

# **SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE**

**BILL NO.** Senate Bill 46

**PRINTER'S NO.** 1056

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

January 4, 2013

**PRIME SPONSOR**

Senator Williams

**HISTORY OF BILL**

Referred to EDUCATION, Jan. 4, 2013  
Reported as amended, April 16, 2013  
First consideration, April 16, 2013  
Re-referred to APPROPRIATIONS, May 1, 2013  
Re-reported as amended, May 13, 2013

**DESCRIPTION AND PURPOSE OF BILL**

Senate Bill 46 establishes a new Section 111.1 (Employment History Review) in the Public School Code to provide for school entities to complete an extensive employment review for applicants that have direct contact with children.

The legislation requires a school entity to require an applicant to provide the following information: (1) all relevant contact information of the applicant's current employer, former employers that were school entities or where the applicant was employed in positions that involved direct contact with children (2) a written authorization allowing disclosure of the applicant's employment information that releases the employers from liability; and(3) a written statement disclosing whether the applicant has been a subject of an abuse or sexual misconduct investigation, unless the findings were false, has been disciplined, discharged or been asked to resign from employment while allegations of abuse or sexual misconduct were pending or has ever had a license or certificate suspended, surrendered or revoked while allegations of abuse or sexual misconduct were pending.

Requires a school entity to contact past employers to request information on behalf of the applicant and whether the applicant was the subject of any abuse or sexual misconduct. If an affirmative response to a question is provided, the school entity shall request additional information about the matters disclosed, if it decides to further consider the applicant.

Requires a past employer to disclose the requested employment information and provides them with immunity from criminal and civil liability related to the disclosure, unless the information provided is knowingly false.

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## **FISCAL NOTE**

Provides that an applicant that provides false information or fails to disclose required information is subject to discipline including: termination or denial of employment, criminal prosecution and civil penalties.

Prohibits hiring an applicant that does not provide the required information.

Allows school entities and independent contractors to hire an employee on a provisional basis for a period of not more than 90 days pending review of employment information, if certain conditions are met.

Prohibits a school entity from entering into contracts which: suppress information relating to an investigation related to suspected abuse or sexual misconduct; affect its ability to report suspected abuse or misconduct; or require information to be expunged relating to suspected abuse or misconduct.

Provides for an independent contractor to be subject to the provisions in the act and substitute teachers to be subject to the employment review requirements.

Provides the Department of Education jurisdiction to determine violations of this act following a hearing and assess civil penalties not to exceed \$10,000. Bars school entities from contracting with independent contractors found to willfully violate the act.

The legislation is scheduled to take effect in 60 days.

### **FISCAL IMPACT:**

The enactment of Senate Bill 46 will have no adverse fiscal impact on Commonwealth Funds. The Department of Education has indicated that any administrative responsibilities related to the implementation of the act can be accomplished within its existing operating budget.

School entities and independent contractors will likely incur additional costs related to complying with the extensive employment review requirements.