

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6409
BILL NUMBER: SB 115

NOTE PREPARED: Feb 23, 2022
BILL AMENDED: Feb 21, 2022

SUBJECT: School Employee Misconduct.

FIRST AUTHOR: Sen. Freeman
FIRST SPONSOR: Rep. Young J

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a policy adopted by a school corporation, charter school, or nonpublic school with at least one employee addressing expanded criminal history checks or expanded child protection index checks (background checks) must prohibit the hiring of, continuing the employment of, contracting with, or continuing to contract with a person who has been convicted of an offense requiring license revocation, unless the conviction has been reversed, vacated, or set aside on appeal. (Current law provides that such a policy addressing background checks must prohibit the hiring of a person who has been convicted of an offense requiring license revocation, unless the conviction has been reversed, vacated, or set aside on appeal.)

This bill provides that: (1) a school corporation; (2) a charter school; or (3) an entity: (A) with which a school corporation or charter school contracts for services; and (B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment; shall consider whether information obtained from the background checks concerning an individual's conviction for certain offenses constitutes grounds to not employ, not contract with, or to terminate the employment of or contract with the individual. It provides that, in the event that an entity obtains information that an individual employed by the entity who works at a particular school corporation or charter school has been convicted of certain offenses, the entity shall immediately notify the school corporation or charter school of the employee's conviction. It provides that sealed records may be disclosed to a school for the purpose of determining whether to: (1) employ a person seeking employment, including volunteer employment, with the school, or to continue a person's employment, including volunteer employment, at the school; or (2) grant access or admission to the school to an applicant contractor or a contractor if the applicant or contractor is likely to have contact with a student enrolled in the school, regardless of the student's age. It makes changes to the list of offenses for which the Department of Education shall permanently revoke a teacher's license. This bill also makes

conforming changes.

Effective Date: July 1, 2022.

Explanation of State Expenditures: This bill modifies the list of offenses for which the Department of Education (DOE) must permanently revoke a teacher's license. It requires the Office of Judicial Administration (OJA) to update their electronic system for receiving conviction information from courts and providing conviction data to the DOE. It also requires the State Police Department to provide schools with access to expunged records for the purpose of determining whether or not to hire or retain an employee or volunteer, or grant a contractor access or admission to the school. These requirements are within the routine administrative functions of these agencies and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Explanation of State Revenues:

Explanation of Local Expenditures: The provisions of this bill modify the criteria for whether a school corporation or charter school may hire or continue the employment of an individual. Any impact to schools is expected to be minimal.

Additional Information: This bill prohibits school corporations and charter schools, including qualified school districts and qualified high schools, from hiring or continuing the employment of a person who has been convicted of an offense that requires the revocation of a teaching license. [Current law only prohibits the hiring of such individuals.] This bill also requires schools to consider the information obtained from expanded criminal history and child protection index checks when determining the hiring or continued employment of individuals. [Current law allows, but does not require, schools to use information from these checks.]

This bill requires that, if an entity which contracts with a school corporation or charter school to provide services, obtains information that an employee with ongoing contact with children has been convicted of an offense, as prescribed in this bill, the entity must immediately notify the school of the employee's conviction.

Explanation of Local Revenues:

State Agencies Affected: Department of Education; Office of Judicial Administration; State Police Department.

Local Agencies Affected: School corporations; Charter schools; Qualified school districts; Qualified high schools.

Information Sources:

Fiscal Analyst: Jason Barrett, 317-232-9809.