



February 24, 2025

The Honorable Kellie Warren, Chairperson  
Senate Committee on Judiciary  
300 SW 10th Avenue, Room 346-S  
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 246 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 246 is respectfully submitted to your committee.

SB 246 would require the State Board of Education to require every teacher applicant to be fingerprinted and submit to a state and national criminal history record check. Each applicant would pay a fee for the criminal history record check to reimburse the costs for the State Board of Education. Any applicant who would not comply with the provisions of SB 246 would not be issued a license or certificate by the State Board of Education. The State Board of Education would be authorized to adopt rules and regulations to implement the provisions of the bill.

In addition, the bill would require any school employee who does not require a certificate or license that works at a school district to be fingerprinted and submit to a state and national criminal history record check. The bill would require the record check to be conducted, as follows: (1) for employees hired before July 1, 2025, every five years from and after July 1, 2025; and (2) for employees hired on and after July 1, 2025, every five years from the first day of the employee's start date. The bill would allow the school district to pay for the record checks or may require each employee to pay a fee to reimburse the school district for the cost of the records check.

Any school employee who has been convicted of any offense specified in KSA 72-2165a or who has entered into a criminal diversion agreement after being charged with the offense would be required to file a report with the school district and would include the name, address, and social security number of the employee. The report would be required to be filed within 30 days of the date of conviction or diversion agreement. Failure to file a report would be a class B nonperson misdemeanor.

The bill would create the Criminal History Record Check Fund within the Kansas Department for Aging and Disability Services (KDADS), which would be used to reimburse KDADS for criminal history record checks. The bill would allow an annual transfer from the State General Fund to the newly created fund, upon certification by the Director of the Budget with consultation by KDADS, for any unreimbursed expenditures made by the agency for record checks.

Currently, the State Board of Education, through the Department of Education, requires background checks upon application for a license. This cost is currently \$57 and includes the application fee, fingerprint background check fee, and the cost for RapBack through the Kansas Bureau of Investigation (KBI) for the time that license is valid. The KBI's RapBack program notifies the Department any time there are changes in a licensee's record. The Department would continue this practice of requiring a background check at the time of licensure if SB 246 were enacted.

The bill would require an additional background check to be completed for an individual, at the time of employment with a school district, regardless of license status. This cost of this additional background check would either be the responsibility of the school district or the employee, depending on the policy of the school district. In either case, the fee would be paid to the Department and would be remitted to the KBI for the background check. The Department would assume that the cost for this background check would be \$57. These requirements would be applicable to approximately 44,000 teachers employed annually, and 32,000 non-licensed staff members. At \$57 per background check, this would be an additional cost of \$2.5 million for teachers and \$1.8 million for non-licensed staff for a total additional cost to applicants of approximately \$4.3 million to reimburse the Department for the cost of the criminal history check as outlined in the bill.

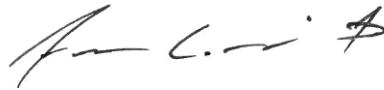
For the provisions regarding KDADS, the agency would utilize the newly created Criminal History Record Check Fund for the fees that are currently collected to obtain employee background checks for adult care homes, home community-based services, and home health agencies. The employer of the individual receiving the background check pays for the cost, which KDADS currently charges \$10 for each background check. The agency currently keeps \$3 of the fee, with the remaining \$7 sent to the KBI monthly. The agency currently uses the Health Occupations Credentialing Fund for these fees. KDADS estimates that between 85,000 and 90,000 background checks are performed each year. The same amount of fees would be collected and remitted to the KBI; however, the new fee fund in SB 246 would be utilized instead of the Health Occupations Credentialing Fund.

In addition, KDADS would have the ability to request an annual transfer from the State General Fund to the Criminal History Record Check Fund for any unreimbursed costs that the agency would incur. However, in its fiscal effect information to the Division of the Budget, the agency did not report any unreimbursed costs that currently occurs for the background checks that would result in a transfer from the State General Fund to the Criminal History Record Check Fund.

SB 246 has the potential for increasing litigation in the courts because of the new misdemeanor violation that would be created by the bill. The Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system; however, it is not possible to estimate the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a fiscal effect cannot be estimated.

The KBI indicates that any additional revenue received from the state and national criminal history record check requests sent to the KBI would be offset for expenditures related to staffing and maintenance of the required systems necessary for the dissemination of criminal history record information in accordance with the bill. Any fiscal effect from the enactment of SB 246 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", followed by a stylized flourish or symbol.

Adam C. Proffitt  
Director of the Budget

cc: Gabrielle Hull, Department of Education  
Leigh Keck, Department for Aging & Disability Services  
Paul Weisgerber, Kansas Bureau of Investigation