

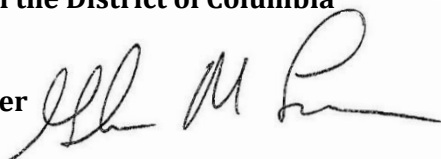
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: December 5, 2022

SUBJECT: Fiscal Impact Statement – Educator Background Check Streamlining
Amendment Act of 2022

REFERENCE: Bill 24-989, Draft Committee Print as provided to the Office of Revenue
Analysis on November 28, 2022

Conclusion

Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The Child and Family Services Agency (CFSA) requires \$14,000 in additional capital funding in fiscal year 2024 to implement the bill.

Background

Individuals who apply to positions that involve supervising students in an educational setting must submit to a suitability screening during the hiring process. This screening includes a review of each applicant's past employment history, criminal background, and a check of child abuse or sexual misconduct investigations. The bill makes¹ several revisions to this screening process including:

- Reducing the length of the employment history that an applicant must submit for review from twenty years to either the past seven years or the past three employers, whichever period of time is longer;
- Statutorily requiring all local education agencies (LEAs) to check the National Sex Offender Public Registry to determine if the person has been convicted of sex offenses or offenses against children; and,
- No longer requiring local education agencies to check Child Protection Registries (CPRs) outside of the District during the screening process;

¹ By amending the Section 103 of the School Safety Omnibus Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-294; D.C. Official Code § 38-951.03).

The Honorable Phil Mendelson

FIS: Bill 24-989, "Educator Background Check Streamlining Amendment Act of 2022," Draft Committee Print as provided to the Office of Revenue Analysis on November 28, 2022

The bill also changes² how staff at LEAs, child development facilities, and the Office of the State Superintendent for Education are granted access to the District's CPR. The District's CPR is managed by CFSA. Staff will no longer need to notarize their consent for release of information from the CPR. Instead, staff can use government issued identification to verify their identity to CFSA staff.

The bill revises³ the CPR records expungement statute by tiering offenses based on the outcome of a report and any subsequent findings. Records will be expunged either one, three, or five years after being entered into the Register, depending on the findings and subsequent reports. These changes are required to go into effect on October 1, 2023.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The Child and Family Services Agency (CFSA) requires \$14,000 in additional capital funding in fiscal year 2024 to implement the bill. CFSA is currently in the process of replacing its Comprehensive Child Welfare Information System (also known as the STAAND system) which will house the Child Protection Register. The agency needs additional resources to update the system to automatically expunge records based on the update schedule in the bill. Both the District of Columbia Public Schools and Public Charter Schools can implement the bill with current resources.

² By amending The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02 *et seq.*).

³ *Id.*