x \$22.00 = \$ 71,148

The cost for a state and federal fingerprint based criminal record check for a volunteer submission is \$31.25, per request. The state portion of the record check fee is \$20.00, and the federal portion is \$11.25. If the submitting agency chooses to utilize the state fingerprint services vendor, then an additional \$8.50 is charged by the vendor for this service. Thus, the fee breakdown per request is as follows:

State Fee: \$20.00
Federal Fee (volunteer): \$11.25
Total (state and federal Fee) \$31.25
Total (state, federal and vendor fee): \$39.75

The total amount retained in the Criminal History Record fund after paying the FBI is \$22.00 per request. This equals \$20.00 for the state fee, pursuant to Section 43.530, and \$2.00 of the federal fee, pursuant to 28 CFR 20.31(e) (2) and the current fee schedule as posted in the Federal Register. The remaining amount of \$9.25 (\$31.25-\$22.00 = \$9.25) is passed onto the FBI.

Officials from the **Francis Howell School District** and **Wellsville-Middletown R-1 School District** both state that since they already perform background checks on volunteers, this proposal would have no fiscal impact on their respective organizations.

ASSUMPTION (continued)

Oversight notes this proposal requires a school district to perform background checks on screened volunteers which includes persons who mentor or tutor students. Oversight notes one of the requirements of the A+ program is to perform at least 50 hours of unpaid tutoring or mentoring. Oversight is uncertain if the A+ tutors would meet the definition of screened volunteer. Therefore, Oversight is uncertain if school districts would be required to perform background checks on A+ tutors. Oversight notes there were 7,738 first time, full-time degree seeking students enrolled in the A+ program in FY 2018. If school districts were required to perform background checks on these students, the cost is estimated at \$241,812 (7,738 * \$31.25) plus \$101,062 (3,234 * \$31.25 based on the numbers estimated by MHP) for a total of \$342,874.

Based on a brief review, Oversight notes some school districts pay for volunteer background checks while other school districts require the volunteer to pay for the background check.

Oversight notes if school districts were required to perform background checks on A+ tutors the Criminal Records System Fund would have an increase in income of \$170,236 plus \$71,148 (the amount estimated by the MHP) for a total of \$241,384.

Oversight will show a range of income to the Criminal Records System Fund of \$71,148 (background checks on A+ tutors not required) to \$241,384 (background checks on A+ tutors required).

Oversight will show a range of cost to the school districts of \$0 (volunteer pays for the background check) to \$101,062 (background checks on A+ tutors not required) to \$342,874 (background checks on A+ tutors required).

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
CRIMINAL RECORDS SYSTEM FUND			
<u>Income</u> - MHP - increase in background check fees	\$71,148 to Could exceed <u>\$241,384</u>	\$71,148 to Could exceed <u>\$241,384</u>	\$71,148 to Could exceed <u>\$241,384</u>
ESTIMATED NET EFFECT ON THE CRIMINAL RECORDS SYSTEM FUND	\$71,148 to Could exceed <u>\$241,384</u>	\$71,148 to Could exceed <u>\$241,384</u>	\$71,148 to Could exceed <u>\$241,384</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
SCHOOL DISTRICT FUNDS			
	\$0 to (\$101,062 to Could exceed	\$0 to (\$101,062 to Could exceed	\$0 to (\$101,062 to Could exceed
<u>Cost</u> - background check fees	<u>\$342,874)</u>	<u>\$342,874)</u>	<u>\$342,874)</u>
	\$0 to (\$101,062 to Could exceed	\$0 to (\$101,062 to Could exceed	\$0 to (\$101,062 to Could exceed
ESTIMATED NET EFFECT ON SCHOOL DISTRICT FUNDS	<u>\$342,874)</u>	<u>\$342,874)</u>	<u>\$342,874)</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Under this act, school districts are required to conduct a criminal background check on screened volunteers, which shall mean any person who assists a school by providing uncompensated service and who may be left alone with students. Volunteers that are not screened shall not be left alone with a student or have access to student records.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety - Missouri State Highway Patrol
 Department of Elementary and Secondary Education
 Francis Howell School District
 Wellsville-Middletown R-1 School District



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