

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1529-02  
Bill No.: HCS for HB 836  
Subject: Elementary and Secondary Education; Crimes and Punishment  
Type: Original  
Date: April 11, 2019

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Bill Summary: This proposal requires adult students to undergo background checks before attending certain classes in public schools.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>          |            |            |            |
|--|------------|------------|------------|
| FUND AFFECTED  | FY 2020    | FY 2021    | FY 2022    |
|  |            |            |            |
| <b>Total Estimated<br/>Net Effect on<br/>General Revenue</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>                      |                |                |                |
|---|----------------|----------------|----------------|
| FUND AFFECTED   | FY 2020        | FY 2021        | FY 2022        |
| Criminal Record<br>System Fund (0671)                                 | \$2,200        | \$2,200        | \$2,200        |
|   |                |                |                |
| <b>Total Estimated<br/>Net Effect on <u>Other</u><br/>State Funds</b> | <b>\$2,200</b> | <b>\$2,200</b> | <b>\$2,200</b> |

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 5 pages.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                          |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2020    | FY 2021    | FY 2022    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated<br/>Net Effect on <u>All</u><br/>Federal Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| <b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b> |          |          |          |
|---|----------|----------|----------|
| FUND AFFECTED   | FY 2020  | FY 2021  | FY 2022  |
|   |          |          |          |
|   |          |          |          |
| <b>Total Estimated<br/>Net Effect on<br/>FTE</b>          | <b>0</b> | <b>0</b> | <b>0</b> |

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                  |                  |                  |
|--|------------------|------------------|------------------|
| FUND AFFECTED                              | FY 2020          | FY 2021          | FY 2022          |
| <b>Local Government</b>                    | <b>(\$4,175)</b> | <b>(\$4,175)</b> | <b>(\$4,175)</b> |

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the proposal will result in no cost to the department.

Officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)** state DESE anticipates that this legislation would impact a relatively low number of individuals totaling approximately 100 applicants per year equaling \$2,200.00 deposited in the Criminal Record System Fund annually.

100 applicants x \$22.00 = \$2,200.00 deposited in the Criminal Record System Fund annually.

The cost for a state and federal fingerprint based criminal record check is \$33.25, per request. The state portion of the record check fee is \$20.00, and the federal portion is \$13.25. If the submitting agency chooses to utilize the state fingerprint services vendor, then an additional \$8.50 is charged by the vendor for this service. Thus, the fee breakdown per request is as follows:

State Fee: \$20.00

Federal Fee: \$13.25

**Total (state and federal Fee) \$33.25**

Total (state, federal and vendor fee): \$41.75

The total amount retained in the Criminal Record System Fund after paying the FBI is \$22.00 per request. This equals \$20.00 for the state fee, pursuant to Section 43.530, and \$2.00 of the federal fee, pursuant to 28 CFR 20.31(e) (2) and the current fee schedule as posted in the Federal Register.

**Oversight** will use MHP's estimates for purposes of this fiscal note.

In response to a previous version, HB 836 (2019), officials from **Springfield Public Schools** assumed this proposal would cost \$5,000 for process management.

In response to a previous version, HB 836 (2019), officials from **Francis Howell School District** assumed this proposal does not have any program in which an adult student, as defined in the proposed legislation, attends classes with "regular" K-12 students.

Officials from the **Wellsville-Middletown R-1 School District** assume the proposal will have no fiscal impact on their organization.

ASSUMPTION (continued)

**Oversight** notes if school districts were required to perform background checks on adult students not counted for purposes of average daily attendance, the Criminal Record System Fund (0671) would have an increase in income of \$2,200 (utilizing the estimated number provided by the MHP) and school districts would face a corresponding cost of \$4,175 (100 x \$41.75).

**Oversight** will assume school districts would be able to administer the background checks (other than paying a vender \$41.75 per background check) with existing resources.

| <u>FISCAL IMPACT - State Government</u>  | FY 2020<br>(10 Mo.)     | FY 2021                 | FY 2022                 |
|--|-------------------------|-------------------------|-------------------------|
| <b>CRIMINAL RECORD SYSTEM FUND</b>   |                         |                         |                         |
| <u>Revenue</u> - from background checks on adult students not counted towards average daily attendance | <u>\$2,200</u>          | <u>\$2,200</u>          | <u>\$2,200</u>          |
| <b>ESTIMATED NET EFFECT ON CRIMINAL RECORD SYSTEM FUND</b>   | <b><u>\$2,200</u></b>   | <b><u>\$2,200</u></b>   | <b><u>\$2,200</u></b>   |
| <br><u>FISCAL IMPACT - Local Government</u>  | <br>FY 2020<br>(10 Mo.) | <br>FY 2021             | <br>FY 2022             |
| <b>SCHOOL DISTRICT FUNDS</b>   |                         |                         |                         |
| <u>Cost</u> - for background checks on adult students not counted towards average daily attendance     | <u>(\$4,175)</u>        | <u>(\$4,175)</u>        | <u>(\$4,175)</u>        |
| <b>ESTIMATED NET EFFECT ON SCHOOL DISTRICT FUNDS</b>   | <b><u>(\$4,175)</u></b> | <b><u>(\$4,175)</u></b> | <b><u>(\$4,175)</u></b> |

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill requires criminal background checks to be conducted on any person who is 18 years of age or older, who is not counted by the district for purposes of average daily attendance, and who requests enrollment in a course that takes place on school property during regular school hours.

The background check shall be conducted before the person enrolls in any such course, and a guilty plea or verdict for any crime or offense under Section 168.071, RSMo, shall prohibit enrollment as outlined in the bill.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education  
Department of Public Safety - Missouri State Highway Patrol  
Springfield Public Schools  
Francis Howell School District  
Wellsville-Middletown R-1 School District



Kyle Rieman  
Director  
April 11, 2019

Ross Strobe  
Assistant Director  
April 11, 2019