

## ***Criminal Background Checks II (00-TC-05)***

Education Code Sections 44830.1, 44830.2, 45125, 45125.01, and 45125.2  
Statutes 1998, Chapters 594 and 840  
Statutes 1999, Chapter 78

California Code of Regulations, Title 11, Sections 700-708

Test Claim Filed: December 15, 2000

Reimbursement Period: 1999-2000 through 2004-2005

Initial Reimbursement Claims Filed: June 7, 2004

Statewide Cost Estimate: \$262,599

Pending Action: September 30, 2004

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### **Background**

The Commission has adopted two decisions related to the *Criminal Background Checks* program:

- *Criminal Background Checks I.* In 1997, the Legislature enacted the Michelle Montoya School Safety Act that requires school districts to obtain criminal background checks on specified types of school district employees. School districts must also obtain criminal background checks of employees of entities that contract with the districts. The act also prohibits districts from employing or retaining temporary, substitute or probationary employees who have been convicted of a serious or violent felony. On March 25, 1999, the Commission adopted its Statement of Decision finding that this test claim imposes a reimbursable state-mandated program on school districts under article XIII B, section 6 of the California Constitution and Government Code section 17514.
- *Criminal Background Checks II.* In 1998 and 1999, the Legislature enacted legislation which added or amended Education Code sections relating to the following: criminal background checks of district employees, monitoring or separation of employees of construction contractors who work on school grounds, sending fingerprints to the Federal Bureau of Investigation (FBI), requesting from Department of Justice (DOJ) reports of subsequent arrest for employees, and storage and destruction of criminal record summaries. On February 27, 2003, the Commission adopted its Statement of Decision finding that Education Code sections 44830.1, 45125, 45125.01, and 45125.2 constitute new programs or higher levels of service for school districts within the meaning of article XIII B, section 6, of the California Constitution, and impose costs mandated by the state pursuant to Government Code section 17514.

### **Statewide Cost Estimate**

The statewide cost estimate is based on 23 unaudited, actual reimbursement claims filed by six school districts.

In adopting the estimate, the Commission made the following assumptions:

1. The actual amount claimed will increase when late or amended claims are filed, and could exceed the statewide cost estimate.

2. Significant numbers of late claims will not be filed because the cost to perform the reimbursable activities for *Criminal Background Checks II* are minimal when compared to the costs already claimed for the original *Criminal Background Checks I* mandate and are less than the \$1,000 minimum for filing an annual reimbursement claim.
3. Any reimbursement claim for this program may be reduced by the SCO if it is audited and deemed to be excessive or unreasonable.