

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
SACRAMENTO, CA 95814
PHONE: (916) 323-3562
FAX: (916) 445-0278
Email: csminfo@csm.ca.gov



September 29, 2008

Mr. Patrick Day
San Jose Unified School District
855 Lenzen Avenue
San Jose, CA 95126-2736

Ms. Ginny Brummels
State Controller's Office (B-08)
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

And Affected State Agencies and Interested Parties (see enclosed mailing list)

Re: **Adopted Statewide Cost Estimate**

Pupil Safety Notices, 02-TC-13

Education Code Sections 32242, 32243, 32245, 46010.1; 48904, 48904.3, 48987

Welfare and Institutions Code Section 18285

Statutes 1983, Chapter 498; Statutes 1984, Chapter 482; Statutes 1984, Chapter 948;

Statutes 1986, Chapter 196; Statutes 1986, Chapter 332; Statutes 1992, Chapter 445;

Statutes 1992, Chapter 1317; Statutes 1993, Chapter 589; Statutes 1994, Chapter 1172;

Statutes 1996, Chapter 1023; Statutes 2002, Chapter 492

California Code of Regulations, Title 5, Section 11523

San Jose Unified School District, Claimant

Dear Mr. Day and Ms. Brummels:

On September 26, 2008, the Commission on State Mandates adopted the enclosed statewide cost estimate of \$45,668 for the above-named program. This amount will be included in our next Report to the Legislature.

Please contact Nancy Patton at (916) 323-8217 if you have questions.

Sincerely,


PAULA HIGASHI
Executive Director

Enclosure

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Adopted: September 26, 2008

STATEWIDE COST ESTIMATE

Education Code Sections 32242, 32243, 32245, 46010.1; 48904, 48904.3, 48987
Welfare and Institutions Code Section 18285

Statutes 1983, Chapter 498; Statutes 1984, Chapter 482; Statutes 1984, Chapter 948;
Statutes 1986, Chapter 196; Statutes 1986, Chapter 332; Statutes 1992, Chapter 445;
Statutes 1992, Chapter 1317; Statutes 1993, Chapter 589; Statutes 1994, Chapter 1172;
Statutes 1996, Chapter 1023; Statutes 2002, Chapter 492

California Code of Regulations, Title 5, Section 11523

Pupil Safety Notices

02-TC-13

Summary of the Mandate

This program requires(1) school districts to provide, for the first time, notices and information regarding health, safety and legal issues to staff, parents, guardians and students; and (2) for a school district receiving a transfer student, upon notice that the school district from which the student is being transferred has withheld the grades, diploma or transcripts of that student, to continue to withhold the grades, diploma or transcripts of any transfer student, until it receives notice that the district that initiated the decision to withhold, has rescinded that decision.

