

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7852
BILL NUMBER: SB 555

DATE PREPARED: Jan 15, 1999
BILL AMENDED:

SUBJECT: Legal counsel for teachers.

FISCAL ANALYST: Susan Preble
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FUNDS AFFECTED: **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill provides that a teacher is entitled to representation by the Attorney General if the teacher is accused of an offense or sued for civil damages because of an act performed within the course of employment or under the authority or order of a superior officer.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill requires the Attorney General to represent teachers employed by a school corporation or special school in any civil action resulting from an act performed within the course of the teacher's responsibilities. In the 294 school corporations, there are 56,189 full-time equivalent teaching staff (this figure does not include non-certified staff such as teacher's aids, volunteers, etc.).

In addition to its current caseload, this bill requires the Attorney General's Government Litigation Section to represent this new class of potential defendants, should they be sued for civil damages because of an act conducted within the individual's course of responsibilities or under the authority or order of a superior officer.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) Funds that, otherwise, would be reverted; or (5) New appropriations. The Office of the Attorney General is authorized 263 full-time positions. Of that total, as of December 31, 1998, there are 22 full-time positions vacant. The breakdown of the 22 vacancies by position type is as follows: 3 departmental counsels, 1 trial deputy, 5 field investigators, 1 field auditor, 1 administrative assistant, 2 office managers, 5 secretaries, 3 account clerks, and 1 clerical assistant. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

The Office of the Attorney General reports the amount of damages paid as a result of tort claims submitted and tort claim lawsuits filed against the State and by plaintiffs in tort and civil rights litigation between CY 1992 and CY 1997 as follows:

<u>CY</u>	<u>Damages Paid</u>
1997	\$3,438,230
1996	\$5,742,977
1995	\$6,362,071
1994	\$8,060,838
1993	\$4,048,126
1992	\$3,456,495

The amount paid includes tort claims paid at the time of claim submission, settlements upon the filing of lawsuits, and as a result of a court order. It also includes cases in both federal and state court.

The state would incur additional expenditures if private counsel must be retained to defend a teacher accused of a criminal offense as a result of an act performed within the individual's course of responsibilities or under the authority or order of a superior officer. The cost would depend on the attorney's hourly rate and the time required to represent the member.

Explanation of State Revenues:

Explanation of Local Expenditures: See State Expenditures.

Explanation of Local Revenues:

State Agencies Affected: Office of the Attorney General

Local Agencies Affected:

Information Sources: Barbara Crawford (317) 232-6217 and J.D. Lux, (317) 233-8438; Office of the Attorney General; Department of Education.