

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 1/30/2007
 LAST UPDATED 2/27/2007 HB _____

SPONSOR Cravens

SHORT TITLE School Volunteer Background Checks SB 96/aSEC

ANALYST Aguilar

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$500.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$11.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 210

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee amendment to Senate Bill 96 makes language changes to provide for background checks for all volunteers to public schools and adds charter schools as well.

Synopsis of Original Bill

Senate Bill 96 appropriates \$500 thousand from the general fund to the Public Education Department for the purpose of paying the costs of background checks for parent volunteers in public schools.

FISCAL IMPLICATIONS

The appropriation of \$500 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the general fund.

SIGNIFICANT ISSUES

The Public Education Department notes the following for consideration by the Legislature:

- The fund is only for “parent volunteers” in public schools. Conceivably, not all volunteers are “parents”. Some may be grandparents while others may be individuals or groups who simply wish to volunteer in a public school. The wording of SB 96 would limit funds to only “parent volunteers”.
- Given that pursuant to the School Personnel Act the PED only conducts background checks of applicants for initial licensure, this bill requires the PED to administer a fund for individuals it does not license or conduct background checks for. This raises the question whether the PED is to reimburse school districts after they have advanced background check fees. To avoid violating the Anti-Donation Clause of the New Mexico Constitution, the PED could not pay the money to the volunteers directly but could reimburse their expenditures after either they or the school districts had made them.
- By using the words “pay *the costs* of background checks,” it is not clear if this wording rules out a school district’s claim for administrative costs to process receiving background checks and reviewing criminal history reports received from the FBI.

TECHNICAL ISSUES

The Public Education Department notes that the Legislature may wish to consider the following:

Line 11, strike from “background” through “volunteers” on Line 12 and insert thereof “unsupervised volunteer background checks”

Line 18, strike “the costs of background checks” and insert thereof “fingerprint background check fees”.

PA/nt:csd