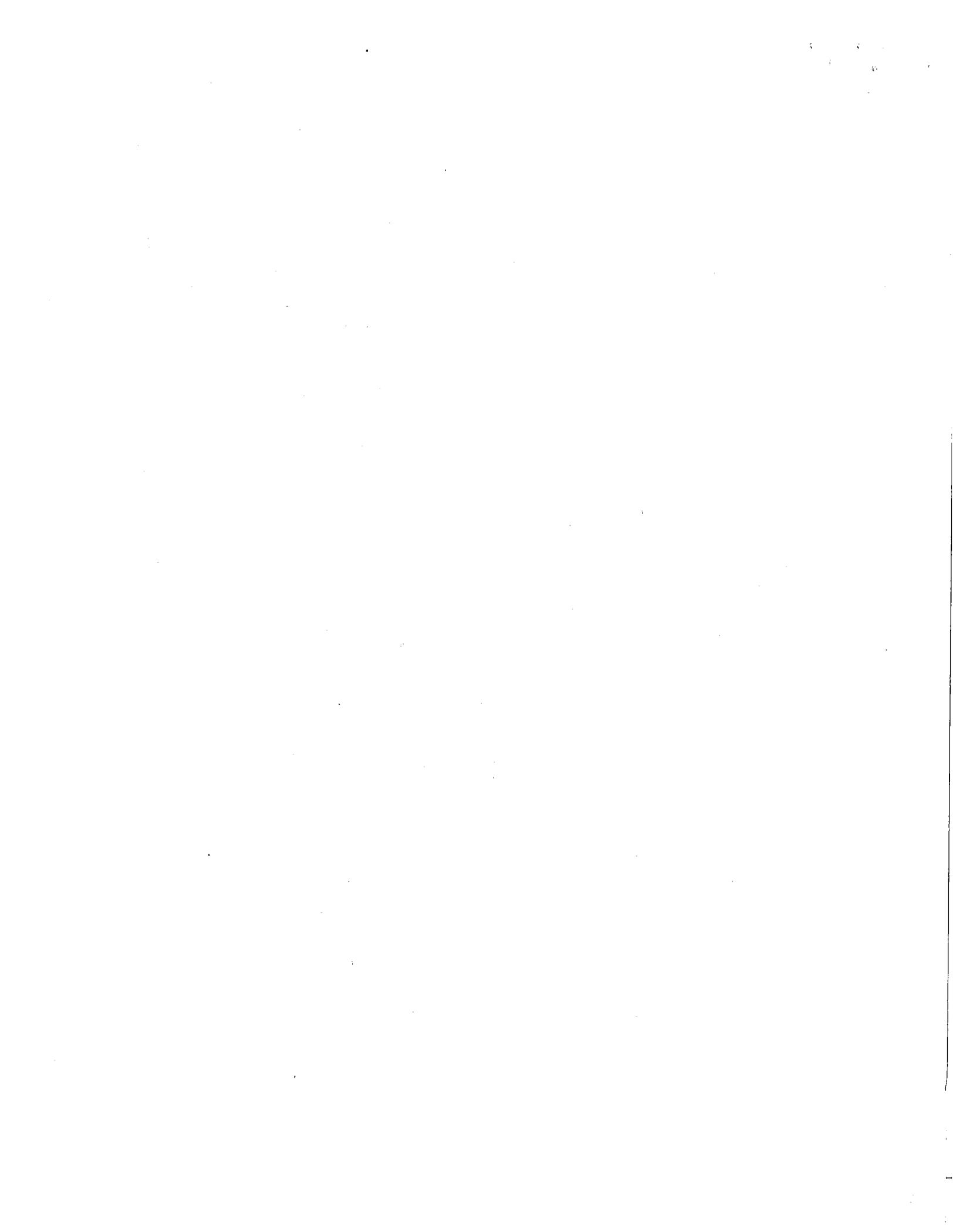
The Commission on State Mandates (Commission) adopted the Statement of Decision for the *Pupil Safety Notices* test claim. The Commission found that test claim statutes and regulation constitute a new program or higher level of service and impose a partially reimbursable state-mandated program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The claimant filed the test claim on February 21, 2003. The Commission adopted a Statement of Decision on December 4, 2006, and the parameters and guidelines on December 6, 2007. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by June 9, 2008.

Reimbursable Activities

The Commission approved the following reimbursable activities for this program:

1. For the principal of the school site, within 45 days of receiving lead test survey results from the Department of Health Services, to notify the teachers and other school personnel and parents of the survey results. (Ed. Code, § 32242, subd. (c).)
2. For schools to notify parents of the Childhood Lead Poisoning Prevention Act of 1991 upon receiving a finding that a school site has significant risk factors for lead. (Ed. Code, § 32243, subd. (a).)
3. For schools, within 45 days of receiving a finding by the Department of Health Services that a school subject to the Lead-Safe Schools Act has significant risk factors for lead, to notify the teachers, other personnel, and the parents of the finding. (Ed. Code, § 32243, subd. (a).)



