BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAM ON:	**Case No.: 97-TC-21**
Education Code Sections 35256.1 and 41409.3, added by Statutes 1989, Chapter 1463; Education Code Section 41409, as amended by Statutes 1992, Chapter 759; Education Code Section 33126, as amended by Statutes 1993, Chapter 1031, Statutes 1994, Chapter 824. and Statutes 1997, Chapter 912; and Education Code Section 35258, as added by Statutes 1997, Chapter 918. Filed on December 31, 1997; By Bakersfield City School District and Sweetwater Union High School District, Co-Claimants.	*School Accountability Report Cards* **ADMINISTRATIVE RECORD**

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Administrative Record

I HEREBY CERTIFY that each of the following documents is a true and correct copy of the corresponding documents contained in the administrative record of the Commission on State Mandates for the *School Accountability Report Cards* Test Claim.

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I further certify that the above-listed documents constitute the record of the original administrative proceedings before the Commission on State Mandates on the *School Accountability Report Cards* test claim.

Dated: December 24, 2004

Paula Higashi, Executive Director

Assembly Bill No. *2855*

CHAPTER 895

An act to amend Sections 32282, 33540, 35295, 35296, 42140, 48900.1, and48910 of, and to repeal Sections 38132,48211,48214, and 51230 of, the Education Code, to amend Sections 6550 and 6552 of the Family Code, to amend Section 17556 of the Government Code, and to amend Sections 124100 and 124105 of the Health and Safety Code, relating to education.

[Approved by Governor September 29,2004. Filed with Secretary of State September 29, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2855, Laird. Education: policies.

(1) Existing law makes each school district and county office of education responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive. Existing law requires a school safety plan to include specified contents, including disaster procedures.

Other existing law requires the governing board of each school district and the county superintendent of schools of each county to establish an earthquake emergency procedure system, as specified, in every public school building under its jurisdiction having an occupant capacity of 50 or more pupils or more than one classroom. Existing law also requires the governing board of a school district to grant the use of school buildings, grounds, and equipment to public agencies for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.

This bill would require a school district or county office of education to include the earthquake emergency procedure system and the disaster policy in its comprehensive school safety plan, as specified.

(2) Under existing law, if a school district or county office of education provides health and welfare benefits for employees upon their retirement and those benefits will continue after the employees reach 65 years of age, the superintendent of the school district or county superintendent of schools, as applicable, is required annually to provide information to the governing board of the school district or the county board of education regarding the estimated accrued but unfunded costs of those benefits, as specified.

This bill would make those requirements inoperative on January 1, 2005.

(3) Existing law authorizes the governing board of a school district to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases. Existing law requires the governing board to adopt rules and regulations governing periodic reviews of its decisions to exclude children from school.

This bill would repeal both of those requirements.

(4) Existing law requires the governing board of each school district to adopt a policy authorizing teachers to permit the parent or guardian of a pupil who has been suspended by the teacher to attend a portion of a schoolday in the classroom of that pupil.

This bill, instead, would authorize the governing board to adopt that policy.

(5) Existing law requires a school counselor or school psychologist to attend a parent-teacher conference regarding the suspension of a pupil.

This bill, instead, would authorize a school counselor or school psychologist to attend that conference.

(6) Existing law requires all pupils, as part of the course in American government and civics required for high school graduation, to read and be taught specified documents, including, among others, the Declaration of Independence, the United States Constitution, and the Gettysburg Address.

This bill would repeal that requirement and, instead, would require the Curriculum Development and Supplemental Materials Commission, when the history-social science framework is revised, to ensure that those documents are incorporated in the framework, as appropriate. The bill would also require the State Board of Education and the Superintendent of Public Instruction, if any portion of the California Standards Tests is revised, to ensure that an appropriate number of questions on the tests relate to those documents.

(7) Existing law deems a pupil to have complied with the residency requirements for school attendance in a school district if the pupil meets specified requirements, including, among others, that the pupil lives in the home of a caregiving adult that is located within the boundaries of that school district. Existing law contains a caregiver's authorization affidavit which, when completed and signed by a caregiver 18 years of age or older, authorizes the caregiver to enroll the minor in school and consent to school-related medical care on behalf of the minor. Under existing law, the affidavit is not valid for more than one year after the date on which it is executed.

This bill would eliminate the one-year expiration date for the affidavit and would provide that the affidavit is invalid once the school, health care provider, or health care service plan receives notice that the minor is no longer living with the caregiver.

(8) The California Constitution requires the state to reimburse local agencies and school districts for costs mandated by the state and incurred by a local agency or school district to implement a new program or higher level of service. Existing law excepts from this requirement certain claims including, among others, a claim based on a statute or executive order that implemented a federal law or regulation, as provided, a claim based on a statute or executive order that imposed duties included in a ballot measure approved in a statewide election, and a claim for which a statute or executive order provides for offsetting savings to local agencies or school districts, as provided.

