



**Legislative  
Council Staff**

*Nonpartisan Services for Colorado's Legislature*

**FISCAL NOTE**

<b>Drafting Number:</b>	LLS 18-1135	<b>Date:</b>	April 11, 2018
<b>Prime Sponsors:</b>	Sen. Martinez Humenik Rep. Ransom	<b>Bill Status:</b>	Senate Education
		<b>Fiscal Analyst:</b>	Josh Abram   303-866-3561 Josh.Abram@state.co.us

**Bill Topic:** CDE STUDENT TEACHER CRIMINAL HISTORY RECORD CHECKS

**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue	<input checked="" type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill allows a student in a teacher preparation program to obtain a fingerprint based criminal history background check from the Colorado Department of Education for the student's clinical placement in schools and school districts. The bill increases state expenditures on an ongoing basis beginning in FY 2018-19.

**Appropriation Summary:** The bill requires cash fund appropriations totaling \$49,065 to the Colorado Department of Education and the Department of Public Safety.

**Fiscal Note Status:** This fiscal note reflects the introduced bill.

**Table 1  
State Fiscal Impacts Under SB 18-229**

		FY 2018-19	FY 2019-20
<b>Revenue</b>	Cash Funds	\$52,250	\$35,625
	<b>Total</b>	<b>\$52,250</b>	<b>\$35,625</b>
<b>Expenditures</b>	Cash Funds	\$49,065	\$21,524
	Centrally Appropriated	\$4,009	\$2,347
	<b>Total</b>	<b>\$53,074</b>	<b>\$23,871</b>
	<b>Total FTE</b>	<b>0.2 FTE</b>	<b>0.1 FTE</b>
<b>Transfers</b>			
<b>TABOR Refund</b>	General Fund	\$32,450	\$22,125

## **Summary of Legislation**

The bill allows a student in an educator preparation program to request that the Colorado Department of Education (CDE) process a fingerprint-based criminal history record check for the student when the student seeks field experiences in a school, e.g., student teaching or other clinical experiences.

The student may authorize the CDE to release the results of the record check to school districts or charter schools. For up to three years following the initial check, a student may request that CDE release the background check to additional schools or districts. The fingerprints may also be used by the student to satisfy the fingerprint submission requirement for a professional teacher license. CDE may charge a fee to complete the record check.

## **Background and Assumptions**

In FY 2017-18, there were approximately 2,400 students that graduated from a Colorado-based teacher preparation program. It is estimated that in any year, approximately 1,200 students participate in clinical experience requiring placement in a public school. Since the bill's effective date allows for 11 months of implementation in FY 2018-19, it is further assumed that approximately 1,100 students will require a background check during that year and 750 students will require checks in FY 2019-20. Since the bill allows for a single check to accompany the student through three additional years of clinical placement, this fiscal note assumes that the first year impact is higher than subsequent years.

The Enforcement Unit within the Office of Educator Talent at CDE is the repository for educator criminal records and for conducting background checks on licensed educators. When an applicant applies for a field experience background check, the student submits a fingerprint card to the CDE, who then pass the card to the Colorado Bureau of Investigations (CBI) to determine if a criminal history exists. CBI forwards the fingerprints to the Federal Bureau of Investigations (FBI) who check for national criminal history information. The results of background checks are submitted to the Enforcement Unit at CDE and processed by 1.0 FTE Background Specialist.

## **State Revenue**

The bill increases state cash fund revenue in the CDE from fees by \$52,250 in FY 2018-19, and by \$35,625 in FY 2019-20.

**Fingerprint-based background checks** . This bill increases state cash fund revenue from fingerprint-based criminal history background checks in the CDE that is reappropriated to the CBI identification Unit Cash Fund in the DPS. Fee revenue increases by \$43,450 in FY 2018-19 and \$29,625 in FY 2019-20. This level of new background checks also increases state FTE by 0.2 in FY 2018-19 and 0.1 FTE in FY 2019-20.

The current fee for background checks is \$39.50, which includes \$10 for a Federal Bureau of Investigation (FBI) fingerprint-based check, which is passed on to that federal agency. The federal portion of this fee is excluded from the state TABOR limit.