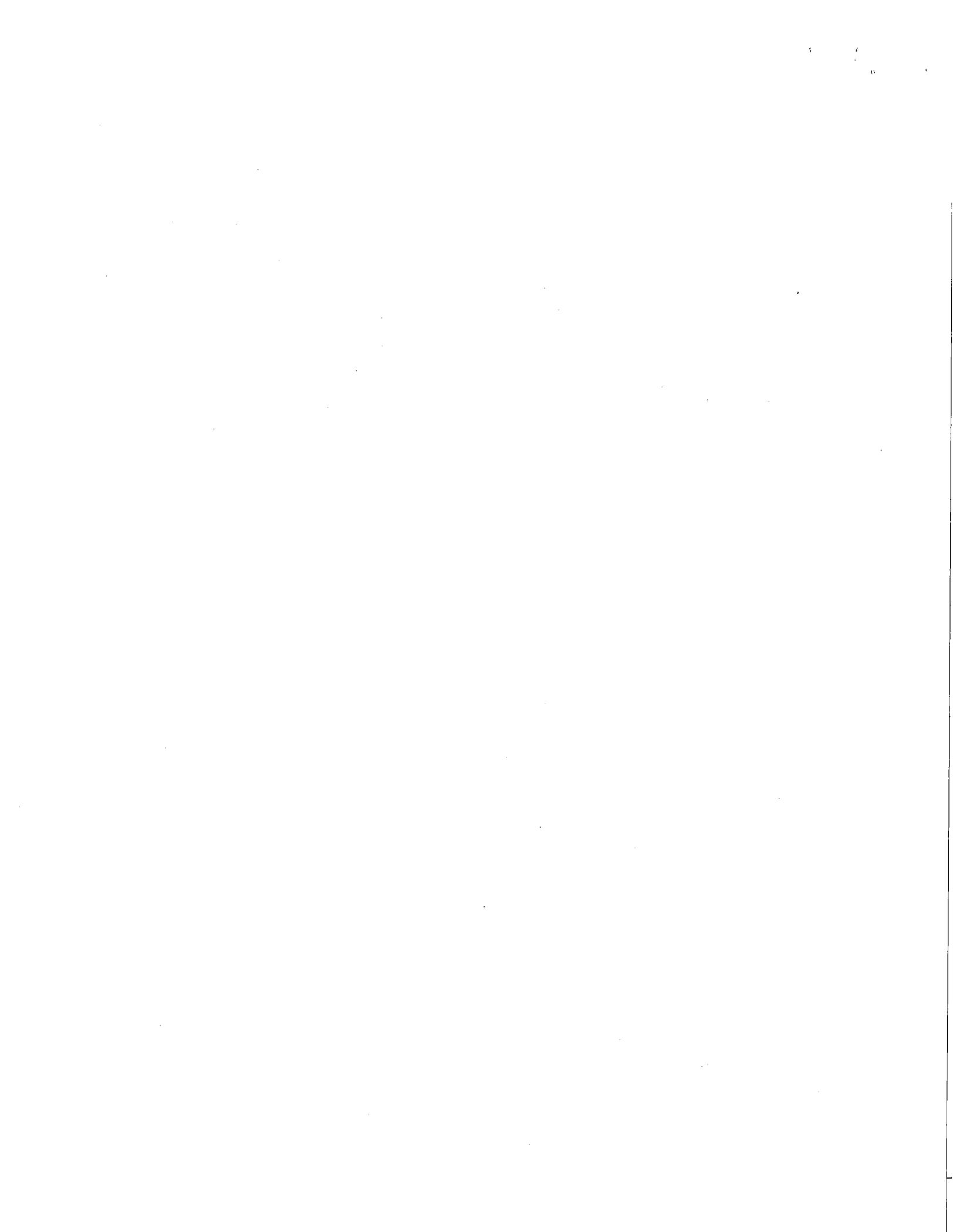
4. For school districts to amend an existing notice sent to pupils in grades 7-12 and their parents or guardians to include the provision that “school authorities may excuse any pupil from the school for the purpose of obtaining confidential medical services without the consent of the pupil’s parent or guardian.” This activity is a one-time activity. (Ed. Code, § 46010.1.)
5. To disseminate guidelines, upon request, that describe complaint procedures, adopted by the State Department of Education, to parents or guardians of minor pupils in the primary language of the parent or guardian which he or she can follow in filing a complaint of child abuse by a school employee or other person committed against a pupil at a school site. (Ed. Code, § 48987.)
6. To provide an interpreter for a parent or guardian, whose primary language is other than English, in the case of any communications concerning the guidelines and procedures for filing child abuse complaints committed against a pupil at a school site. (Ed. Code, § 48987.)
7. For the principal of each school with students in grades 11 and/or 12 to distribute to each pupil in those grades an announcement explaining the California High School Proficiency Exam provided for under Education Code section 48412 in time to meet registration requirements for the fall test of that year. (Cal. Code Regs., tit. 5, § 11523.)
8. To establish rules and regulations governing procedures for withholding grades, transcripts, and diplomas. (Ed. Code, § 48904, subd. (b)(3).)
9. For a transferee school, upon notice that a school district has withheld the grades, diploma or transcripts of any pupil pursuant to Education code section 48904, to continue to withhold the grades, diploma or transcripts of any transfer student as authorized by that section, until such time as it receives notice, from the district that initiated the decision to withhold, that the decision has been rescinded under the terms of that section. (Ed. Code, § 48904.3, subd. (a).)

