



December 6, 2016

Mr. Ed Hanson
Department of Finance
915 L Street, 7th Floor
Sacramento, CA 95814

Ms. Jill Kanemasu
State Controller's Office
Accounting and Reporting
3301 C Street, Suite 700
Sacramento, CA 95816

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Draft Proposed Statewide Cost Estimate, Schedule for Comments,
and Notice of Hearing**
Immunization Records – Mumps, Rubella, and Hepatitis B, 98-TC-05 (14-MR-04)
Education Code Section 48216 et al.
As Modified by Statutes 2010, Chapter 434 (AB 354)
Department of Finance, Requester

Dear Mr. Hanson and Ms. Kanemasu:

The Draft Proposed Statewide Cost Estimate for the above-named matter is enclosed for your review.

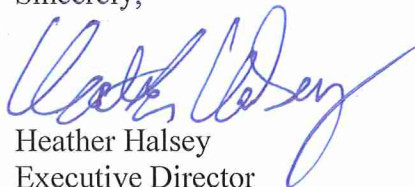
Written Comments

Written comments on this matter may be filed by **December 16, 2016**.

Hearing

This matter is set for hearing on **Friday, January 27, 2017**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. This matter is proposed for the Consent Calendar. Please let us know in advance if you oppose having this item placed on consent and wish to testify at the hearing or have a representative testify on your behalf, and if other witnesses will appear.

Sincerely,



Heather Halsey
Executive Director

ITEM ____

DRAFT PROPOSED STATEWIDE COST ESTIMATE

\$446,799¹

(Estimated Costs for 2015-2016 of \$235,542)

Education Code Section 48216 and Health and Safety Code Sections 120325, 120335, 120340, and 120375 as added or amended by Statutes 1978, Chapter 325; Statutes 1979, Chapter 435; Statutes 1982, Chapter 472; Statutes 1991, Chapter 984; Statutes 1992, Chapter 1300; Statutes 1994, Chapter 1172; Statutes 1995, Chapters 291 and 415; Statutes 1996, Chapter 1023; and Statutes 1997, Chapters 855 and 882;

California Code of Regulations, Title 17, Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075 (Register 90, No. 35; Register 80, Nos. 16, 34, 40; Register 86, No. 6; Register 96, No. 13; Register 97, Nos. 21, 37, 39)

As Modified by:

Statutes 2010, Chapter 434 (AB 354)

Immunization Records – Mumps, Rubella, and Hepatitis B

98-TC-05 (14-MR-04)

The Commission on State Mandates (Commission) adopted this Statewide Cost Estimate by a vote of [vote count will be included in the adopted Statewide Cost Estimate] during a regularly scheduled hearing on January 27, 2017 as follows:

Member	Vote
Ken Alex, Director of the Office of Planning and Research	
Richard Chivaro, Representative of the State Controller	
Mark Hariri, Representative of the State Treasurer, Vice Chairperson	
Sarah Olsen, Public Member	
Eraina Ortega, Representative of the Director of the Department of Finance, Chairperson	
Carmen Ramirez, City Council Member	
Don Saylor, County Supervisor	

¹ Total for initial claiming period of fiscal years 2013-2014 and 2014-2015.

STAFF ANALYSIS

Background and Summary of the Mandate

On August 24, 2000, the Commission adopted the Statement of Decision for the *Immunization Records: Hepatitis B*, 98-TC-05, finding that the test claim statutes and regulations imposed a new program or higher level of service on school districts within the meaning of article XIII B, section 6 of the California Constitution and costs mandated by the state pursuant to Government Code section 17514 for reimbursing activities related to pupil immunization record requirements.