This bill would recast the federal law exception and would specify that the exception applies regardless of whether the federal law or regulation was enacted or adopted prior to or after the date on which the state statute or executive order was enacted or issued. The bill would revise the ballot measure exception to include duties imposed in a ballot measure approved in a local election. The bill would expand the offsetting savings exception to include a claim for which an appropriation in a Budget Act or other bill provides for the offsetting savings.

(9) Existing law requires every school district or private school that has children enrolled in the 1st grade to report by January 15 of each year to the county child health and disability prevention program, the State Department of Health Services, and the Department of Education on the total number of children enrolled in the 1st grade, the number of children who have had a health screening examination, and the number of children whose parents or guardian have given a written waiver of the examination. Existing law requires the Department of Health Services to compile the district information and report annually to the Legislature the percentage levels of compliance with the health screening and waiver requirements.

This bill would eliminate all of those reporting requirements.

(10) Existing law provides that no pupil shall receive a diploma of graduation from high school who, while in grades 9 to 12, inclusive, has not completed specified courses, including 2 courses in science. Prior law required a pupil to complete only one course in science to receive a diploma.

This bill would provide that for purposes of calculating the amount of the state reimbursement for the state-mandated local program imposed by increasing the science course requirement from one science course to 2 science courses, if the school district or county office claims reimbursement for a new science facility, the reimbursement shall be reduced by the amount of state bond funds, if any, received by the school district or county office to construct the new science facility,

(11) Existing law requires the governing board of a school district maintaining an elementary or secondary school to develop and cause to be implemented for each school in the school district a school accountability report card that includes specified information regarding the academic achievement of the school. Other existing law establishes the Standardized Testing and Reporting (STAR) Program which requires each school district, charter school, and county office of education to administer to each of its pupils in grades 2 to 11, inclusive, an achievement test and a standards-based achievement test, as specified.

This bill would require the Commission on State Mandates, on or before December 31, 2005, to reconsider certain decisions it issued relating to state reimbursement for the school accountability report card and the STAR Program, and to reconsider its parameters and guidelines for calculating the state reimbursement, in light of federal statutes enacted and state court decisions rendered since those mandates were enacted.

The people of the State of California do enact as follows:

SECTION 1. Section 32282 of the Education Code is amended to read:

32282. (a) The comprehensive school safety plan shall include, but not be limited to, both of the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following:

(A) Child abuse reporting procedures consistent with Article 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the Penal Code.

(B) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.). The disaster procedures shall also include, but not be limited to, both of the following:

(i) Establishing an earthquake emergency procedure system in every public school building having an occupant capacity of 50 or more pupils or more than one classroom. **A** district or county office may work with the Office of Emergency Services and the Seismic Safety Commission to develop and establish the earthqualce emergency procedure system. The system shall include, but not be limited to, all of the following:

(I) A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff.

(II) A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. A drop procedure practice shall be held at least once each school quarter in elementary schools and at least once a semester in secondary schools.

(111) Protective measures to be taken before, during, and following an earthquake.

(IV) A program to ensure that pupils and both the certificated and classified staff are aware of, and properly trained in, the earthquake emergency procedure system.

(ii) Establishing a procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The district or county office shall cooperate with the public agency in furnishing and maintaining the services as the district or county office may deem necessary to meet the needs of the community.

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who connnitted an act listed in subdivision (c) of Section 48915 and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27.

(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

(E) A discrimination and harassment policy consistent with the prohibition against discrimination contained in Chapter 2 (commencing with Section 200) of Part 1.

(F) The provisions of any schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel," if the school has adopted that type of a dress code. For those purposes, the comprehensive school safety plan shall define "gang-related apparel." The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. Any schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For the purposes of this paragraph, "gang-related apparel" shall not be considered a protected form of speech pursuant to Section 48950.

(G) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.

(H) A safe and orderly environment conducive to learning at the school.

(I) The rules and procedures on school discipline adopted pursuant to Sections 35291 and 35291.5.

(J) Hate crime reporting procedures pursuant to Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code.

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the partnership, pursuant to this chapter. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.

(c) Grants to assist schools in implementing their comprehensive scliool safety plan shall be made available through the partnership as authorized by Section 32285.

(d) Each schoolsite council or school safety planning committee in developing and updating a comprehensive school safety plan shall, where practical, consult, cooperate, and coordinate with other schoolsite councils or school safety planning committees.

(e) The comprehensive school safety plan may be evaluated and amended, as needed, by the school safety planning committee, but shall be evaluated at least once a year, to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.

