

BEFORE THE
COMMISSION ON STATE MANDATES

Claim of:)
)
)

Los Angeles Unified)
School District)
Claimant)

CSM 4241
Chapter 1659, Statutes of 1984
Emergency Procedures,
Earthquake and Disasters

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on July 23, 1987, in Sacramento, California, during a regularly scheduled meeting. Howard Kaplowitz, Head Accountant, appeared on behalf of the Los Angeles Unified School District. Michael Ricketts, Fiscal Policy Planning and Analysis Manager, appeared on behalf of the Department of Education. Car07 Miller of Education Mandated Costs Network also testified at the hearing. There were no other appearances.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

NOTE

1. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; a specific appropriation by the Legislature for such purpose; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

II.

FINDINGS OF FACT

1. The test claim was filed with the Commission on State Mandates on November 26, 1986, by Los Angeles Unified School District.

2. The subject of the claim is Chapter 1659, Statutes of 1984.
3. Chapter 1659, Statutes of 1984, added Article 10.5 (Sections 35295, 35296, and 35297) to Chapter 2 of part 21 of the Education Code which requires the governing body of each school district or private school and the county superintendent of schools of each county to establish an earthquake emergency procedure in each school building under its jurisdiction.
4. Chapter 1659, Statutes of 1984, added Section 40041.5 to the Education Code and amended Section 40042 of the Education Code to require that the governing board of any school district shall grant the use of school buildings, grounds and equipment to public agencies, "including the American Red Cross," for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and eliminated the authority of the school districts to recover direct costs from the public agencies for the use of school facilities during local emergencies.
5. This program which was optional is now required by Chapter 1659, Statutes of 1984 of any governing board of any school district, and the authority to charge for the direct costs of providing the program has been removed.
6. Government Code Section 17514 defines the term "costs mandated by the state" as any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.
7. The Los Angeles Unified School District has demonstrated that it has incurred increased costs which are costs mandated by the state.
8. None of the requisites for denying a claim specified in Government Code Section 17556 were established.

III.

DETERMINATION OF ISSUES

1. The Commission has the authority to decide this claim under the provisions of Government Code Section 17551.
2. Chapter 1659, Statutes of 1984 imposed a reimbursable state mandate upon local school districts. The Los Angeles Unified School District has established that this statute has imposed a new program by requiring the governing board of any school district to establish an earthquake emergency procedure system, and by requiring the governing board of any school district to grant the use of school facilities, grounds and equipment for mass care and welfare shelters to public agencies in the event of a disaster or other emergency without the ability to recover direct costs from the user.