On June 29, 2015, the Department of Finance filed a request for redetermination of the Test Claim Decision pursuant to Government Code section 17570. On March 25, 2016, the Commission adopted the new Test Claim Decision finding that the state's liability pursuant to article XIII B, section 6(a) of the California Constitution, for the *Immunization Records – Hepatitis B*, 98-TC-05 mandate had been modified based on a subsequent change in law. Specifically, Statutes 2010, chapter 434 amended Health and Safety Code section 120335(c) to eliminate the condition that pupils be fully immunized against hepatitis B before a school district can advance a pupil into the seventh grade.² However, as discussed below, some reimbursable activities remain.

An Amendment to Parameters and Guidelines, *Immunization Records – Mumps, Rubella, and Hepatitis B*,³ 98-TC-05 (14-MR-04), was adopted in accordance with the new Test Claim Decision on March 25, 2016. The State Controller's Office (Controller) issued new claiming instructions No. 2016-04 requiring eligible claimants that previously submitted claims for *Immunization Records: Hepatitis B*, 98-TC-05, Program 230 for fiscal years 2013-2014 and 2014-2015, to file amended claims using the new forms for *Immunization Records – Mumps, Rubella, and Hepatitis B*, 98-TC-05 (14-MR-04), Program 368. The amended claims were required to be filed with the Controller by October 26, 2016. Claims filed more than one year after the filing date will not be accepted.

Eligible Claimants and Period of Reimbursement

Any school district, as defined as defined in Government Code section 17519, except for community colleges, that incurs increased costs as a result of this mandate is eligible to claim reimbursement.

Government Code section 17570(f) provides that a request for adoption of a new test claim decision (mandate redetermination) shall be filed on or before June 30 following a fiscal year in order to establish eligibility for reimbursement or loss of reimbursement for that fiscal year. The request for mandate redetermination was filed on June 29, 2015, establishing eligibility for reimbursement or loss of reimbursement beginning July 1, 2013.

² Exhibit A, New Test Claim Decision, *Immunization Records – Hepatitis B*, 98-TC-05 (14-MR-04).

³ The title of this mandate was renamed to add mumps and rubella when the Amendment to Parameters and Guidelines were adopted. These immunizations have always been a part of the reimbursable program under *Immunization Records: Hepatitis B*, 98-TC-05.

Reimbursable Activities

The Parameters and Guidelines authorize reimbursement for the following activities beginning July 1, 2013:

A. Proof of Immunizations for New Entrants: Kindergarteners and/or Out-of-State Transfers

1. Request and review lawful exemption from, or proof of, immunization against mumps and rubella from each pupil seeking admission to school in the state for the first time. (Health & Saf. Code, §§ 120325, 120335(b), 120375 (a); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)⁴
2. Request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil entering specified institutions in the state for the first time at the kindergarten level after August 1, 1997. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)

B. Conditional Admission of Pupils and Parent Notification Requirements

1. Conditionally admit any pupil seeking admission to school in the state for the first time who has not been fully immunized for mumps, rubella, and hepatitis B by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)
2. Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070(e).)

Reimbursement is not required for these activities as they relate to the formerly required hepatitis B immunization for pupils advancing to the seventh grade. (Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434.)

C. Mandatory Pupil Exclusion and Parent Notification Requirements

1. Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216(b); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
2. Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(c).)
3. Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)

⁴ The addition of mumps and rubella to the list of diseases an entering student must be immunized against prior to first admission into a school should create no incremental workload, since in California, one vaccine is given for measles, mumps, and rubella (MMR), and measles is part of the original Parameters and Guidelines for *Immunization Records* SB 90-120.

Reimbursement is not required for these activities as they relate to the formerly required hepatitis B immunization for pupils advancing to the seventh grade. (Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434.)