(f) The comprehensive school safety plan, as written and updated by the schoolsite council or school safety planning committee, shall be submitted for approval under subdivision (a) of Section 32288.

SEC. 2. Section 33540 of the Education Code is amended to read:

33540. (a) The State Board of Education and the department shall request that the commission review and revise, as necessary, the course requirements in the history-social science Framework to ensure that minimum standards for courses in American government and civics include sufficient attention to teaching pupils how to interact, in a practical manner, with state and local governmental agencies and representatives to solve problems and to petition for changes in laws and procedures.

(b) When the history-social science framework is revised as required by law, the commission shall ensure that the following historical documents are incorporated into the framework, as appropriate:

(1) The Declaration of Independence.

(2) The United States Constitution, including the Bill of Rights.

(3) The Federalist Papers.
(4) The Emancipation Proclamation.
(5) The Gettysburg Address.
(6) George Washington's Farewell Address.

(c) If any portion of the California Standards Tests related to instruction in American government and civics is revised, the State Board of Education and the Superintendent of Public Instruction shall ensure that an appropriate number of questions on the tests relate to tlie historical documents listed in subdivision (b).

SEC. 3. Section 35295 of the Education Code is amended to read:

35295. The Legislature finds and declares the following:

(a) Because of the generally acluiowledged fact that California will experience moderate to severe earthquakes in tlie foreseeable future, increased efforts to reduce earthquake hazards should be encouraged and supported.

(b) In order to minimize loss of life and disruption, it is necessary for all private elementary schools and high schools to develop school disaster plans and specifically an earthquake emergency procedure system so that pupils and staff will act instinctively and correctly when an earthquake disaster strikes.

(c) It is therefore tlie intent of the Legislature in enacting this article to authorize the establishment of earthqualce emergency procedure systems in kindergarten and grades 1 through 12 in all private schools in California.

SEC. 4. Section 35296 of the Education Code is amended to read:

35296. The governing board of each private school shall establish an earthquake emergency procedure system in every private school building under its jurisdiction having an occupant capacity of 50 or more pupils or more than one classroom. A governing board may work with the Office of Emergency Services and the Seismic Safety Commission to develop and establish the earthquake emergency procedure systems.

SEC. 5. Section 38132 of tlie Education Code is repealed.

SEC. 6. Section 42140 of the Education Code is amended to read:

42140. (a) If a school district or county office of education, either individually or as a member of a joint powers agency, provides health and welfare benefits for employees upon their retirement, and those benefits will continue after the employees reach 65 years of age, the superintendent of the scliool district or county superintendent of schools, as appropriate, annually shall provide information to the governing board of the school district or the county board of education, as appropriate, regarding the estimated accrued but unfunded cost of tliose benefits. The estimate of cost shall be based upon an actuarial report that incorporates annual fiscal information and is obtained by the

superintendent at least every three years. The actuarial report shall be performed by an actuary who is a member of the American Academy of Actuaries. If the school district or county office of education regularly contracts for an actuarial report for other fiscal matters, a separate actuarial report is not required, if the estimate of costs required by this subdivision is separately and clearly set forth in that report.

(b) The cost information required by subdivision (a) and a copy of the actuarial report on which the estimated costs are based shall be presented by the superintendent at a public meeting of the governing board. At that meeting, the governing board shall disclose, as a separate agenda item, whether or not it will reserve a sufficient amount of money in its budget to fund the present value of the health and welfare benefits of existing retirees or the future cost of employees who are eligible for benefits in the current fiscal year, or both.

(c) The governing board annually shall certify to the county superintendent of schools the amount of money, if any, that it has decided to reserve in its budget for the cost of those benefits, and shall submit to the county superintendent of schools any budget revisions that may be necessary to account for that budget reserve.

(d) The county board of education annually shall certify to the Superintendent of Public Instruction the amount of money, if any, that has been reserved in the budget of the county office of education for the cost of those benefits.

(e) This section is inoperative on January 1,2005.

SEC. 7. Section 48211 of the Education Code is repealed.

SEC. 8. Section 48214 of the Education Code is repealed.

SEC. 9. Section 48900.1 of the Education Code is mended to read

48900.1. (a) The governing board of each school district may adopt a policy authorizing teachers to require the parent or guardian of a pupil who has been suspended by a teacher pursuant to Section 48910 for reasons specified in subdivision (i) or (lc) of Section 48900, to attend a portion of a schoolday in the classroom of his or her child or ward. The policy shall take into account reasonable factors that may prevent compliance with a notice to attend. The attendance of the parent or guardian shall be limited to the class from which the pupil was suspended.

(b) The policy shall be adopted pursuant to tlie procedures set forth in Sections 35291 and 35291.5. Parents and guardians shall be notified of this policy prior to its implementation. A teacher shall apply any policy adopted pursuant to this section uniformly to all pupils within the classroom.

