

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3513S.01I
Bill No.: SB 691
Subject: Children and Minors; Education, Elementary and Secondary; Department of Elementary and Secondary Education; Highway Patrol
Type: Original
Date: January 19, 2022

Bill Summary: This proposal requires school districts to conduct criminal background checks on certain adults seeking enrollment in courses taught at public schools.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the proposal would not fiscally impact their agency.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state open records may be obtained by a name based or fingerprint based criminal record check. The fiscal impact is unclear as it cannot be determined which type of criminal record check would be conducted. Name based criminal record checks are \$14.00 and fingerprint based criminal record checks are \$20.00. The estimated number of individuals seeking enrollment that would require an open records criminal records check is not known to the Patrol. The Patrol will rely on DESE to provide the projected number of individuals seeking enrollment that would require an open records criminal records check. The Patrol defers to the DESE for an estimation on fiscal impact.

In response to a similar proposal from 2020 (HB 1483), officials from the **MHP** stated:

The Department of Elementary and Secondary Education anticipates that this legislation would impact a relatively low number of individuals totaling approximately 100 applicants per year equaling \$2,200 deposited in the Criminal Record System Fund annually.

100 applicants x \$22.00 = \$2,200 deposited in the Criminal Record System Fund annually.

The cost for a state and federal fingerprint based criminal record check is **\$33.25**, per request. The state portion of the record check fee is \$20.00 and the federal portion is \$13.25. 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: \$13.25

Total (state and federal Fee) \$33.25

Total (state, federal and vendor fee): \$41.75

The total amount retained in the Criminal Record System 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.

Oversight notes if school districts must perform background checks on adult students not counted for purposes of average daily attendance, income to the Criminal Record System Fund (0671) would increase \$2,200 (using the 2020 estimate given by the MHP) and school districts cost would increase \$4,175 (100 x \$41.75). Oversight does not consider these amount material; therefore, Oversight will not show a material fiscal impact to the MHP or to school districts from this proposal

In response to a similar proposal from 2019, HB 836 (2019), **Springfield Public School** officials assumed this proposal would cost \$5,000 for process management.

In response to a similar proposal, HB 836 (2019), **Francis Howell School District** officials assumed this proposal does not have any program in which an adult student, as defined in the proposed legislation, attends classes with “regular” K-12 students.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</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 shall ensure that a state criminal history background check consisting of open records is conducted on any person who is 18 years old or older who is not counted in the school district's average daily attendance when such person requests enrollment in a course that will take place on school property at a time when K-12 students are present.

Such background check shall be processed through the Missouri State Highway Patrol, and the person seeking admission shall pay the fees for such background checks as provided in current law.

A person found to have been convicted of a crime or offense for which a certificate of license to teach would be revoked or not issued shall be prohibited from enrolling in the course.

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

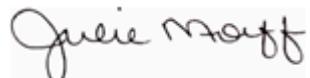
SOURCES OF INFORMATION

Department of Elementary and Secondary Education

Missouri Highway Patrol

Springfield Public Schools

Francis Howell School District



Julie Morff

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Ross Strope

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January 19, 2022