D. Documentation and Reporting Requirements for Immunizations

1. For pupils seeking admission to school in the state for the first time, record each pupil's immunization for, or exemption from mumps, rubella, and hepatitis B on an immunization record and maintain the document in each pupil's permanent record. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6070.)
2. Maintain records, which have already been received, relating to the hepatitis B immunization or lawful exemption for pupils advancing into seventh grade, formerly required by Health and Safety Code section 120335(c), in each pupil's permanent file. (Health & Saf. Code, §§ 120335(c), as amended by Stats. 2010, ch. 434, and 120375(a).)
3. Document additional vaccine doses on the pupil's immunization record as they are administered.⁵ ***Reimbursement is not required for this activity as it relates to the formerly required hepatitis B immunization for pupils advancing to the seventh grade.*** (Health & Saf. Code, §§ 120325, 120375(a); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6070.)
4. Collect data and prepare reports annually on immunization status for the Department of Health Services. ***Reimbursement is not required for these activities as they relate to the formerly required hepatitis B immunization for pupils advancing to the seventh grade.*** (Health & Saf. Code, §§ 120325, 120375(c); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6075.)
5. Prepare follow-up or additional reports upon request by county health departments and the state. ***Reimbursement is not required for this activity as it relates to the formerly required hepatitis B immunization for pupils advancing to the seventh grade*** (Health & Saf. Code, §§ 120325, 120375(c); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6075.)

Claims May Be Submitted Using a Combination of a Uniform Cost Allowance Authorized in the Parameters and Guidelines and Actual Costs for Activity D.2 Only.⁶

The Parameters and Guidelines provide for claiming reimbursement for the state-mandated costs as follows:

1. **Uniform Cost Allowance for All Activities Identified under the Reimbursable Activities, Section IV. for New Entrants, *Except for the Activity Identified in Section IV D.2 [of the Amendment to Parameters and Guidelines].***

⁵ This activity is only for *documenting* additional vaccine doses on the pupil's immunization record. The test claim legislation does not mandate school districts to administer vaccines.

⁶ Note that there was a separate Uniform Cost Allowance in the prior Parameters and Guidelines for the activities relating to students advancing to seventh grade which is deleted since those activities are no longer mandated.

Actual costs for performing the activities described in Section IV for “new entrants” shall be claimed based on the uniform cost allowance adopted by the Commission pursuant to Government Code section 17557. The uniform cost allowance shall be adjusted each subsequent year by the Implicit Price Deflator referenced in Government Code section 17523.

The uniform cost allowance covers all the direct and indirect costs of performing the activities described in section IV for “New Entrants.” Direct costs are those costs incurred specifically for the reimbursable activities. Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both (1) overhead costs of the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Fiscal Year	Uniform Cost Allowance
1997-1998	2.12
1998-1999	5.87
1999-2000	6.14
2000-2001	6.38
2001-2002	6.48
2002-2003 (estimated)	6.59

The uniform cost allowance for “New Entrants” provides reimbursement for all activities in Section IV., except for the activity identified in Section IV.D.2.

Reimbursement is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of “New Entrants.” A “New Entrant” includes kindergarteners and out-of-state transfers.

2. Actual Cost Claiming Applicable to the Reimbursable Activity in Section IV.D.2 [Pursuant to the Amendment of Parameters and Guidelines]

Reimbursement to maintain records, which have already been received, relating to the hepatitis B immunization or lawful exemption for pupils advancing into seventh grade, formerly required by Health and Safety Code section 120335(c), in each pupil’s permanent file, as provided in Section IV.D.2. of these parameters and guidelines shall be claimed as follows.⁷

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by

⁷ Exhibit B, Amendment to Parameters and Guidelines, adopted March 25, 2016.

productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and attorney invoices with the claim and a description of the contract scope of services.

4. Fixed Assets

Report the purchase price paid for fixed assets (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element A.1., Salaries and Benefits, for each applicable reimbursable activity.

B. Indirect Cost Rates

Indirect costs are that are incurred for a common or joint purpose, benefiting program, and are not directly assignable to costs a particular department or program without efforts is proportionate to the results achieved. After direct costs have been determined and assigned to other activities, as appropriate, indirect costs are those remaining to be allocated to benefited cost objectives. A cost may not be allocated as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been claimed as a direct cost.