The adopted policy shall include the procedures that the district will follow to accomplish the following:

(1) Ensure that parents or guardians who attend school for the purposes of this section meet with the school administrator or his or her designee after completing the classroom visitation and before leaving the schoolsite.

(2) Contact parents or guardians who do not respond to the request to attend school pursuant to this section.

(c) If a teacher imposes the procedure pursuant to subdivision (a), the principal shall send a written notice to the parent or guardian stating that attendance by the parent or guardian is pursuant to law. This section shall apply only to a parent or guardian who is actually living with the pupil.

(d) A parent or guardian who has received a written notice pursuant to subdivision (c) shall attend class as specified in the written notice. The notice may specify that the attendance of the parent or guardian be on the day the pupil is scheduled to return to class, or within a reasonable period of time thereafter, as established by the policy of the board adopted pursuant to subdivision (a).

SEC. 10. Section 48910 of the Education Code is amended to read

48910. (a) A teacher may suspend any pupil from class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the designee of the principal for appropriate action. If that action requires the continued presence of the pupil at the schoolsite, the pupil shall be under appropriate supervision, as defined in policies and related regulations adopted by the governing board of the school district. **As** soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. If practicable, a school counselor or a school psychologist may attend the conference. **A** school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.

(b) A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.

(c) A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the designee of the principal for consideration of a suspension from the school.

SEC. 11. Section 51230 of the Education Code is repealed.

SEC. 12. Section 6550 of the Family Code is amended to read:

655). (a) A caregiver's authorization affidavit that meets the requirements of this part authorizes a caregiver 18 years of age or older who completes items 1 to 4, inclusive, of the affidavit provided in Section 6552 and signs the affidavit to enroll a minor in school and consent tc school-related medical care on behalf of the minor. A caregiver who is a relative and who completes items 1 to 8, inclusive, of the affidavit provided in Section 6552 and signs the affidavit shall have the same rights to authorize medical care and dental care for the minor that are given to guardians under Section 2353 of the Probate Code. The medical care authorized by this caregiver who is a relative may include mental healthtreatment subject to the limitations of Section 2356 of the Probate Code.

(b) The decision of a caregiver to consent to or to refuse medical or dental care for a minor shall be supersededby any contravening decision of the parent or other person having legal custody of the minor, provided the decision of the parent or other person having legal custody of the minor does not jeopardize the life, health, or safety of the minor.

(c) A person who acts in good faith reliance on a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal liability or to civil liability to any person, and is not subject to professional disciplinary action, for that reliance if the applicable portions of the affidavit are completed. This subdivision applies even if medical or dental care is provided to a minor in contravention of the wishes of the parent or other person having legal custody of the minor as long as the person providing the medical or dental care has no actual knowledge of the wishes of the parent or other person having legal custody of the minor.

(d) A person who relies on the affidavit has no obligation to make any further inquiry or investigation.

(e) Nothing in this section relieves any individual from liability for violations of other provisions of law.

(f) If the minor stops living with the caregiver, the caregiver shall notify any school, health care provider, or health care service plan that has been given the affidavit. The affidavit is invalid after the school, health care provider, or health care service plan receives notice that the minor is no longer living with the caregiver.

(g) **A** caregiver's authorization affidavit shall be invalid, unless it substantially contains, in not less than 10-point boldface type or a reasonable equivalent thereof, the warning statement beginning with the word "warning" specified in Section 6552. The warning statement shall be enclosed in a box with 3-point rule lines.

(h) For purposes of this part, the following terms have the following meanings:

(1) "Person" includes an individual, corporation, partnership, association, the state, or any city, county, city and county, or other public entity or governmental subdivision or agency, or any other legal entity.

(2) "Relative" means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

(3) "School-related medical care" means medical care that is required by state or local governmental authority as a condition for school enrollment, including immunizations, physical examinations, and medical examinations conducted in schools for pupils.

SEC. 13. Section **6552** of the Family Code is amended to read:

6552. The caregiver's authorization affidavit shall be in substantially the following form:

Caregiver's Authorization Affidavit

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items **5–8** is additionally required to authorize any other medical care. Print clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: _____

2. Minor's birth date: _____

3. My name (adult giving authorization): _____

4. My horne address: _____

_____

_____

5. ☐ I am a grandparent, aunt, uncle, or other qualified relative of the minor (see back of this fonn for a definition of "qualified relative").

6. Check one or both (for example, if one parent was advised and the otlier cannot be located):

☐ I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

☐ I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: _____

8. My California driver's license or identification card number: _____

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Dated: _____ Signed: _____

Notices:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.

2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.

Additional Information:

TO CAREGIVERS:

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.

