

Summary

The Department of Education (Department) is proposing a new rule pursuant to N.J.S.A. 18A:6-7.2a at proposed new subchapter N.J.A.C. 6A:32-15, Criminal History Review. This proposed new rule will establish a fee for criminal history background checks for all applicants that are processed through the Criminal History Review Unit in the Department.

The requirement for criminal history background checks for school district employees became effective in October 1986. At that time, the Department created the Criminal History Review Unit to process the background checks. Originally, the administrative fee to process criminal history background checks was \$6.00 for non-public schools only. On December 1, 2005, the fee was raised from \$6.00 to \$7.00 and was extended to public schools, private schools for the disabled, charter schools and school bus contractors. The Department proposes to establish a new rule that will set the fee at \$10.00.

Pursuant to N.J.S.A.18A:6-7.1 et seq. or 18A:39-19.1 et seq. this proposed new rule will apply to all employees of public schools, private schools for the disabled and charter schools under the supervision of the Department. They will also apply to employees of school bus contractors providing services to a school or institution under the supervision of the Department. In addition, this proposed new rule will apply to employees of the non-public schools that choose to obtain criminal history background checks and to all individuals who volunteer in school districts that require criminal history background checks of volunteers.

As the Department has provided a 60-day comment period in this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5. The following summary provides a brief overview of the proposed new rule.

Subchapter 15 Criminal History Review

N.J.A.C. 6A:32-15.1 Criminal history background check

This section sets forth the requirement that any person required or requested to obtain a criminal history records check pursuant to N.J.S.A.18A:6-7.1 et seq. or 18A:39-19.1 et seq. must apply at the Department of Education offices in Trenton, New Jersey and pay a fee of \$10.00.

Social Impact

The social impact of this proposed new rule is expected to be minimal. As criminal history background checks ensure the security and safety of New Jersey's students, an increase in the administrative fee of three dollars is not expected to have any deleterious social impact.

Economic Impact

The economic impact of the proposed new rule is expected to be minimal. Those who are required to obtain criminal history background checks will pay an additional three dollars for the administrative fee, which is a nominal increase. There are approximately 70,000 requests per year for criminal history background checks. In the past, the administrative fees have generated \$490,000 per year. The increase in the fee of three dollars would generate an additional \$210,000 per year. This fee increase is necessary in order to cover the costs of operating the Criminal History Review unit in the Department and for conducting the criminal history background checks.

Federal Standards Statement

There are no Federal requirements or standards that have an impact on the proposed new rule. N.J.A.C. 6A:32-15 is based on a State statute that establishes the framework for the chapter. Therefore, a Federal standards analysis is not necessary.

Jobs Impact

It is not anticipated that jobs will be created or lost as a result of the proposed new rule.

Agriculture Industry Impact

There is no impact on the agriculture industry as a result of the proposed new rule.

Regulatory Flexibility Statement

A regulatory analysis is not required because the proposed new rule does not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

The new rule, by statute, applies exclusively to all school officials in public schools in the State of New Jersey and private schools for the disabled under the supervision of the Department and to employees of school bus contractors providing services to such institutions.

Smart Growth Impact

The proposed new rule will have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

As the proposed new rule would apply to any person required or requested to obtain a criminal history records check pursuant to N.J.S.A.18A:6-7.1 et seq. or 18A:39-19.1 et seq., the rule will have no impact on the number of housing units and no impact on the average costs of housing.

Smart Growth Development Impact

As the proposed new rule would apply to any person required or requested to obtain a criminal history records check pursuant to N.J.S.A. 18A:6-7.1 et seq. or 18A:39-19.1 et seq., the proposed new rules would not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Full text of the proposed new rule follows:

SUBCHAPTER 15. CRIMINAL HISTORY REVIEW

6A:32-15.1 Criminal history records check

Any person required or requested to obtain a criminal history records check pursuant to N.J.S.A.18A:6-7.1 et seq. or 18A:39-19.1 et seq. shall apply to the New Jersey Department of Education, PO Box 500, Trenton, New Jersey 08625-0500 and shall pay a fee of \$10.00 to the New Jersey Department of Education.