Indirect costs may include: (a) the indirect costs originating in each department or agency of the governmental unit carrying out state mandated programs; and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

Claimants must use the CDE approved indirect cost rate for the year that funds are expended.

Offsetting Revenues and Reimbursements

The Amendment to Parameters and Guidelines⁸ provides:

Any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, service fees collected, federal funds and other state funds shall be identified and deducted from this claim.

To the extent that the claimant has used fees or any funds provided by the state or federal government, as opposed to proceeds of local taxes, to pay for the cost of the program, those costs are not reimbursable.

Statewide Cost Estimate

Staff reviewed unaudited reimbursement claims submitted by 73 school districts and data compiled by the Controller totaling \$446,799 for July 1, 2013 through June 30, 2015.⁹ Based on the claims data, staff made the following assumptions and used the following methodology to develop the Statewide Cost Estimate for this program.

The annual statewide cost of this program has decreased due to a subsequent change in law that modified the state's liability.

After the adoption of the New Test Claim Decision and the filing of amended claims for 2013-2014 and 2014-2015, the program's annual statewide cost decreased by 12.2 and 26.2 percent, respectively, for fiscal years 2013-2014 and 2014-2015, due to a subsequent change in law that eliminated the condition that pupils be fully immunized against hepatitis B before a school district can advance a pupil into the seventh grade, thus modifying the state's liability. The total statewide cost for the two-year initial claiming period is \$446,799, a decrease of \$107,976 from the claims submitted for Program 230 prior to the mandate redetermination.¹⁰

Fiscal Year	Program 230 Costs Claimed¹¹	Program 368 Costs Claimed	Difference in Program Costs Claimed
2013-2014	277,246	243,333	(33,913)
2014-2015	277,529	203,466	(74,063)
Total	554,775	446,799	(107,976)

Assumptions

- *The total cost of this program may be higher or lower than this Statewide Cost Estimate.*

There are currently 1050 school districts in California. Of those, only 73 school districts filed reimbursement claims, totaling \$446,799 for the initial reimbursement period since

⁸ Exhibit B, Amendment to Parameters and Guidelines, adopted March 25, 2016.

⁹ Claims data reported as of November 18, 2016.

¹⁰ The difference in program costs is based on claiming data totaling \$446,799 and the net balance of the Controller's State-Mandated Program Cost Report (AB 3000) totaling \$554,775.

¹¹ Exhibit D, State Controller's State-Mandated Program Cost Report (AB 3000), as of September 30, 2016, pages 24 and 26.

the mandate redetermination. If other eligible claimants file late or amended claims, the amount of reimbursement claims may exceed this Statewide Cost Estimate. Late initial claims may be filed until one year after the filing deadline.

There also may be several reasons that non-claiming districts did not file reimbursement claims, including but not limited to: (1) they did not incur costs of more than \$1,000, or (2) they participated in the Mandate Block Grant. The Mandate Block Grant funding has been authorized for Immunization Records – Hepatitis B, Program 230, pursuant to Statutes 2014, chapter 32.¹²

- *The future annual costs are dependent upon the number of new entrants and out-of-state transfers, and the uniform cost allowance.*

Assuming for fiscal year 2015-2016 that the total number of new entrants and out-of-state transfers total 24,161, based on the average numbers of new entrants and out-of-state transfers reported for 2013-2014 and 2014-2015, and the uniform cost allowance is \$9.41, the Statewide Cost Estimate would be \$227,355 for 2015-2016, not inclusive of the actual costs of activity in Section IV.D.2 of the Amendment of Parameters and Guidelines. Thus, the future annual costs will increase or decrease proportionately based on the growth or reduction in the number of “new entrants” and “out-of-state transfers,” and uniform cost allowance, adjusted by the implicit price deflator, to claim costs of the approved reimbursable activities.

