

Fiscal Estimate Narratives

DPI 4/25/2014

LRB Number	13-2375/1	Introduction Number	AB-0893	Estimate Type	Original
Description Requiring teachers and administrators employed by and owners of private schools participating in the Milwaukee Parental Choice Program and in the choice program for other eligible school districts to be subject to the background investigation requirements and employment restrictions imposed upon teachers in public schools					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, the state superintendent of public instruction (state superintendent) must, with the assistance of the Department of Justice (DOJ), conduct a background investigation of each applicant for issuance or renewal of a license or permit. A license or permit is required for an applicant to teach in a public school. If the state superintendent determines that further investigation of the applicant is necessary, current law requires fingerprinting of the applicant, and DOJ may forward the fingerprinting cards to the Federal Bureau of Investigation to verify the applicant's identity and obtain records of the applicant's criminal arrest or conviction. The state superintendent may condition issuance of a license or permit upon the receipt of a satisfactory background investigation. Current law requires the state superintendent to revoke a license issued to an individual (licensee) by the state superintendent for incompetency or immoral conduct on the part of the licensee; if the licensee is convicted of certain Class A, B, C, D, E, F, G, or H felonies or certain other crimes or violations, including sex offenses; or if the licensee is liable for delinquent taxes or is delinquent in making court-ordered payments of child or family support payments.

This bill requires each private school participating in a parental choice program to conduct a background investigation of each teacher and administrator employed by the private school on the effective date of the bill and for a teacher or administrator that remains employed by the private school, at least once every five years after the last background investigation was conducted. The bill also requires each participating private school to conduct a background investigation prior to extending an offer of employment to an individual who applies to teach in or serve as an administrator of the private school. The bill prohibits a participating private school from employing a teacher or administrator who would not be eligible for employment in a public school for any of the reasons identified above. The bill also authorizes the state superintendent to immediately terminate a private school's participation in a parental choice program if the owner of the private school would not be eligible for employment for any of the reasons identified above or if the private school employs a teacher or administrator without conducting a background investigation or the teacher or administrator would be ineligible to be licensed for any of the reasons identified above.

State:

The department may need to provide technical assistance to private schools participating in a parental choice program related to the requirements under this bill. The amount of this assistance is indeterminate and is expected to be absorbed by current staff.

Under current law the department requires an annual audit of private schools participating in a choice program. It is expected that verifying the licensure of all staff will be completed as part of this audit. The department may need to provide technical assistance to auditors completing audits of private schools participating in a parental choice program related to the requirements under this bill. The amount of this assistance is indeterminate and is expected to be absorbed by current staff.

Local:

The bill will not have a fiscal effect on public school districts.

Private schools:

The bill requires private schools participating in a parental choice program to complete background checks on owners and employees.

It is unknown how many private schools participating in a parental choice program currently perform background checks on prospective employees. For private schools that do not currently perform their own

background checks of prospective employees, costs will increase.

The department does not collect information regarding the number of teachers and administrators employed by private schools in the choice program. The number of private school owners and staff that will need to undergo background checks, as well as the type/scope of background checks needed are indeterminate. Further, it is unclear who is considered the owner of a Catholic or other religious school or of a school administered by a non-profit organization that is often comprised of a board of individuals. Therefore, the number of private school owners participating in the choice program that will be subject to background investigations and the cost to the department to process those background checks is also indeterminate.

According to the bill, if the in-state background investigation provides a "reasonable basis" for further investigation, fingerprinting shall be conducted and submitted to the FBI to verify the identity of the person and to obtain records of his or her criminal arrests and convictions. Based on background checks completed by the Department of Justice for the Department of Public Instruction, approximately 14% of all applications also need to submit fingerprint cards for FBI background investigations. It is assumed that a similar percentage of private school background checks will require the FBI investigation.

Currently, the Department of Justice charges the department:

- \$7 per application to conduct an in-state background investigation.
- \$34.20 per applicant for an FBI check, if one is required.

However, the department processes more than 35,000 applications annually. It is unknown if individual private schools would be able to conduct background checks at similar costs without the same volume as the department.

The overall fiscal impact on private schools is indeterminate.

Long-Range Fiscal Implications