

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7237

BILL NUMBER: SB 342

NOTE PREPARED: Feb 6, 2023

BILL AMENDED: Feb 2, 2023

SUBJECT: Teacher Hiring.

FIRST AUTHOR: Sen. Freeman

FIRST SPONSOR: Rep. Behning

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill prohibits a school corporation or charter school from employing or contracting with specified individuals, and prohibits a school corporation or charter school from hiring or contracting with certain other individuals without a majority vote of the school board (or equivalent for a charter school). It provides that, if a school corporation or charter school hires a specified individual, the school must:

- (1) Notify the Department of Education in writing of the hiring;
- (2) Explain why the hiring was necessary; and
- (3) Set forth the school's plan to protect the safety of students.

The bill specifies that "misconduct" includes certain specified acts. The bill also requires a school corporation, charter school, or nonpublic school to consider using a more comprehensive expanded criminal history background check for employment. It requires a school corporation, charter school, or nonpublic school that receives a reference request from another school to disclose specified incidents to the requesting school. It also makes conforming changes.

Effective Date: July 1, 2023.

Explanation of State Expenditures: *Department of Education (DOE):* The bill adds a reporting requirement for schools to report to the DOE if a school hires or contracts with an employee under certain circumstances which necessitated a majority of the members elected to the school board or equivalent body to approve the hire. The DOE may need to update policies and procedures, but this is expected to be accomplished with existing resources.

Explanation of State Revenues:

Explanation of Local Expenditures: *Public Schools:* The bill will require public schools and other contracting entities to update policies and hiring practices. It may cause some schools to terminate current employees with prior offenses discovered during a criminal history background check. Ultimately, the impact will depend upon the policies and actions at local schools.

Additional Information: Current law specifies certain offenses as grounds to not employ or not contract with certain individuals, whereas the bill explicitly prohibits certain hires unless a majority of the members elected to the school board or an equivalent body approve the hire. This bill also requires schools to evaluate all available types of criminal history checks when contracting with an outside vendor and to disclose certain information regarding a current or former employee if requested by another school.

Explanation of Local Revenues:

State Agencies Affected: Department of Education.

Local Agencies Affected: Public schools.

Information Sources:

Fiscal Analyst: Kelan Fong, 317-232-9592.