Statewide Cost Estimate

Staff reviewed the claims data submitted by two school districts, and compiled by the SCO. The actual claims data showed that 12 claims were filed between fiscal years 2001-2002 and 2006-2007 for a total of \$37,296.¹ This program requires school districts to, among other things; disseminate several different notices regarding school site lead risk factors, confidential medical services, the California High School Proficiency Exam, and guidelines for complaint procedures regarding child abuse committed against a pupil at a school site, including any costs to interpret those guidelines in other languages for the requesting parents or guardians. Staff found that the majority of costs for the two districts that filed reimbursement claims were for disseminating the child abuse guidelines and related interpreter costs.

Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program. The Commission will report the adopted statewide cost estimate to the Legislature along with staff’s assumptions and methodology.

¹ Claims data reported as of August 13, 2008.



Assumptions

Staff made the following assumptions:

1. *The actual amount claimed may increase if late or amended claims are filed.*

Only two school districts in California have filed 12 reimbursement claims for this program. Thus, if reimbursement claims are filed by any of the remaining school districts, the amount of reimbursement claims may exceed the statewide cost estimate. For this program, late claims for 2002-2003 through 2006-2007 may be filed until June 2009.

2. *Non-claiming school districts did not file claims because they did not incur more than \$1000 in increased costs for this program.*

Most school districts will be unable to meet the \$1,000 minimum threshold for filing reimbursement claims, because only a portion of this program was approved as a reimbursable state mandate, and there are offsetting revenues available for a portion of the mandate.

3. *The Galt Joint Union High School District and Live Oak Unified School District will continue to incur costs over \$1,000 and will continue to file reimbursement claims.*

4. *The SCO may reduce any reimbursement claim for this program.*

If the SCO audits this program and deems any reimbursement claim to be excessive or unreasonable, it may be reduced. Therefore, the total amount of reimbursement for this program may be lower than the statewide cost estimate.

Methodology

Fiscal Years 2001-2002 through 2006-2007

The proposed statewide cost estimate for fiscal years 2001-2002 through 2006-2007 is based on the 12 unaudited actual reimbursement claims filed with the SCO for these years.

Fiscal Year 2007-2008

Staff estimated fiscal year 2007-2008 costs by multiplying the 2006-2007 estimate by the implicit price deflator for 2007-2008 (5.5%), as forecast by Department of Finance.

The proposed statewide cost estimate includes seven fiscal years for a total of \$45,668. This averages to \$6,524 annually in costs for the state.



Following is a breakdown of estimated total costs per fiscal year:

**TABLE 1. BREAKDOWN OF ESTIMATED
TOTAL COSTS PER FISCAL YEAR**

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
2001-2002	2	\$ 4,726
2002-2003	2	4,776
2003-2004	2	5,624
2004-2005	2	5,582
2005-2006	2	8,652
2006-2007	2	7,936
2007-2008	N/A	8,372
TOTAL	12	\$45,668

