

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **Sub. H.B. 190** DATE: **October 31, 2007**

STATUS: **As Reported by Senate Education** SPONSOR: **Rep. Hite**

LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**

CONTENTS: **Makes various changes to the administration of the elementary achievement tests; authorizes certain school districts to charge fees or tuition for all-day kindergarten; revises the requirements for criminal records checks of school employees; and makes other changes**

State Fiscal Highlights

STATE FUND	FY 2008	FY 2009	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Increase in administrative costs of ODE		
General Reimbursement Fund (Fund 106)			
Revenues	Fee revenue increase for performing additional criminal records checks	Fee revenue increase for performing additional criminal records checks	Annual fee revenue increase for performing additional criminal records checks
Expenditures	Increase, most likely to be offset by revenue gain	Increase, most likely to be offset by revenue gain	Annual increase, most likely to be offset by revenue gain

Note: The state fiscal year is July 1 through June 30. For example, FY 2008 is July 1, 2007 – June 30, 2008.

- The Ohio Department of Education (ODE) may experience an increase in administrative costs for conducting all-day kindergarten and other fee surveys, issuing survey result reports, and recommending penalties for failure to report educator misconduct.
- The Attorney General's Bureau of Criminal Identification and Investigation (BCII) would likely experience an annual revenue gain for performing additional criminal records checks of school employees. Any gain in revenue by BCII would likely be offset by an increase in expenditures related to performing these criminal records checks.
- This bill contains an emergency clause. All provisions of the bill will become effective as soon as the Governor signs the bill.



Local Fiscal Highlights

- The bill specifically authorizes a school district that is not eligible for state poverty-based assistance funding for all-day kindergarten to charge fees or tuition, based on a sliding scale, for students enrolled in all-day kindergarten. It states that this authorization is a clarification of the General Assembly's original intent to allow school districts to charge such fees or tuition. The bill would essentially allow school districts that currently charge all-day kindergarten fees or tuition to continue the existing practice.
 - Additional initial and periodic criminal records checks would have to be performed on school employees. Currently, the costs associated with criminal records checks are generally paid by applicants and employees. Presumably, applicants and employees would also have to pay for the costs of the additional checks. If schools are to reimburse their employees for such costs, they would experience increases in expenditures.
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Detailed Fiscal Analysis

Elementary achievement test administration

The bill makes various changes to the administration of the elementary achievement tests. First, it moves the earliest date for the spring tests to Monday of the week containing April 24, instead of May 1 as under current law. Second, it specifies that both the spring and December administrations of the tests be given over a two-week period instead of on consecutive days as under current law. Finally, the bill changes the reference phrase to the three deadlines for school districts to collect and submit the tests to the scoring company from "after the tests are administered" to "after all of the tests have been administered" to reflect the bill's requirement that the tests be administered over a two-week period.

The bill does not change the requirements of administering achievement tests to public elementary school students. While the changes made by the bill may provide greater flexibility in the administration of the elementary achievement tests, they do not appear to have a direct fiscal effect on school districts or the state.

All-day kindergarten tuition

The bill specifically authorizes a school district that is not eligible for state poverty-based assistance funding for all-day kindergarten to charge fees or tuition, based on a sliding scale, for students enrolled in all-day kindergarten. It states that this authorization is a clarification of the General Assembly's original intent to allow school districts to charge fees or tuition for all-day kindergarten. The bill would essentially allow school districts that currently charge all-day kindergarten fees or tuition to continue the existing practice. However, districts currently charging flat fees or tuition may have to make some adjustments to their all-day kindergarten fee or tuition schedules.

According to the September #2 payment file calculated by ODE, 448 school districts currently offer all-day kindergarten services to about 72,500 kindergarteners (55% of total kindergarteners

statewide). Of these 448 school districts, 126 districts receive \$119.7 million in poverty-based assistance funding for all-day kindergarten from the state and provide all-day kindergarten services to about 44,300 kindergarteners (33% of total kindergarteners statewide). The other 322 school districts are not eligible for state funding for all-day kindergarten; they provide all-day kindergarten services to about 28,200 kindergarteners (21% of total kindergarteners statewide). It is not currently known how many school districts charge fees or tuition for all-day kindergarten.

