

Adopted: 7/20/95
Amended: 3/29/10

Amendment to Parameters and Guidelines

Education Code Section 48910, Subdivision (a)

Statutes 1977, Chapter 965

Statutes 1983, Chapter 498

Pupil Classroom Suspension: Counseling 05-PGA-62 (CSM-4458)

This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement

I. Summary of the Source of the Mandate

Chapter 965/77 simultaneously repealed former Education Code Section 48900 regarding the process for suspension of pupils from the classroom and reenacted essentially the same requirements in Education Code section 48901, including a new provision for school counselors or psychologists to attend the post-classroom suspension parent-teacher conference whenever practicable. Then, Chapter 498/83, simultaneously repealed former Education Code section 48901 and reenacted essentially the same requirements in Education Code section 48910.

II. Commission on State Mandates Decision

The Commission on State Mandates, in the statement of decision adopted at the February 23, 1995 public hearing determined that Education Code section 48910, as added by Chapter 965/77 and amended by Chapter 498/83, imposes a new program or higher level of service in an existing program within the meaning of section 6, article XIIB of the California Constitution and Government Code section 17514, for school districts and county offices of education.

The Commission determined that Education Code section 48910, subdivision (a), added by Chapter 965/77, established a new program or higher level of service by requiring school counselors or school psychologists to attend the classroom suspension parent-teacher conferences whenever practicable. The Commission determined that this requirement is limited in scope to resources readily available.

III. 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.

IV. Period of Reimbursement

This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was submitted on March 3, 1994, therefore all mandated costs incurred on or after July 1, 1993, for implementation of a portion of Education Code Section 48910, subdivision (a), as described herein, are reimbursable.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Section 17561 (d) (3) of the Government Code, all claims for reimbursement of initial year costs shall be submitted within 120 days from the date on which the Controller issued claiming instructions on funded mandates contained in the claims bill.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise provided for by Government Code section 17564.

V. Reimbursable Costs

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct based upon personal knowledge." Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

A. Scope of the Mandate

School districts and county offices of education shall be reimbursed for the costs incurred to provide counseling services, whenever practicable, at parent-teacher conferences which result from a pupil's suspension from class.

B. Reimbursable Activities

For each eligible school district or county office of education, the direct and indirect costs of labor, supplies and services incurred for the following mandate component are reimbursable:

Pupil Counseling

For personnel to provide counseling services, whenever practicable, at parent-teacher conferences which result from a pupil's suspension from class.

VI. Claim Preparation

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each item for which reimbursement is claimed under this mandate.

A. Reporting Components

This is a single-component mandate, so all reimbursable costs will apply to the one component.

B. Supporting Documentation

Claimed costs should be supported by the following information:

1. Employee Salaries and Benefits

Identify the employee(s) and their job classification, describe the mandated functions performed, and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study.

2. Materials and Supplies

Only the expenditures which can be identified as a direct cost of the mandate can be claimed. List cost of materials which have been consumed or expended specifically for the purpose of this mandate.

3. Contracted Services

Give the name(s) of the contractor(s) who performed the service(s). Describe the activities performed by each named contractor, and give the number of actual hours spent on the activities. Show the inclusive dates when services were performed and itemize all costs for those services.

4. Allowable Overhead Cost

a. School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.

- b. County offices of education must use the J-580 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.

C. Cost Accounting Statistics

The State Controller will include in its claiming instructions each year the requirement that claimants report to the State Controller the following statistics (by fiscal year), for the purpose of establishing a database for potential future reimbursement based on prospective rates:

1. Average daily attendance.
2. The number of parent-teacher conferences for pupils suspended from class (do not include suspensions from school).
3. The number of those parent-teacher conferences reported in item 2 that were attended by personnel performing counseling functions.
4. The number of hours claimed for personnel performing the item 3 counseling function.

VII. Record Retention

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter¹ is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section V, must be retained during the period subject to audit. If the Controller has initiated an audit during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VIII. Offsetting Savings and Other Reimbursements

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, e.g., service fees collected, federal funds, other state funds, etc., shall be identified and deducted from this claim. While not specifically researched, the Commission's record on this claim does not identify any specific offsetting savings from state or federal sources applicable to this mandate.

IX. State Controller's Office Required Certification

¹ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

An authorized representative of the claimant will be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.