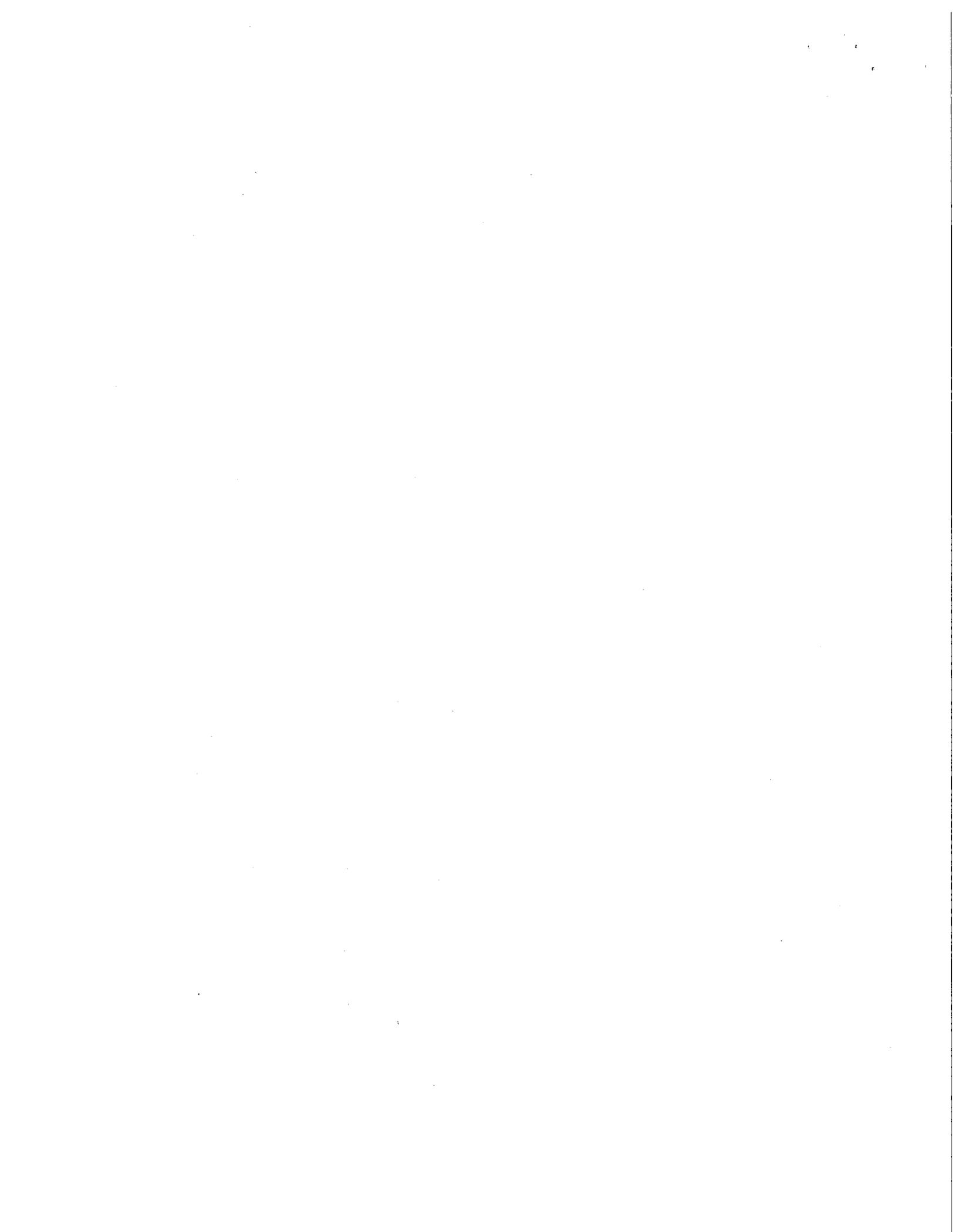
State Agency Comments

The Department of Finance submitted comments on the draft staff analysis on September 8, 2008, recommending the adoption of the statewide cost estimate be delayed until the reimbursement claims used to develop the cost estimate are audited by the SCO.

Staff disagrees that the cost estimate can be delayed until reimbursement claims are audited.

Government Code section 17551 requires the Commission, if it determines there are costs mandated by the state, to determine the amount to be subvended to local agencies and school districts for reimbursement. Government Code section 17553 requires the Commission, when a determination is made that a mandate exists, to adopt regulations to ensure that a statewide cost estimate is adopted within 12 months after receipt of a test claim. Therefore, state law does not allow the Commission to delay adoption of the statewide cost estimate until the claims are audited by the SCO.

Moreover, Department of Finance's recommendation to delay the adoption of the statewide cost estimate is not consistent with the statutory scheme in Government Code section 17500 et seq. The adoption of a statewide cost estimate triggers other functions that can lead to an appropriation of funds for the mandated program. Government Code section 17600 requires the Commission to report the statewide cost estimate to the Legislature. Once the Commission reports the statewide cost estimates to the Legislature, Government Code section 17562 requires the Legislative Analyst's Office to review the new mandate(s) and make recommendations to the Legislature as to whether the mandate should be repealed, funded, suspended, or modified. The Legislature then has the authority under Government Code section 17612 to amend, modify, or supplement parameters and guidelines, reasonable reimbursement methodologies, and/or the statewide cost estimates of the mandated programs; or can fund the program for costs incurred in prior years in the subsequent Budget Act. Thus, the adoption of the statewide cost estimate is necessary for the Legislature to appropriate funds. Furthermore, a delay in the appropriation of funds can lengthen the audit period of the State Controller's Office. Government Code section 17558.5 provides that a reimbursement claim is subject to the initiation of an audit by the Controller no later than three years after the date that the reimbursement claim is filed or last amended, whichever is later, unless there has been no appropriation or payment to a claimant. "[I]f 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.” Accordingly, a delay in adopting a statewide cost estimate is not consistent with the way the Legislature established the mandate reimbursement process.