3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit. The affidavit is invalid after the school, health care provider, or health care service plan receives notice that the minor no longer lives with you.

4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

TO SCHOOL OFFICIALS:

1. Section **48204** of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.

2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item **4.**

TO HEALTH CARE PROVIDERS **AND** HEALTH CARE SERVICE PLANS:

1. **A** person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal liability or to civil liability to any person, and is not subject to professional disciplinary action, for that reliance if the applicable portions of the form are completed.

2. This affidavit does not confer dependency for health care coverage purposes.

SEC. 14. Section 17556 of the Government Code is amended to read:

17556. The commission shall not find costs mandated by the state, as defined in Section 17514, in any claim submitted by a local agency or school district, if, after a hearing, the commission finds that:

(a) The claim is submitted by a local agency or school district that requested legislative authority for that local agency or school district to implement the program specified in the statute, and that statute imposes costs upon that local agency or school district requesting the legislative authority. A resolution from the goveining body or a letter from a delegated representative of the governing body of a local agency or school district that requests authorization for that local agency or school district to implement a given program shall constitute a request within the meaning of this paragraph.

(b) The statute or executive order affirmed for the state a mandate that had been declared existing law or regulation by action of the courts.

(c) The statute or executive order imposes a requirement that is mandated by a federal law or regulation and results in costs mandated by the federal government, unless the statute or executive order mandates costs that exceed the mandate in that federal law or regulation. This subdivision applies regardless of whether the federal law or regulation was enacted or adopted prior to or after the date on which the state statute or executive order was enacted or issued.

(d) The local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service.

(e) The statute, executive order, or an appropriation in a Budget Act or other bill provides for offsetting savings to local agencies or school districts that result in no net costs to the local agencies or school districts, or includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate.

(f) The statute or executive order imposed duties that were expressly included in a ballot measure approved by the voters in a statewide or local election.

(g) The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.

SEC. 15. Section 124100 of the Health and Safety Code is amended to read:

124100. (a) In cooperation with the county child health and disability prevention program, the governing body of every school

district or private scliool that has children enrolled in kindergarten shall provide information to the parents or guardians of all children enrolled in kindergarten of this article and Section 120475.

(b) Each comity child health and disability prevention program shall reimburse school districts for information provided pursuant to this section. The Superintendent of Public Instruction may withhold state average daily attendance funds to any school district for any child for whom a certification or parental waiver is not obtained as required by Section 124085.

SEC. 16. Section 124105 of the Health and Safety Code is amended to read

124105. (a) This section shall be lcnown and may be cited as the "Hughes Children's Health Enforcement Act."

(b) The Legislature recognizes the importance of health to learning and to a successful academic career. The Legislature also recognizes the important role of scliools in ensuring the health of pupils through health education and the maintenance of minimal health standards among the pupil population. Therefore, it is the intent of the Legislature that schools ensure that pupils receive a health screening before the end of the first grade.

(c) The governing board of each school district shall exclude from school, for not more than five days, any first grade pupil who has not provided either a certificate or a waiver, as specified in Section 124085, on or before the 90th day after the pupil's entrance into the first grade. The exclusion shall commence with the 91st calendar day after the pupil's entrance into the first grade, unless school is not in session that day, then the exclusion shall commence on the next succeeding schoolday. A child shall not be excluded under this section if the pupil's parent or guardian provides to the district either a certificate or a waiver as specified in Section 124085.

(d) The governing board of a school district may exempt any pupil from the exclusion described in subdivision (c) if, at least twice between the first day and the 90th day after the pupil's entrance into the first grade, tlie district has contacted the pupil's parent or guardian and the parent or guardian refuses to provide either a certificate or a waiver as specified in Section 124085. The number of exemptions from exclusion granted by a school district pursuant to this subdivision may not exceed 5 percent of a school district's first grade enrollment. It is the intent of the Legislature that exemptions from exclusion be used in extraordinary circumstances, including, but not limited to, family situations of great dysfunction or disruption, including substance abuse by parents or guardians, child abuse, or child neglect.

(e) It is the intent of the Legislature that, upon a pupil's enrollment in kindergarten or first grade, the governing board of the school district notify the pupil's parent or guardian of the obligation to comply with Section 124085 and of the availability for low-income children of free health screening for up to 18 months prior to entry into first grade through the Child Health Disabilities Prevention Program.

(f) It is the intent of the Legislature that school districts provide information to parents regarding the requirements of Section 124085 within the notification of immunization requirements. Moreover, the Legislature intends that the information sent to parents encourage parents to obtain health screenings simultaneously with immunizations.