- *The total amount of reimbursement for this program may be lower than this Statewide Cost Estimate based on audit exceptions.*

The Controller may conduct audits and reduce any claim it deems to be excessive or unreasonable. Therefore, costs may be lower than the Statewide Cost Estimate based on the Controller’s audit findings.

Methodology

The Statewide Cost Estimate for the period July 1, 2013 through June 30, 2015 is based on 73 unaudited reimbursement claims, totaling \$446,799.

Fiscal Year	Number of Claims	Total Costs of Claims¹³
2013-2014	42	243,333
2014-2015	31	203,466
Total	73	446,799

The Statewide Cost Estimate for fiscal year 2015-2016 is approximately \$235,542. This projection was developed by averaging the number of new entrants and out-of-state transfers based on fiscal years 2013-2014 and 2014-2015 claims (24,161) and increasing the “new entrant” average by 3.6 percent for 2014-2015, which is the statewide average increase in

¹² A school district or county office of education that receives block grant funding is not eligible to submit claims to the Controller for reimbursement pursuant to Government Code section 17560 for any costs of any state mandates included in the statutes and executive orders identified in Government Code section 17581.6(e).

¹³ Claims data report as of November 18, 2016.

kindergarten enrollment reported by California Department of Education.¹⁴ 24,161 plus 870 equals 25,031 “new entrants/transfers.” By then multiplying that number by the estimated uniform cost allowance (\$9.41) for 2015-2016, and adding an average (\$532) in actual costs for activity D.2, the total estimate is \$235,542. If the number of entrants and out-of-state transfers and the actual costs remain constant, the future costs of the program will be based on the uniform cost allowance plus the implicit price deflator in subsequent fiscal years. Likewise, if the number of entrants and out-of-state transfers increases or decreases in future years, the annual state-wide cost will increase or decrease accordingly.

Fiscal Year	Uniform Cost Allowance	New Entrants and Out-of-State Transfers¹⁵	Actual Costs Claimed for Activity D.2¹⁶
2013-2014	\$9.17	26,472	\$585
2014-2015	\$9.29	21,850 ¹⁷	\$479
2015-2016 (estimated)	\$9.41	24,161 (average)	\$532 (average)

Fiscal Year	Kindergarten Statewide Enrollment	Percentage Increase
2013-2014	506, 831	NA
2014-2015	511,985	1.02%
2015-2016	530,531	3.6%

Staff Recommendation

Staff recommends the Commission adopt the Proposed Statewide Cost Estimate of \$446,799 for costs incurred in complying with the *Immunization Records – Mumps, Rubella, and Hepatitis B* program for fiscal years 2013-2014 and 2014-2015 and an estimated cost of \$235,542 for fiscal year 2015-2016.

¹⁴ Exhibit D, California Department of Education, Enrollment by Grade for 2014-15, Statewide Enrollment by Grade, and California Department of Education, Enrollment by Grade for 2015-16, Statewide Enrollment by Grade. Note that this number does not include out-of-state transfer students, since no data could be found to project that number.

¹⁵ Program 368 reimbursement claims received as of November 29, 2016.

¹⁶ Program 368 reimbursement claims received as of November 29, 2016.

¹⁷ Although this represents a slight increase in enrollment, costs for 2014-2015 went down because nine fewer school districts submitted claims presumably because of participation in the block grant.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On December 6, 2016, I served the:

**Draft Proposed Statewide Cost Estimate, Schedule for Comments,
and Notice of Hearing**

Immunization Records – Mumps, Rubella, and Hepatitis B, 98-TC-05 (14-MR-04)

Education Code Section 48216 et al.

As Modified by Statutes 2010, Chapter 434 (AB 354)

Department of Finance, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 6, 2016 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
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(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 9/14/16

Claim Number: 98-TC-05 (14-MR-04)

Matter: Immunization Records - Mumps, Rubella, and Hepatitis B

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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, § 1181.3.)

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