School district fee surveys

The bill requires ODE to conduct an annual survey of school districts on the number of students attending all-day kindergarten, the amount of fees or tuition charged for all-day kindergarten, and the number of all-day kindergarten students paying tuition who are eligible for free or reduced price lunches. ODE is to issue an annual report based on the results of the survey and post the report on its web site. The first report is to be issued by April 30, 2008. The bill also requires ODE to conduct a survey of various other services for which school districts may charge fees and issue a finding report by April 30, 2008. These requirements may increase the administrative burden of ODE.

Educator misconduct

The bill requires the Educator Standards Board to recommend to the State Board of Education a code of conduct for educators and ODE to recommend to the General Assembly penalties for failure to report educator misconduct. It also allows the State Board of Education to revoke an expired license. These provisions may increase the administrative burden of ODE.

Criminal records checks of school employees

Under current law, both applications for new teacher or administrator licenses and renewals of existing licenses require a criminal records check. Current law also requires periodic criminal records checks for employees teaching under professional (eight-year) or permanent certificates issued under former teacher licensing law, and specifies that these checks be done every five years. If the applicant cannot prove Ohio residency for the past five years, an FBI records check must be performed in addition to the state records check. Furthermore, current law requires initial criminal records checks of school bus operators and any other nonlicensed employees who have direct contact with students. In addition to current law, ODE's administrative rules require a six-year periodic criminal records check of school bus operators.

The bill makes several changes to the criminal records check requirements. First, it requires both state and FBI checks for all criminal records checks of school employees. Second, it requires initial and periodic criminal records checks of nonlicensed school employees hired after the effective date of the bill. Third, it requires schools to request criminal records checks of all existing nonlicensed employees by a date specified by ODE and every five years thereafter. Fourth, it requires periodic checks to be done every five years except for school bus operators, in which case periodic checks are to be done every six years as under current practice. The bill essentially requires both state and FBI criminal records checks in initial and periodic checks of all school employees. Currently, fees associated with criminal records checks are generally paid by applicants and employees. Presumably,

the costs associated with the additional criminal records checks will also be paid by applicants and employees. If a school is to reimburse its employees for the costs associated with the additional checks, the school may experience an increase in expenditures.

The Bureau of Criminal Identification and Investigation (BCII), within the Attorney General's office, is responsible for performing criminal records checks. BCII charges \$15 to perform a state criminal records check and charges an additional \$24 to obtain information from the FBI to perform a federal criminal records check. Thus, a request to perform a criminal records check on a person could cost either \$15 for a state criminal records check or \$39 for both a state and federal criminal records check. BCII would gain additional revenue for performing additional criminal records checks of school employees. Any revenue gain, however, would likely be offset by an increase in expenditures.

Waiver for JVSD minimum school day requirement

School districts and joint vocational school districts (JVSDs) are required to be open for instruction a certain number of days each school year. If a district fails to meet this requirement it is ineligible to receive state aid in the following year. The bill permits the Superintendent of Public Instruction to waive this requirement for the 2006-2007 school year for certain JVSDs participating in the state's Vocational School Facilities Assistance Program that experience delays in their facilities project that causes the district to be open for fewer than the required number of days. Thus far, Southern Hills JVSD in Brown County appears to be the only one that would be affected by this provision.

Membership of the Ohio Community Service Council

The bill alters the membership of the 21-member Ohio Community Service Council. It replaces the Director of Natural Resources and the Director of Job and Family Services with two members appointed by the Governor, increasing the total number of members appointed by the Governor from 13 to 15. This provision does not appear to have a significant direct fiscal effect on the state.

Study of the Public-Private Collaborative Commission

Am. Sub. S.B. 311 of the 126th General Assembly established a public-private collaborative commission to issue recommendations for promoting greater incidence of student success in conjunction with the Ohio Core curriculum. The bill extends the deadline for the commission to issue its recommendations from December 31, 2007 to July 1, 2008.

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