

Fiscal Estimate Narratives

DPI 9/19/2011

LRB Number	11-2506/1	Introduction Number	SB-163	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

This bill requires the state superintendent to ensure that, on an annual basis, owners, teachers and administrators of private schools participating in the choice program in Milwaukee and Racine are subject to the same background investigations applicable to applicants for a Wisconsin educator license. The bill requires the state superintendent to charge each private school a fee sufficient to reimburse the Department of Public Instruction for the costs to conduct the investigations required under the bill. The state superintendent may prohibit a private school from participating in the choice program in the current school year if the private school has failed to pay the fee charged for the background investigations. 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 the choice program if the owner of the private school would not be eligible for employment for any of the reasons identified above.

State:

The department processes more than 30,800 license applications annually. Included in this amount are license applications from in-state and out-of-state residents for teaching licenses and permits. If the number of owners, teachers and administrators in the participating private schools that will be subject to annual processing and investigation requirements is significant as a result of this bill, the department may need to request additional staff to process the increase in requests. At this time the number of private school owners and staff that will need to undergo DPI background checks, as well as the type/scope of background checks needed are indeterminate.

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.

In FY12, approximately 106 private schools and 21,000 students will be participating in the choice program in Milwaukee and 8 private schools and 250 students will be participating in Racine.

The department does not collect information regarding the number of teachers and administrators employed by private schools in the choice program. Also, the bill does not require this information to be submitted to the department by the private school so it is unclear how this information will be obtained by the department. The number of teachers and administrators in the participating private schools that will be subject to background investigations and the cost to the department to process those background checks is 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. The department currently conducts an in-state criminal background check on all individuals applying for or renewing educator licenses. If that individual is a nonresident or has worked, resided, or physically attended classes outside the state as specified in statute, he or she is required to submit fingerprints to the department with the application so an FBI background check can be conducted. Under the bill, it is unclear if this nonresident fingerprinting

provision applies to private school owners, teachers and administrators unless there is a "reasonable basis" for further investigation.

The department currently requires fingerprints from approximately 14% of all applications. Therefore, it is assumed that approximately 14% of all private school applicants will also need to submit fingerprint cards for FBI background investigations.

Local:

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

Private schools:

The bill requires the department to charge the participating private schools a fee sufficient to reimburse the department for the costs of the investigations.

It is assumed that some private schools now perform their own background checks of prospective employees. As with public schools, the department would continue to advise employers to conduct their own investigations into an employee as the standard for licensure and employment may be different. Therefore, it is likely the private schools will see an increase in costs to pay for the department's investigations.

For private schools that do not currently perform their own background checks of prospective employees, costs will increase.

As described above, any costs to private schools are indeterminate.

Long-Range Fiscal Implications