

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: HB1242H1

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Bell

3. Committee: Education

4. Title: **School employees; prohibits employment of an applicant if subject to founded case of child.**

5. Summary: Prohibits the employment of an applicant for employment requiring direct contact with students if such applicant is the subject of a founded case of physical or sexual abuse of a child. Additionally, requires the dismissal of a teacher who while employed by a local school board, becomes the subject of a founded case of physical or sexual abuse of a child. This bill also requires the Department of Social Services to report any founded complaints of sexual abuse of a child to a school board, where the subject of the report is a full-time, part-time, permanent or temporary employee of a school board in the Commonwealth. The substitute bill adds a class 1 misdemeanor, and requires the Department of Social Services to maintain a database of central child abuse and neglect registries in other states and to notify the school board if there is a founded complaint of child abuse and neglect against a teacher.

6. Fiscal Impact Estimates: Preliminary, see item 8.

7. Budget Amendment Necessary: No.

8. Fiscal Implications: Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. 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 (November 2007), the estimated total state support for local jails averaged \$28.42 per inmate, per day in FY 2006.

The Department of Social Services (DSS): The proposed substitute bill places two requirements on DSS. One is to maintain a database of central child abuse and neglect registries in other states. Two is to notify the local school division if there is a founded complaint of child abuse and neglect against a teacher.

On the first point, DSS currently maintains information about Central Registries in other states, as this is required by the Adam Walsh Act for foster and adoptive parents. DSS indicates they

are simply required to maintain that information so that school boards know who to contact as part of their employment process.

On the second point, local Social Service Departments currently notify the school board of founded complaints if the complaint involved abuse of a student. If a complaint is not related to a person acting in their professional capacity as a teacher, i.e., a personal issue, the local worker may or may not even know if the individual is employed as a teacher, there would be no notification. Some procedure/interface would have to be developed to allow social service employees to determine an individual's employment status with the schools. Further, as a technical/legal issue, local workers would not be allowed by law to provide that information to the school boards unless the subject of the investigation signed a release form.

9. Specific Agency or Political Subdivisions Affected: Board of Education, local school divisions.

10. Technical Amendment Necessary: No.

11. Other Comments: No.

Date: 2/11/2008 dpb

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c: Secretary of Education