

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6839

BILL NUMBER: SB 517

NOTE PREPARED: Feb 6, 2007

BILL AMENDED:

SUBJECT: Criminal History Checks for Teachers.

FIRST AUTHOR: Sen. Drozda

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a national criminal history background check for an applicant for a teacher license.

Effective Date: July 1, 2007.

Summary of Net State Impact: Currently, an applicant for a teacher's license is required to submit a limited criminal history background check. The bill modifies current statute to require a teacher's license applicant to provide a national criminal history background check.

Fees collected for limited criminal history background checks are deposited into the state General Fund and the Indiana Office of Technology (IOT) Portal Fund. A portion of the fees collected for national criminal history checks are deposited into the state General Fund, and the remainder is forwarded to the federal government. The table below reports increases and decreases to the state General Fund and IOT Portal Fund under the bill.

Increases (Decreases) to State General Fund and IOT Portal Fund

	State General Fund	IOT Portal Fund
Elimination of Limited Criminal History Check	(\$210,000)	(\$208,000)
Requirement to Obtain a National Criminal History Check	\$450,000	NA
Net Change	\$240,000	(\$208,000)

Explanation of State Expenditures: *Indiana State Police (ISP):* The ISP is currently responsible for conducting a limited criminal history background check for all teacher's license applicants. Under the bill, the ISP would now be responsible for conducting a national criminal history background check instead. The ISP would experience a change in workload; actual increases or decreases are unknown.

Explanation of State Revenues: *Summary:* The bill requires all teacher's license applicants to obtain a national criminal history background check instead of a limited criminal history background check. This provision of the bill would result in a net increase in annual revenue to the state General Fund by approximately \$240,000 and a decrease of \$208,000 to the Indiana Office of Technology Portal Fund.

Background Information on Criminal History Background Checks: A Limited Criminal History Background Check means information with respect to any arrest or criminal charge, which must include: (1) a disposition; and (2) a photograph of the person who is the subject of the limited criminal history, if a photograph is available. The term includes information about any arrest or criminal charge that occurred less than one year before the date of a request even if no disposition has been entered. A limited criminal history background check is obtained through the Indiana State Police.

A National Criminal History Background Check means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification. A national criminal history background check is also obtained through the ISP.

The Indiana Office of Technology and the ISP report that 75% of persons obtain a limited criminal history check through the Internet (AccessIndiana); the remaining 25% obtain the check in person or through the mail. Fees vary for limited criminal history background checks and are dependent on the method in which the information is obtained. Revenue from fees collected is deposited into the state General Fund and the IOT Portal Fund (see Table below). The IOT reports that the Portal Fund is used to maintain and modify AccessIndiana webpages.

Limited Criminal History Background Check Fees				
Type of Fee	Information Obtained Through	Amount of Fee	Amount of Fee Deposited into State General Fund	Amount of Fee Deposited into IOT Portal Fund
AccessIndiana (Subscriber)	AccessIndiana Website	\$15	\$7	\$8
AccessIndiana (Non-Subscriber)	AccessIndiana Website	\$16.32	\$7	\$9.32
Mail/In-Person	Mail; In-Person	\$7	\$7	\$0
Partial Exemption	AccessIndiana Website; Mail; In-Person	\$7	\$7	\$0
Full Exemption	AccessIndiana Website; Mail; In-Person	\$0	\$0	\$0

Limited Criminal History Background Checks: As proposed, the state would experience a reduction in revenue to the General Fund and the IOT Portal Fund from these fees (but will be offset by the fees collected for the National Criminal History Background Checks- see below.) The DOE reports that there were 29,046 applicants for a teacher's license during FY 2006. In addition, the DOE received 1,930 emergency permit license applications. Persons holding a teacher's license may also apply for an emergency permit. Thus, there may be some duplication in the number of persons applying for both permits. The same limited criminal history background check may be used for both applications. It is assumed that the majority of teacher's license applicants do not hold an AccessIndiana subscription and would not qualify for a partial or full fee exemption. Given the number of applicants and the percentages provided by the IOT and ISP pertaining to method of obtaining limited criminal history background check information, the state would experience a decrease in this fee revenue to the state General Fund of approximately \$210,000 and the IOT Portal Fund of approximately \$208,000.

National Criminal History Background Checks: National criminal history background checks cost a total of \$39, \$24 of which is given to the federal government. The remaining \$15 is deposited into the state General Fund. Given the number of applicants, the state would experience an increase in revenue of approximately \$450,000.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Fingerprint Card Fees:* Teacher's license applicants would need to submit a fingerprint card to complete a national criminal history background check. If the card is obtained through an ISP post, of which there are 18 statewide, it is free. If it is obtained from a local law enforcement agency, fees vary. Fees collected from fingerprint cards are used by the local police department which collects the fee. Actual use of the fees varies by department.

State Agencies Affected: Indiana State Police; Department of Education; Indiana Office of Technology.

Local Agencies Affected: Local law enforcement agencies.

Information Sources: Chris Sheets, Indiana State Police; Chris Cotterill, Indiana Office of Technology; Sherry Beck, Indiana State Police; Fred Sargeson, AccessIndiana; Brian Creighton, Department of Education; Professional Standards Board, Department of Education; Doug Shelton, Indiana State Police.

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