

MAINE STATE LEGISLATURE

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L.D. 1286

Date: 6/7/2017

(Filing No. S-221)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 438, L.D. 1286, Bill, "An Act To Require Background Checks for All School Employees"

Amend the bill by striking out the title and substituting the following:

'An Act To Facilitate Compliance by School Employees with Criminal History Record Check and Fingerprinting Requirements'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 20-A MRSA §13026 is enacted to read:

§13026. Compliance with criminal history record check and fingerprinting requirements

1. List of school administrative unit employees. Beginning January 1, 2018, and quarterly thereafter, a school administrative unit shall submit to the department a list of the names of all employees subject to certification, approval or authorization and indicate for each person included on the list the date on which the person most recently commenced employment with the school administrative unit.

2. Notification of noncompliance. Upon receipt of a list from a school administrative unit pursuant to subsection 1, the department shall determine for each person included on the list whether the person has complied with all applicable criminal history record check and fingerprinting requirements of section 6103 and rules adopted by the state board. If the department determines that the person has failed to comply with any such applicable requirement, the department shall immediately notify the school administrative unit of the person's failure to comply.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF
Learning Systems Team Z081**

COMMITTEE AMENDMENT

ROFS

COMMITTEE AMENDMENT "A" to S.P. 438, L.D. 1286

1 Initiative: Provides ongoing funds for 90% of the cost to local school administrative units
2 to submit the names of all employees subject to certification, approval or authorization
3 along with the date that each employee began working for the school administrative unit.

4	GENERAL FUND	2017-18	2018-19
5	All Other	\$13,244	\$13,508
6			
7	GENERAL FUND TOTAL	<u>\$13,244</u>	<u>\$13,508</u>
8			

9 **SUMMARY**

10 This amendment changes the title, replaces the bill and requires, beginning January 1,
11 2018, a school administrative unit to submit quarterly to the Department of Education a
12 list of the names of all employees and the date on which each person most recently
13 commenced employment. Upon receipt of the list, the department is required to
14 determine for each person included on the list whether the person has complied with all
15 applicable criminal history record check and fingerprinting requirements. If any person
16 has failed to comply with any applicable requirement, the department is required to
17 immediately notify the school administrative unit of that person's failure to comply.

18 This amendment also provides ongoing funds for 90% of the cost to school
19 administrative units to comply with the bill as amended by this amendment.

20 **FISCAL NOTE REQUIRED**

21 (See attached)

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 1286

LR 1065(02)

An Act To Require Background Checks for All School Employees

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-22)
Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

State Mandate - Funded

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$13,244	\$13,508	\$13,779	\$14,054
Appropriations/Allocations				
General Fund	\$13,244	\$13,508	\$13,779	\$14,054

State Mandates

Required Activity

Requires local school administrative units to submit the names of all employees subject to certification, approval or authorization and indicate the date on which the person most recently commenced employment with the school administrative unit.

Unit Affected

School

Local Cost

Moderate statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

This bill includes ongoing General Fund appropriations of \$13,244 in fiscal year 2017-18 and \$13,508 in fiscal year 2018-19 to the Learning Systems program within the Department of Education to fund 90% of the cost to local school administrative units to submit the names of all employees subject to certification, approval or authorization along with the date that each employee began working for the SAU. These estimates assume that the central office within each SAU will be responsible for compiling the data and submitting the report and that the data is up-to-date.

Additional costs to the Department of Education to determine if the employees whose names were submitted by the local school administrative unit have complied with all applicable criminal history record check and fingerprinting requirements and to notify the school administrative units if the employee failed to comply can be absorbed within existing budgeted resources.