

Criminal Background Checks (a.k.a. Michele Montoya School Safety Act)

Statewide Cost Estimate

Adopted May 25, 2000

Education Code Sections 44332.6, 44830.1,

45122.1, 45125, and 45125.1

Statutes of 1997, Chapter 588

Statutes of 1997, Chapter 589

Mandate Summary

Eligible Claimants

Any "school district", as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement. The activities under this mandate also apply to charter schools

Mandate Background

On March 25, 1999, the Commission on State Mandates adopted its Statement of Decision finding that the subject legislation imposed a reimbursable state-mandated new program on school districts. The test claim statutes created a "new program or higher level of service" under article XIII B, section 6 of the California Constitution and imposed "costs mandated by the state" under Government Code section 17514.

The test claim legislation enacted the Michelle Montoya School Safety Act, which required school districts to obtain criminal background checks on specified certificated and non-certificated employees prior to hiring and to obtain certification that specified employees of entities that contract with school districts for janitorial, administrative, landscape, transportation, and food-related services have been fingerprinted. The test claim legislation also required school districts to suspend and terminate specified certificated employees and temporary, substitute and probationary employees hired before September 30, 1997 (the effective date of the test claim legislation) if the school district receives notification from the Department of Justice that the employee has been convicted of a violent or serious felony.

The Commission adopted the Parameters and Guidelines for this claim on October 28, 1999. Costs incurred on or after September 30, 1997, are eligible for reimbursement.

Reimbursable Mandated Activities

The direct and indirect costs of labor, materials and supplies, contracted services, equipment, training, and travel incurred for the following mandate components are eligible for reimbursement:

- Criminal Background Checks for Previously Exempted, Non-Certificated Employees Hired After September 30, 1997.
- Criminal Background Checks for Non-Certificated Employees Hired Before September 30, 1997.

- Criminal Background Checks for Certificated Employees Hired After September 30, 1997.
- Criminal Background Checks for Certificated Employees Hired Before September 30, 1997.
- Criminal Background Checks for Certificated Employees Applying for a Temporary Certificate or Temporary Certificate of Clearance.
- Criminal Background Checks for Contractor Employees.
- Electronic Fingerprinting Equipment.
- Reporting to the Department of Justice.
- Terminating, Suspending and Reinstating Employees.
- Preparation of Policies, Procedures, Guidelines. and Training.

Statewide Cost Estimate

Following is a breakdown of actual and estimated total costs per fiscal year:

<u>FISCAL YEAR</u>	<u>TOTAL ESTIMATE ACTUAL & PROJECTED</u>
1997-98 ³	\$6,413,966
1998-99	\$4,744,176
1999-00 (2.1%)*	\$4,843,804
2000-01 (2.3%)*	<u>\$4,955,211</u>
Total	\$20,957,157
Statewide Cost Estimate Total	\$20,957,000

*Implicit Price Deflator as projected by the Department of Finance.

³ Beginning on September 30, 1997.