**Process surcharge.** Based on additional state expenditures at the CDE in FY 2018-19, each background check processed for students will likely include a surcharge of \$8.00, charged to students in both FY 2018-19 and FY 2019-20, to offset the department's cost to update information systems. See State Expenditures section for more information.

**Fee impact on students.** Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. The table below identifies the fee impact of this bill.

**Table 2  
 Fee Impact on Teacher Preparation Students**

<b>Fiscal Year</b>	<b>Type of Fee</b>	<b>Proposed Fee</b>	<b>Number Affected</b>	<b>Total Fee Impact</b>
FY 2018-19	CDE Criminal history background check	\$39.50	1,100	\$43,450
	CDE IT surcharge	\$8.00	1,100	\$8,800
<b>FY 2018-19 Total</b>				<b>\$52,250</b>
FY 2019-20	CDE Criminal history background check	\$39.50	750	\$29,625
	CDE IT surcharge	\$8.00	750	\$6,000
<b>FY 2019-20 Total</b>				<b>\$35,625</b>

**TABOR Refund**

This bill increases state revenue from fees, which will increase the amount of money required to be refunded under TABOR, \$32,450 in FY 2018-19 and \$23,871 in FY 2019-20. Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount. State revenue subject to TABOR is not estimated for years beyond FY 2019-20.

**State Expenditures**

The bill increases state expenditures by \$53,074 and 0.2 FTE in FY 2018-19, and by \$23,871 and 0.1 FTE in FY 2019-20. New state expenditures are displayed in Table 3 and described below.

**Table 3  
 Expenditures Under SB 18-229**

<b>Cost Components</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>
<b>Department of Public Safety</b>		
Personal Services	\$11,044	\$7,191
FBI Pass through	\$11,000	\$7,500
Training, document digitization, equipment & postage	\$12,021	\$6,833
Centrally Appropriated Costs*	\$4,009	\$2,347
FTE – Personal Services	0.2 FTE	0.1 FTE
<b>DPS (Subtotal)</b>	<b>\$38,074</b>	<b>\$23,871</b>
<b>Colorado Department of Education</b>		
Computer System Changes	\$15,000	-
<b>CDE (Subtotal)</b>	<b>\$15,000</b>	<b>-</b>
<b>Total</b>	<b>\$53,074</b>	<b>\$23,871</b>
<b>Total FTE</b>	<b>0.2 FTE</b>	<b>0.1 FTE</b>

\* Centrally appropriated costs are not included in the bill's appropriation.

**Department of Public Safety.** This bill increases overall expenditures from the CBI Identification Unit Cash Fund in DPS by \$38,074 and 0.2 FTE in FY 2018-19 and by \$23,871 and 0.1 FTE in FY 2018-19.

*Personal services.* Beginning in FY 2018-19, DPS will require 0.1 FTE Fingerprint Examiner and 0.1 FTE Data Specialist to process the 1,100 anticipated fingerprint background applications from pre-service educators. A Fingerprint Examiner can process 8,250 requests per year, and a Data Specialist 16,500. These employees will undertake a one-time training session that costs \$1,000 per person.

*Federal Bureau of Investigation Pass-through.* The DPS passes \$10 of every application on to the federal government. With 1,100 applications in FY 2018-19, this equates to \$11,000; with 750 applications in FY 2019-20, this equates to \$7,500.

*Other costs.* The following costs are associated with each background check application: \$6.10 dedicated to equipment maintenance; \$1.55 for print digitization; \$0.88 to access the Colorado Crime Information Center for information pertinent to the background check; and \$0.58 printing and postage costs.

**Colorado Department of Education.** The ability to post student records to educator preparation programs at institutions of higher education will require a change to the department's current eLicensing system. The system vendor will need to write custom code to allow for identification of educator preparation programs, and to track the student for up to three years. The custom code will cost \$15,000 in FY 2018-19 only.

**Centrally appropriated costs.** Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$4,099 in FY 2018-19 and \$2,347 in FY 2019-20.

**Effective Date**

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

**State Appropriations**

For FY 2018-19, the bill requires an appropriation of \$49,065 from the Licensor Unit Cash Fund to the Colorado Department of Education. Of this amount, \$34,065 is reappropriated to the Department of Public Safety, and 0.2 FTE

**State and Local Government Contacts**

Education	Higher Education
Public Safety	School Districts