

February 7, 2014

CORRECTED

The Honorable Steve Abrams, Chairperson
Senate Committee on Education
Statehouse, Room 224-E
Topeka, Kansas 66612

Dear Senator Abrams:

SUBJECT: Corrected Fiscal Note for SB 335 by Senator Smith, et al.

In accordance with KSA 75-3715a, the following corrected fiscal note concerning SB 335 is respectfully submitted to your committee.

SB 335 would require each Kansas school district to adopt policies and procedures to establish a drug screening program for employees of the district. A drug screening program would be based upon a reasonable suspicion of illegal drug use by any employee of the district. No employee could be terminated solely from a positive result of a test if the employee has not previously had a valid positive test result and if the employee submits to a drug evaluation and completes an education or treatment program recommended as a result of the evaluation.

The State Board of Education would be required to be the depository for all drug test screening results administered. Prior to any final decision of a district to hire an individual, the district may request from the Board any record of the individual maintained by the State Board, if any exists. Upon the receipt of the request, the Board would provide the information to the school district. In order to ensure the confidentiality of the record, the school district would be required to identify any person to whom the record may be disclosed in the request to the Board.

In addition, SB 335 would require each person making an initial or renewal application for a Kansas teaching certificate to complete a set of legible fingerprints by a qualified law enforcement agency. Fingerprints submitted would be authorized for release by the State Board to the Kansas Bureau of Investigation (KBI) for the purpose of conducting a criminal background check. Each applicant must pay for the associated cost of this process. Any person not complying with this requirement could not be issued a teaching license by the Board.

Finally, SB 335 would change current law regarding revocation of teaching licenses. Under current law, the Board cannot knowingly issue a teaching license to any individual convicted of certain crimes, including indecent liberties with a child, criminal sodomy, sexual

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exploitation of a child, and murder, as outlined in KSA 2013 Supp. 72-1397. SB 335 would allow the Board to revoke the teaching license if an individual is convicted of any of these crimes subsequent to licensure.

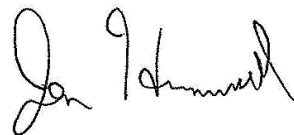
Estimated State Fiscal Effect				
	FY 2014 SGF	FY 2014 All Funds	FY 2015 SGF	FY 2015 All Funds
Revenue	--	--	--	\$650,000
Expenditure	--	--	\$25,000	\$675,000
FTE Pos.	--	--	--	--

According to the KBI, the additional fingerprint record checks that would be performed by the agency could be handled with its existing staff. Any additional costs associated with the fingerprint checks would be paid from fees assessed to the Department of Education.

The Department of Education states that enactment of SB 335 would result in all teaching license renewal applicants to be fingerprinted for a KBI criminal background check. The Department estimates that approximately 13,000 teacher license renewals are processed each year. As a result, the Department estimates that it would remit approximately \$650,000 (13,000 license renewals X \$50 KBI fee) from the agency's Service Clearing Fund to the KBI. The additional expenditures would be generated from a corresponding fee assessed to applicants. In the original fiscal note issued, the \$650,000 in additional revenue from the \$50 KBI criminal background check fee paid from individuals renewing teaching licenses was inadvertently left out of the fiscal effect table.

In addition, the Department indicates that it would require an electronic information system to process and create reports regarding drug testing of school employees and criminal offenses by teachers. The agency estimates the development of a system would require expenditures of approximately \$25,000, all from the State General Fund. Any fiscal effect associated with SB 335 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,



Jon Hummell,
Interim Director of the Budget

cc: Dale Dennis, Education
Linda Durand, KBI