SEC. 17. Notwitlistanding any other law, for purposes of calculating the amount of the state reimbursement pursuant to Section 6 of Article XIII B of the California Constitution for the state-mandated local program imposed by increasing the science course requirement for graduation from one science course to two science courses (Sec. 94, Ch. 498, Stats. 1983), if the school district or county office submits a valid reimbursement claim for a new science facility, the reimbursement shall be reduced by the amount of state bond funds, if any, received by the school district or county office to construct the new science facility.

SEC. 18. Notwitlistanding any other law, the Commission on State Mandates shall, on or before December 31,2005, reconsider its decision in 97-TC-21, relating to the School Accountability Report Card mandate, and its parameters and guidelines for calculating the state reimbursement for that mandate pursuant to Section 6 of Article XIII B of the California Constitution for each of the following statutes in light of federal statutes enacted and state court decisions rendered since these statutes were enacted:

(a) Chapter 1463 of the Statutes of 1989.
(b) Chapter 759 of the Statutes of 1992.
(c) Chapter 1031 of the Statutes of 1993.
(d) Chapter 824 of the Statutes of 1994.
(e) Chapter 918 of the Statutes of 1997.

SEC. 19. Notwitlistanding any other law, the Commission on State Mandates shall, on or before December 31,2005, reconsider its decision in 97-TC-23, relating to the Standardized Testing and Reporting (STAR) Program mandate, and its parameters and guidelines for calculating the state reimbursement for that mandate pursuant to Section 6 of Article XIII B of the California Constitution for each of the following statutes in light of federal statutes enacted and state court decisions rendered since these statutes were enacted

(a) Chapter 975 of the Statutes of 1995.
(b) Chapter 828 of the Statutes of 1997.

(c) Chapter 722 of the Statutes of 2001.
(d) Chapter 576 of the Statutes of 2000.

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NOTICE AND AGENDA

COMMISSION ON STATE MANDATES

Public Hearing
State Capitol, Room 437
Sacramento, California

April 23, 1998

9:00 a.m. - Closed Executive Session
9:30 a.m. - Public Session

I. CALL TO ORDER AND ROLL CALL

II. CLOSED EXECUTIVE SESSION

A. LITIGATION

Under Government Code section 11126, subdivision (e)(1), the Commission on State Mandates provides public notice that some or all of the pending litigation which follows will be considered and acted upon, as necessary and appropriate, in closed session:

Statement of Decision Regarding the Determination of Plaintiffs/Petitioners' Entitlement to Attorney Fees, in the matter of *Stephen Pincus et al.* v. *California Commission on State Mandates, Alameda County and Board of Supervisors of the County et al.*, San Francisco County Superior Court No, 972504, Re: Alameda County's First SB 1033 Application.

Billy Goff et al. v. *Commission on State Mandates, County of Sacramento et al.*, Sacramento County Superior Court No. 95CS01215 (re First Sacramento County SB 1033 Application), Decision of the Court of Appeal, Third Appellate District, November 25, 1997, C022434.

Ruberto Green et al v. *Commission on State Mandates, Sacramento County, Board of Supervisors of the County of Sacramento*, Sacramento County Superior Court No. 96CS02068 (re Sacramento County's Second SB 1033 Application),

Cythnia Bradford et al v. *Commission on State Mandates, Sacramento County Board of Supervisors of the County of Sacramento*, Sacramento County Superior Court No. 96CS02069 (re Sacramento County's Second SB 1033 Application).

III. PROPOSED CONSENT CALENDAR (Items 1, 2, and 3 below)

A. APPROVAL OF MINUTES (action)

Item 1 Hearing of February 26, 1998
Hearing of March 26, 1998

B. FINDING OF DISPUTED,TEST CLAIM (action)

Item 2 *Michelle Montoya School Safety Act* - 97-TC-16
Lake Tahoe Unified School District and Irvine Unified School District, Co-Claimants
Chapter 588, Statutes of 1997, Sections 2, 3, and 4
Chapter 589, Statutes of 1997, Sections 1, 2, 3, and 4

C. ADOPTION OF PROPOSED STATEMENT OF DECISION, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, Article 7 (action)

Item 3 Test Claim: *Domestic Violence Treatment Services –Authorization and Case Management* - CSM - 96-281-01
County of Los Angeles, Claimant
Penal Code Section 273.5, Subdivisions (e), (f), (g), (h) and (i)
Penal Code Sections 1000.93, 1000.94 and 1000.95
Penal Code Section 1203.097
Chapter 183, Statutes of 1992; Chapter 184, Statutes of 1992
Chapter 28X, Statutes of 1994; and Chapter 641, Statutes of 1995

IV. EXECUTIVE DIRECTOR'S REPORT AND NEXT AGENDA (information only)

Item 4 Legislation
Budget
Workload

V. HEARINGS AND DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8

A. PROPOSED AMENDMENT OF PARAMETERS AND GUIDELINES (action)

Item 5 *Pupil Health and Behavioral Exclusions* - CSM-4457
San Diego Unified School District, Requester
Education Code Sections 48213 and 48214
Chapter 668, Statutes of 1978

