

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

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6501**

**BILL NUMBER:** HB 1061

**DATE PREPARED:** Dec 6, 2001

**BILL AMENDED:**

**SUBJECT:** Removal of Teachers for Felony Offenses.

**FISCAL ANALYST:** Chris Baker

**PHONE NUMBER:** 232-9851

**FUNDS AFFECTED:**  **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill revokes licenses and cancels contracts of teachers who are convicted after June 30, 2002, of certain felonies. The bill denies teacher licenses or certificates to applicants convicted after June 30, 2002, of those same felonies. The bill also makes no change in the law for teachers convicted of those felonies before July 1, 2002.

**Effective Date:** July 1, 2002.

**Explanation of State Expenditures:** The Indiana Professional Standards Board (the Board) could experience an increase in expenditures such as printing and mailing notices for a hearing. After a complaint against a license holder is filed by the Department of Education, an administrative law judge presides over an adjudication proceeding where the individual with the license may present their case. Once the judge has ruled, the Board would hold a meeting to determine if the ruling of the judge will be upheld. If additional revocation hearings occur due to the bill, the Board could include the hearing during a scheduled meeting. In CY 2001 the Board met for either one or two days a month in 7 out of 12 months of the year. In CY 2000 the Board met 6 out of 12 months of the year.

**Explanation of State Revenues:** *Background:* Current law allows for the permanent revocation of a teacher license for the following offenses (IC 20-6.1-3-7(c)):

<b>Offense</b>	<b>Classification</b>
Rape	Class B felony (Class A if with deadly force/weapon)
Criminal deviate conduct	Class B felony (Class A if with deadly force/weapon)
Child molesting	Class C felony (Class A if with deadly force/weapon)
Child exploitation	Class D felony (Class C if it is committed by using a computer network)
Vicarious sexual gratification	Class D felony (Class C if child involved in the offense is under the age of fourteen; Class B if with deadly force/weapon or use of drugs to induce)
Child solicitation	Class D felony (Class C if it is committed by using a computer network)
Child seduction	Class D felony (Class C if deadly force/weapon or use of drugs to induce)
Sexual misconduct with a minor	Class C felony (Class B if offender is 21 years or older; Class A if with deadly force/weapon or use of drugs to induce)
Incest	Class C felony. (Class B if victim is less than 16 years of age.)

If more revocations of teacher licenses are carried out as a result of the bill, fewer license renewal fees would be collected. It is believed impact to revenue would be minimal. Current teacher license fees are at a maximum of \$5. In FY 2000 the Indiana Professional Standards Board (PSB) collected \$105,323 in teacher license revenue. All fees from teacher licenses are deposited into the state General Fund.

*Revocation Data:* In 1999, seven teacher licenses were revoked or surrendered for violations under IC 20-6.1-3-7. Two of these revocations were for at least one of the offenses listed above (IC 20-6.1-3-7(c)). Two other revocations were due to immorality as listed in current law under (IC 20-6.1-3-7(a)).

In 2000, six revocations of a teacher license occurred under IC 20-6.1-3-7. Five of the revocations were for sexual misconduct with a minor (section 7(c) violation listed above). The remaining revocation was for a section 7(a) violation: immorality, misconduct in office, incompetency, willful neglect of duty.

**Explanation of Local Expenditures:** Under current law, school corporations may cancel indefinite contracts with permanent teachers for the offenses listed above. Additional cancellations would depend on local action and the decision of the Board to revoke a teacher license for either a Class A, B, or C felony.

**Explanation of Local Revenues:**

**State Agencies Affected:** Indiana Department of Education, Indiana Professional Standards Board.

**Local Agencies Affected:** School Corporations.

**Information Sources:** Indiana Professional Standards Board (317) 232-9010; Indiana Professional Standards Board website: <http://www.in.gov/psb/meetings> ; Kevin McDowell, Department of Education, (317) 232-6647.