Therefore, the Commission finds that it should not delay adoption of this statewide cost estimate.

Conclusion

On September 26, 2008, the Commission adopted a statewide cost estimate of \$45,668 (\$6,524 in annual costs) for costs incurred in complying with the *Pupil Safety Notices* program for the period of July 1, 2001 through June 30, 2008.

Commission on State Mandates

Original List Date: 2/24/2003
Last Updated: 4/26/2007
List Print Date: 09/26/2008
Claim Number: 02-TC-13
Issue: Pupil Safety Notices

Mailing Information: Final Staff Analysis

Mailing List

TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

Ms. Linda C. T. Simlick
San Juan Unified School District
3738 Walnut Avenue
P.O. Box 477
Carmichael, CA 95609-0477

Tel: (916) 971-7110
Fax: (916) 971-7704

Ms. Harmeet Barkschat
Mandate Resource Services
5325 Elkhorn Blvd. #307
Sacramento, CA 95842

Tel: (916) 727-1350
Fax: (916) 727-1734

Ms. Sandy Reynolds
Reynolds Consulting Group, Inc.
P.O. Box 894059
Temecula, CA 92589

Tel: (951) 303-3034
Fax: (951) 303-6607

Mr. Steve Smith
Steve Smith Enterprises, Inc.
2200 Sunrise Blvd., Suite 220
Gold River, CA 95670

