



Legislative
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FISCAL NOTE

Drafting Number: LLS 18-0736
Prime Sponsors: Rep. Williams D.
Date: February 6, 2018
Bill Status: House Education
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Bill Topic: SCHOOL DISTRICT-AUTHORIZED INSTRUCTORS

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill allows school district boards of education to hire non-licensed, district-authorized instructors. The bill increases state revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under HB 18-1130

		FY 2018-19	FY 2019-20
Revenue	Cash Funds	\$3,950	\$3,950
Expenditures	Cash Funds	\$2,111	\$2,111
Transfers		-	-

Summary of Legislation

The bill allows a school district board of education (board) to employ a person who is not licensed by the state to teach in a school as a "district-authorized instructor". The board may employ a district-authorized instructor if the district has been unable to staff the open teaching position with a state-licensed teacher, and the instructor:

- holds a bachelor's degree in the subject matter that the instructor will teach;
- meets the standards and competencies established by the board; and
- completes a fingerprint-based criminal history record check and does not have any prior infractions disqualifying them from employment.

In addition, the board may:

- employ a district authorized instructor for up to five years;
- determine the training and professional development required; and
- award salary or benefits exceeding the district's standard salary if the instructor has significant experience in a subject area for which teachers are hard to find.

A district-authorized instructor may not replace a state licensed teacher as result of a contract dispute, and does not gain status as a nonprobationary teacher, as a licensed teacher is able to do under current law.

Background

Under U.S. Department of Education rules, only licensed and endorsed staff may be funded with federal IDEA Part B and Preschool grants for special education. In FY 2017-18, Colorado received \$163.7 million in Part B and \$4.8 million in Preschool grants. The fiscal note assumes that districts will follow federal guidelines and not fund district-authorized instructors with the specified federal funds.

State Revenue

The bill increases state cash fund revenue from fingerprint-based criminal history background checks to the CBI Identification Unit Cash Fund in the Department of Public Safety by \$3,950 in both FY 2018-19 and FY 2019-20. Of that, \$1,200 is passed through to the Federal Bureau of Investigation and is excluded from the state TABOR limit. The fee for a background check is \$39.50, which includes the \$12 per check FBI pass through amount. The fiscal note assumes 100 checks will be completed annually in FY 2018-19 and FY 2019-20.

TABOR Impact

The bill increases state revenue subject to TABOR by \$2,750 per year in FY 2018-19 and FY 2019-20. State revenue is not currently expected to exceed the TABOR limit in either year and no refund is required. Therefore, the bill is not expected to impact TABOR refunds in these years. However, refunds in future years when the state next collects a TABOR surplus will be increased.

State Expenditures

The bill increases expenditures from the CBI Identification Unit Cash Fund in the Department of Public Safety by \$2,111 in FY 2018-19 and FY 2019-20. Costs increase to conduct an assumed 100 background checks per year and include fingerprint examiner and data specialist time, postage, per-print software and equipment costs. In addition, \$1,200 is passed through to the FBI. No change in appropriations is required to accommodate the minimal cost increase.

School District Impact

The bill does not change revenue or expenditures for school districts, but provides districts with increased flexibility in hiring decisions by allowing them to hire district-authorized instructors.

Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Education	Information Technology
Public Safety	School Districts