B. REQUESTS FOR REVIEW OF CLAIMING INSTRUCTIONS'(action)

Item 6 *Pupil Suspension: Parent Classroom Visits* - (CSM-4474)
CSM-97-CI-01
San Diego Unified School District, Requester
Education Code Section 48900.1
Chapter 1284, Statutes of 1988

Item 7 *Juvenile Court Notices II* (CSM-4475)
CSM-97-CI-02
San Diego Unified School District, Requester
'Education Code Section
Chapter 71, Statutes of 1995

VII. HEARINGS AND DECISIONS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7

A. UNDISPUTED TEST CLAIM: STAFF ANALYSIS AND PROPOSED STATEMENT OF DECISION (action)

Item 8 *School Accountability Report Cards* - 97-TC-21
Sweetwater Union High School District and
Bakersfield City School District, Co-Claimants
Chapter 918, Statutes of 1997 et al.

B. DISPUTED TEST CLAIMS (action)

Item 9 *Caregiver's Affidavits* - CSM-4497
Tustin Unified School District, Claimant
Education Code Section 48204(d)
Family Code Section 6550
Family Code Section 6552
Chapter 98, Statutes of 1994

Item 10 *Physical Performance Tests* - 96-365-01 (tentative)
San Diego Unified School District, Claimant
Education Code Section 60800
Chapter 975, Statutes of 1995
California Department of Education
Memorandum dated February 16, 1996

****RECESS****

Item 11 Special Education: Consolidated Test Claim of Riverside County Superintendent of Schools, et al., (CSM-3986) *Pre-School Transportation Programs for Ages 3, 4, and 5, Not Requiring Intensive Services (Not-RIS)*
North Region SELPA, Supplemental Claimant
Education Code Sections 56441.12 and 56448
Chapter 311, Statutes of 1987
Chapter 184, Statutes of 1990
Chapter 1061, Statutes of 1992

VIII. ADJOURNMENT

Persons wishing to address the Commission on State Mandates on an item to be considered at this meeting, including any matter that is designated for public hearing, are asked to notify the Commission Office (see telephone/fax numbers below) by noon of the second working day before the scheduled meeting/hearing, stating the item they wish to address. In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

All back-up material and supporting documentation for this meeting are available for public inspection at the office of the Commission on State Mandates, 1300 I Street, Suite 950, Sacramento, California 95814; (916) 323-3562. In addition, a ,complete copy of the above described materials will be available for public inspection at the meeting,

If you are in need of any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission on State Mandates at (916) 323-3562 at least *5-7 working* days prior to the meeting. (Facsimile (916) 445-0278)

See the agenda items on the Commission's Website: www.csm.ca.gov/. Items will be uploaded approximately one week before the hearing.

Hearing Date: **April 23,** 1998
File **Number:** 97-TC-21
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ITEM # 8

Test Claim Analysis and

Proposed Statement of Decision of

Undisputed Test Claim

Education Code sections, 33126, 35256,
35256.1, 35258,41409 and 41409.3
Chapter 918, Statutes of 1997 et al.

School Accountability Report Cards

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ITEM # 8

Staff Analysis **and**

Proposed Statement **of** Decision of

Undisputed Test Claim

Education Code sections, 33126, 35256,
35256.1, 35258, 41409, and 41409.3
Chapter 1463, Statutes of 1989,
Chapter 759, Statutes of 1992,
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School Accountability Report Cards

Executive Summary **and** Staff Analysis

Introduction

California voters passed Proposition 98 on November 8, 1988, requiring school districts to prepare school accountability report cards for each school in the district. Proposition 98 added sections 33126 and 35256 to the Education Code. Both sections detail what information is to be included in the report card, when they are to be prepared, and when they are to be compared to the model report card to ensure compliance. Since the adoption of Proposition 98, the Legislature has made several amendments, adding new subjects for inclusion in the school accountability report cards.

Claimant's Position

Proposition 98 set forth thirteen elements that are to be included in a school accountability report card. The various legislative enactments equal a higher level of service because they impose provisions that exceed the voter-imposed requirements that were expressly set forth in Proposition 98. Before January 1, 1975, no statute or regulation required school districts to provide school accountability report cards.

Department of Finance's Position

The Department of Finance concludes, "the chapters cited above may have resulted in new reporting requirements for school districts thereby creating additional reimbursable state mandated costs."

Staff Analysis

Since the passage of Proposition 98, the Legislature has expanded the scope of school accountability report cards and also imposed a requirement for posting and annually updating this information on the internet, if applicable. Staff finds all of the chapters named in the test claim require higher levels of service when compared to Proposition 98's original requirements.

