

## Department of Planning and Budget 2007 Fiscal Impact Statement

**1. Bill Number** HB1707S1

**House of Origin**    ☐ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☒ Substitute    ☐ Enrolled

**2. Patron**        Lingamfelter

**3. Committee**    Education and Health

**4. Title**            Public school contract employees; requires school boards to obtain data on convictions of crime.

**5. Summary/Purpose:** Requires school boards to obtain certification from a contractor that all such employees who will be providing a service have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child when the provision of such service will result in direct contact with students on school property during regular school hours or during school-sponsored activities

The bill also provides that the requirement be waived in an emergency or exceptional situation when it is reasonably anticipated that the contractor or his employees will have no direct contact with students.

**6. Fiscal Impact Estimates are:** See Item 8.

**7. Budget amendment necessary:** No.

**8. Fiscal implications:** Currently, any contractor or relevant employee that will have direct contact with students is required to provide certification that (i) he has not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child; and (ii) whether he has been convicted of a crime of moral turpitude.

This legislation would modify the requirement for certification by making it applicable only to those employees that will have direct contact with students *on school property during regular school hours or during school-sponsored activities*. This may reduce the number of employees that must provide the necessary certification; however, it is not anticipated that this change will have any fiscal impact to the Commonwealth.

Currently, any person that makes a false statement regarding any such offense is guilty of a Class 1 misdemeanor. There is not enough information available to reliably estimate whether this change will have a positive or negative impact on the number of contractors or employees that may be convicted under such provisions. However, any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these

costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (FY 2005), the estimated total state support for local jails averaged \$28.35 per inmate, per day in FY 2005.

**9. Specific agency or political subdivisions affected:** Board of Education, local school divisions.

**10. Technical amendment necessary:** No.

**11. Other comments:** None.

**Date:** 2/12/07 / SHD

**Document:** G:\FIS\2007 Session\HB1707S1.doc