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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number	<u>HB190</u>	Sponsor	<u>Representatives Adkins & Egolf</u>
Tracking Number	<u>.205961.1</u>	Committee Referrals	<u>HLEDC/HEC</u>
Short Title	<u>School District Employee Background Checks</u>		
Analyst	<u>Force</u>	Original Date	<u>1/27/17</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

House Bill 190 (HB190) amends the Public School Code to require that all public school district applicants, current employees and others with unsupervised access to students be subject to fingerprint-based background checks. The bill defines “background check” as a process approved by the Public Education Department (PED) requiring all applicants and school district employees to submit a full set of fingerprints, so that a state and national criminal history check may be completed.

HB190 amends the School Personnel Act to require all charter school governing bodies to develop policies and procedures to require background checks of their employees and other persons allowed unsupervised access to students of public schools, as is already required of local school boards and regional education cooperatives (RECs). No person may be hired without having completed the background check.

The bill further requires all school district and charter school employees, regardless of their date of hire, to undergo a fingerprint-based background check, and requires any licensed employee who has been convicted of a felony or misdemeanor involving moral turpitude to report the conviction to a designated administrator.

Finally, the bill requires the background check of all persons seeking an alternative level 1 license, or any deaf or hard of hearing person seeking any level alternative license.

FISCAL IMPACT

HB190 does not contain an appropriation.

SUBSTANTIVE ISSUES

The National Center for Missing and Exploited Children suggests that states should conduct national fingerprint checks on all employees who have contact with children, including teachers,

volunteers, contractors, and other school employees. Further, states should require regular checks on current school employees every year or two after initial hire, more frequently than most states currently require.

HB190 expands current requirements for background checks to establish a mandatory reporting requirement for all licensed school employees who have been convicted of any felony or misdemeanor involving moral turpitude to report the conviction to a designated administrator. Current requirements place the onus of reporting school employees' convictions to PED on superintendents, charter school administrators, and RECs, and allow the Secretary of Public Education to suspend, revoke, or refuse to renew the license of an administrator who fails in their duty to report these convictions. However, the expanded requirement for licensed employees to report any of their felony or misdemeanor convictions to a designated administrator does not appear to include any sanctions for noncompliance.

ADMINISTRATIVE IMPLICATIONS

Administrative impacts under the bill affecting school districts and RECs should be minimal, as these entities have already been performing most of the requirements outlined in the bill. Charter school governing bodies would be required to develop their own policies and procedures to administer the required background checks.

TECHNICAL ISSUES

The definition of "background check" applies to applicants and school district employees, but contains no reference to charter school employees.

OTHER SIGNIFICANT ISSUES

On January 28, 2016, PED and the Department of Public Safety issued a comprehensive report of school background check policies that noted:

- Of 188 school districts and state-chartered charter schools, 183 submitted board-approved background check policies, while one school district and four charter schools failed to make these submissions;
- 184 school districts and state-chartered charter schools submitted assurances that their board approved background check policies comply with state law, and that they are in compliance with these policies, while one school district and three state-chartered charter schools failed to make these assurances;
- School districts and state-chartered charter schools reported that 14 of 1,758 administrators do not have a required background check on file, and two school districts and seven state-chartered charter schools failed to report data on administrators; and
- School districts and state-chartered charter schools reported that 71 of 5,253 newly hired employees do not have a required background check on file, and three school districts and six state-chartered charter schools failed to report data on newly hired employees.

RELATED BILLS

Relates to HB70, Local School Superintendent Criteria, establishing requirements for contracts between school boards and superintendents.

SOURCES OF INFORMATION

- LESC Files

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