

FISCAL NOTE

Bill #: SB0233

Title: Fingerprinting for teachers and other school employees

Primary

Sponsor: Dale Mahlum

Status: As Introduced

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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Fiscal Summary

	<u>FY2002</u> <u>Difference</u>	<u>FY2003</u> <u>Difference</u>
Expenditures:		
General Fund	\$111,831	\$89,831
Revenue:		
General Fund	\$212,200	\$212,200
Net Impact on General Fund Balance:	\$100,369	\$122,369

<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>	
	X	Significant Local Gov. Impact	X		Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts
	X	Dedicated Revenue Form Attached		X	Family Impact Form Attached

Fiscal Analysis

ASSUMPTIONS:

Department of Justice

1. Sizing - There are approximately 1,400 new teacher certifications performed by OPI each year (source: OPI). There are approximately 26,000 persons employed in the general category of "local education" (source: Montana Department of L&I Web site). The number of persons employed or volunteer in businesses and organizations providing direct care services to children in the state and who would submit fingerprint based background checks to the repository is not known. Other western states (not including

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Nevada) that currently provide this service are processing approximately the same number of this these types of prints as they do criminal prints. Montana process about 26,000 criminal prints per year. It is assumed that 26,000 prints will be processed each year. (Note this may be high, but it is difficult to determine.)

2. Current processing rates apply -- the FBI charges governmental agencies \$24.00 per fingerprint card processed and volunteer organizations \$18.00 per fingerprint card processed. One or the other of these fees would be assessed to the teachers or volunteers depending on the category of the person. The DOJ collects these funds and then remits them directly to the FBI as a pass through cost. No revenue or expenses are recorded on the State's books for these transactions.
3. The DOJ charges \$8.00 per card processed. To process the above volume of activity on an annual basis, \$219,200 in general fund revenue would be generated (26,000 x \$8 = \$208,000).
4. Currently 2 FTE process the criminal prints, it is estimated that 2 FTE would be needed to handle the increased workload.
5. The FTE are grade 10 fingerprint technicians who scan and verify the prints against the state and national image databases. These FTE would be grade 10 positions and cost \$50,782 a year (2 x 25,391). On-going operating costs for the FTE would be \$5,078 a year for computer charges, supplies, phones, travel, rent, and training. In addition, \$3,500 per employee would be needed for a new personal computer, desk, chair, computer table, and file cabinet. This cost of \$7,000 (\$3,500 x 2 FTE) would be in FY02 only. Finally, the DOJ would need to purchase in FY02 a \$15,000 card-scanning unit – fingerprint workstation to handle the increased volume.

Office of Public Instruction

6. Under SB 233, the Office of Public Instruction (OPI) will require any new applicants for a teacher, specialist, or administrative certificate to submit to fingerprinting and a background check as condition of application.
7. The Office of Public Instruction processes 1,400 applications each year for first time licensure in Montana. OPI will not be required to handle background checks for non-certified staff.
8. OPI will generate a fingerprinting card that will be sent to applicants. An individual applying for certification will be fingerprinted at the university (through the teacher education program) or at the local law enforcement agency. The individual may be required to pay a nominal fee for having their fingerprints taken.
9. The law enforcement agency or teacher education program will send the fingerprints directly to the Department of Justice. Upon completion of the background check, the Department of Justice will forward the results to the Office of Public Instruction.
10. SB 233 requires additional OPI staff time for processing applications and investigating those applicants that show a conviction for a sexual offense, a crime involving violence, the sale of drugs, theft, or any other crime meeting the criteria of Title 37, chapter 1, part 2.
11. OPI estimates that 5%, or 70, of the applications will generate “hits” during the background check. OPI will need to review and investigate these hits and process denials for the applications. It is estimated that 1%, or 14, of the applicants will file an appeal. OPI will need to hold hearings on those applications.
12. OPI will need 0.5 FTE (Grade 15) to assist with the increased workload related to processing applications and for investigations and hearings. The cost of this position will be \$23,971 annually. The position will also require \$10,000 for operating costs, which include the costs of fingerprinting cards and any legal proceedings.

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13. OPI will collect \$35 from each applicant. This fee will cover the cost of background checks (\$24) and processing by the Department of Justice (\$8). The remaining \$3 will be available to reduce the costs incurred by OPI for providing the fingerprinting card and conducting investigations. (\$3 x 1,400 = 4,200)

FISCAL IMPACT:

	<u>FY2002 Difference</u>	<u>FY2003 Difference</u>
Department of Justice		
FTE	2.00	2.00
<u>Expenditures:</u>		
Personal Services	50,782	50,782
Operating Expenses	12,078	5,078
Equipment	<u>15,000</u>	<u>0</u>
TOTAL DOJ	\$77,860	\$55,860
Office of Public Instruction		
FTE	0.5	0.5
<u>Expenditures:</u>		
Personal Services	23,971	23,971
Operating Expenses	<u>10,000</u>	<u>10,000</u>
TOTAL DOJ	\$33,971	\$33,971
<u>Funding:</u>		
General Fund (01)	\$111,831	\$89,831
<u>Revenues:</u>		
General Fund (01)	\$212,200	\$212,200
<u>Net Impact to Fund Balance (Revenue minus Expenditure):</u>		
General Fund (01)	\$100,369	\$122,369

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Local law enforcement agencies that perform fingerprinting may charge a fee for the service.

TECHNICAL NOTES:

There is no appropriation to spend the fees that the Office of Public Instruction and the Department of Justice collect.