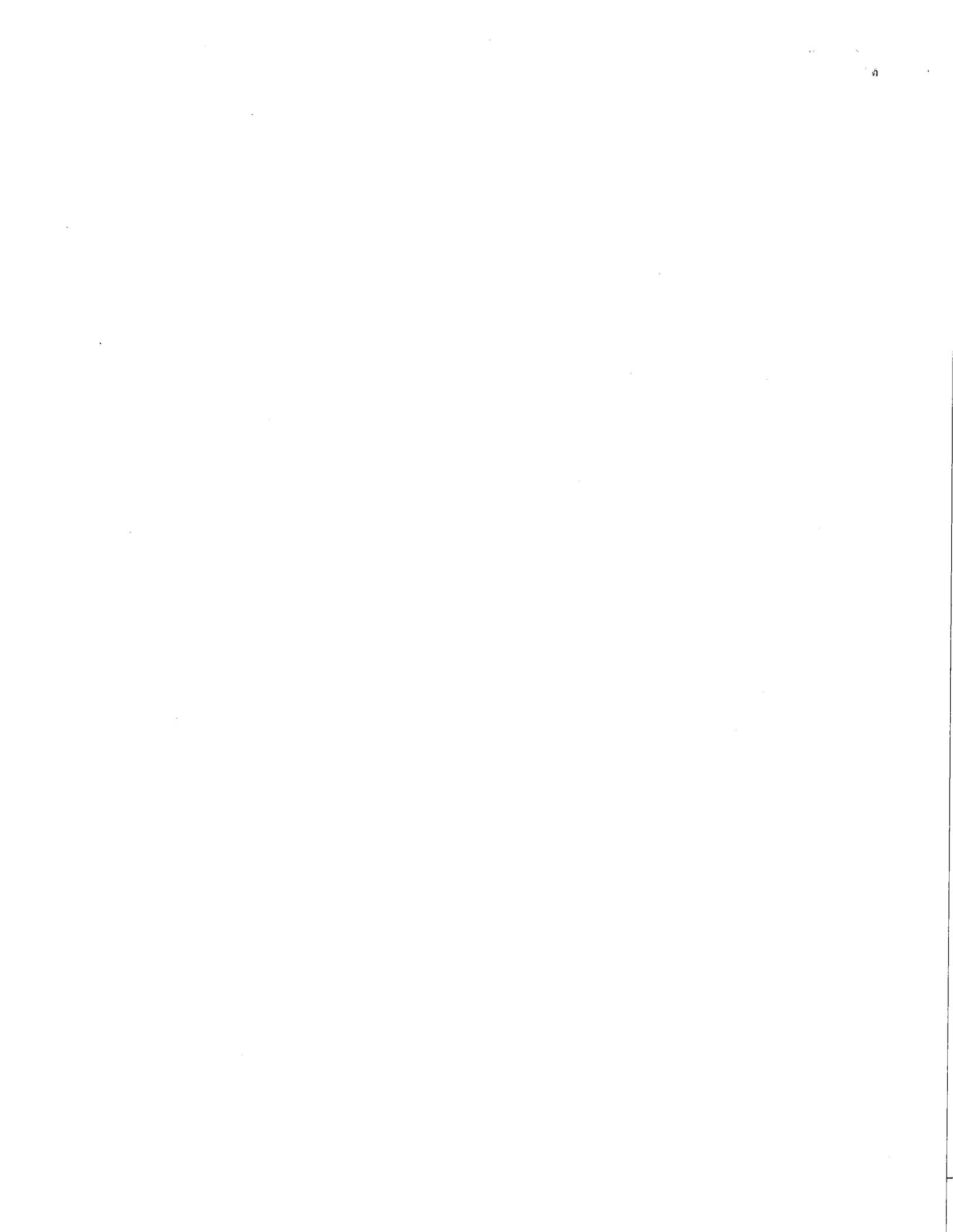
Tel: (916) 852-8970
Fax: (916) 852-8978

Mr. Robert Miyashiro
Education Mandated Cost Network
1121 L Street, Suite 1060
Sacramento, CA 95814

Tel: (916) 446-7517
Fax: (916) 446-2011

Mr. Arthur Palkowitz
San Diego Unified School District
Office of Resource Development
4100 Normal Street, Room 3209
San Diego, CA 92103-8363

Tel: (619) 725-7785
Fax: (619) 725-7564



Ms. Beth Hunter
Centration, Inc.
8570 Utica Avenue, Suite 100
Rancho Cucamonga, CA 91730

Tel: (866) 481-2621
Fax: (866) 481-2682

Mr. Steve Shields
Shields Consulting Group, Inc.
1536 36th Street
Sacramento, CA 95816

Tel: (916) 454-7310
Fax: (916) 454-7312

Mr. Jim Spano
State Controller's Office (B-08)
Division of Audits
300 Capitol Mall, Suite 518
Sacramento, CA 95814

Tel: (916) 323-5849
Fax: (916) 327-0832

Ms. Carol Bingham
California Department of Education (E-08)
Fiscal Policy Division
1430 N Street, Suite 5602
Sacramento, CA 95814

Tel: (916) 324-4728
Fax: (916) 319-0116

Mr. David E. Scribner
Scribner & Smith, Inc.
2200 Sunrise Boulevard, Suite 220
Gold River, CA 95670

Tel: (916) 852-8970
Fax: (916) 852-8978

Mr. Joe Rombold
School Innovations & Advocacy
11130 Sun Center Drive, Suite 100
Rancho Cordova, CA 95670

Tel: (916) 669-5116
Fax: (888) 487-6441

Ms. Donna Ferebee
Department of Finance (A-15)
915 L Street, 11th Floor
Sacramento, CA 95814

Tel: (916) 445-3274
Fax: (916) 323-9584

Mr. David Cichella
California School Management Group
3130-C Inland Empire Blvd.
Ontario, CA 91764

Tel: (209) 834-0556
Fax: (209) 834-0087

Mr. Patrick Day
San Jose Unified School District
855 Lenzen Avenue
San Jose, CA 95126-2736

Tel: (408) 535-6572
Fax: (408) 286-4965

Ms. Jeannie Oropeza

Department of Finance (A-15)

Education Systems Unit

915 L Street, 7th Floor

Sacramento, CA 95814

Tel: (916) 445-0328

Fax: (916) 323-9530

Ms. Ginny Brummels

State Controller's Office (B-08)

Division of Accounting & Reporting

3301 C Street, Suite 500

Sacramento, CA 95816

Tel: (916) 324-0256

Fax: (916) 323-6527

Ms. Susan Geanacou

Department of Finance (A-15)

915 L Street, Suite 1190

Sacramento, CA 95814

Tel: (916) 445-3274

Fax: (916) 324-4888

Ms. Jolene Tollenaar

MGT of America

455 Capitol Mall, Suite 600

Sacramento, CA 95814

Tel: (916) 712-4490

Fax: (916) 290-0121

Mr. Keith B. Petersen

SixTen & Associates

3841 North Freeway Blvd., Suite 170

Sacramento, CA 95834

Tel: (916) 565-6104

Fax: (916) 564-6103

