

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** S 778 (2<sup>nd</sup> Edition)

**SHORT TITLE:** Criminal History Checks of School Employees

**SPONSOR(S):** Sen. Hartsell

**FISCAL IMPACT**

**Yes (X)      No ( )      No Estimate Available (X)**

**FY 2001-02   FY 2002-03   FY 2003-04   FY 2004-05   FY 2005-06**

**REVENUES**

**EXPENDITURES**

**POSITIONS:**

**(County jails may experience increased utilization of jail beds due to the penalties imposed by this bill. No data is available to estimate the number of additional beds needed.)**

**(Local Boards of Education or administrative units will incur increased costs related to the fees paid to the Department of Justice for criminal history checks. No data is available to allow estimates of the number of additional criminal history checks that would be required.)**

**PRINCIPAL DEPARTMENT(S) &**

**PROGRAM(S) AFFECTED:** Department of Justice; Local Boards of Education; County Jails

**EFFECTIVE DATE:** This Act is effective when it becomes law

**BILL SUMMARY:** To modify the law regarding criminal history checks of public school employees. Amends GS 115C-332 to provide local school boards with criminal history from State and National Repositories of Criminal Histories of any school personnel or applicant for any position for which the board requires a criminal history check. The Board is to determine if applicant or employee poses a threat or is otherwise unsuitable for employment. The Board may delegate this duty to the superintendent. The bill provides that an applicant who willfully gives false information on an employment application that is the basis for criminal history record check is guilty of a Class A1 misdemeanor. The bill amends GS 115C-325(a)(8) to provide that workdays performed while conditionally

employed pending the outcome of criminal history check are included in time as probationary teacher. The bill amends GS 115C-325(d)(1) to provide that the teacher or administrator is not subject to the requirement of an annual appointment or dismissal without consent unless conditionally employed while board is checking criminal history and making a decision based on the results of the check.

**ASSUMPTIONS AND METHODOLOGY:**

Local boards of education are authorized by this legislation to determine which classification of employees within their system requires a criminal history check. Currently, local school administrative units pay for any required criminal history checks with local resources. This legislation does not change the current practices, however, the legislation allows local school administrative units to expand or revise the classifications required to have criminal history checks. Fiscal Research Division staff was unable to obtain data, which would support estimates of the number of additional applicants for whom criminal history checks would be required. Thus, no estimates are available on the impact on local funding Boards of Education.

Current law allows the Department of Justice to charge local Boards of Education or other administrative units a fee of \$38.00 to cover the costs of state and national criminal history checks. As the proposed bill does not change this practice, it is anticipated that any additional costs to the Department of Justice would be accommodated within the existing fee structure.

Since the proposed bill would create a new Class A1 misdemeanor offense, it is not expected to have a significant impact on the prison population. In FY 1999/2000, 19 percent of Class A1 misdemeanor convictions resulted in active sentences. The average sentence length imposed was 69 days. Offenders serving active sentences of 90 days or less are housed in county jails.

**TECHNICAL CONSIDERATIONS:**

**FISCAL RESEARCH DIVISION 733-4910**

**PREPARED BY:** Denise Thomas

**APPROVED BY:** James D. Johnson

**DATE:** April 26, 2001



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