Conclusion

Staff finds the following to be state mandated activities and therefore, reimbursable under section 6, article XIII B of the California Constitution and Government Code section 17514. Reimbursement would include direct and indirect costs to compile, analyze, and report the specific information listed below in a school accountability report card,

Reimbursement for the inclusion of the following information begins on July 1, 1996:

- Salaries paid to schoolteachers, school site principals, and school district superintendents,
- Statewide salary averages and percentages of salaries to total *expenditures* ~~school budget~~ in the district's school accountability report card.
- "The degree to which pupils are prepared to enter the work force."
- "The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per year required by state law, separately stated for each grade level."
- "The total number of minimum days, . . . , in the school year."
- Salary information provided by the Superintendent of Public Instruction,

Reimbursement for the inclusion of the following information in a school accountability report card begins on January 1, 1998:

- Results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including pupil achievement by grade level as measured by the statewide assessment.
- The average verbal and math Scholastic Assessment Test (SAT) scores for schools with high school seniors to the extent such scores are provided to the school and the average percentage of high school seniors taking the exam for the most recent three-year period.
- The one-year dropout rate for the schoolsite over the most recent three-year period.

- The distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1-3, inclusive, participating in the Class Size Reduction Program for the most recent three-year period.
- The total number of the school's credentialed teachers, the number of teachers relying on emergency credentials, and the number of teachers working without credentials for the most recent three-year period.
- Any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period.
- The annual number of schooldays dedicated to staff development for the most recent three-year period.
- The suspension and expulsion rates for the most recent three-year period,

staff also finds that the requirement to post and annually update school accountability report cards on the Internet, if a school district is connected to the Internet, imposes a reimbursable state mandated activity on January 1, 1998.

Staff Recommendation

Staff recommends the Commission -

- approve this test claim as specified, above;
- adopt the attached Proposed Statement of Decision; and
- authorize staff to finalize the Statement of Decision by including the names of witnesses at the April 23, 1998, hearing.

Claimant

Bakersfield City School District
Sweetwater Union High School District

Chronology

12/31/97	Claimant files Test Claim with Commission (Exhibit A)
02/04/98	Department of Finance files Response to Test Claim with Commission (Exhibit B)
02/06/98	Paula Higashi, Executive Director, Letter to all interested parties requesting more time to analyze Test Claim
03/10/98	Staff letter to all interested parties requesting information regarding Internet access (Exhibit C)
03/30/98	Claimant files response to staffs March 10, 1998, letter (Exhibit D)
03/31/98	James A. Cunningham, interested party, files response to staff's March 10, 1998, letter (Exhibit E)
04/10/98	Test Claim analysis and Proposed Statement of Decision issued

Hearing Date: **April 23, 1998**
File Number: **97-TC-21**
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ITEM # **8**

SUPPLEMENTAL ANALYSIS - APRIL 16,1998

*School Accountability **Report** Cards*

The claimant raised the following two issues after receipt of the Staff Analysis:

i Claimant Sweetwater Union High School District objects to staff's finding and recommendation that reimbursement for Chapters 912 and 918, Statutes of 1997, begins on January 1, 1998.[1]

According to claimant, school district staff initiated activities to implement the test claim statutes prior to January 1, 1998, and these activities should be reimbursable.

Staff notes that the operative date of the 1997 test claim statutes is January 1, 1998.

Government Code section 17565 states "If a local agency or a school district, at its option has been incurring costs which are subsequently mandated by the state, the state shall reimburse the local agency or school district for those costs incurred after the operative date of the mandate."

Accordingly, staff finds that under Government Code section 17565, costs incurred prior to the operative date of the mandate are ineligible for reimbursement.

2. The San Diego Unified School District requested that the description of one of the items in the school accountability report card be revised. Staff agrees and has made a correction on page two of the Staff Analysis and page 8 of the Statement of Decision. This is a non-substantive correction. Replacement pages are attached for insertion in your binders.

'Claimants' representatives, Mr. Larry Hendee and Mr. Wayne Stapley, will appear at the hearing to address this issue. Mr. James Cunningham of San Diego Unified School District will also appear,

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAIM ON: Education Code Sections 33126, 35256, 35256.1, 35258,41409 and 41409.3 as added by Chapter 918, Statutes of 1997, et al. And filed on December 31, 1997; By Bakersfield City School District and Sweetwater Union High School District, Co-Claimants.	NO. 97-TC-21 *School Accountability Report Cards* PROPOSED STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5, ARTICLE 7. (Presented for adoption on April 23, 1998)

PROPOSED STATEMENT OF DECISION

The Commission on State Mandates (Commission) on April 23, 1998, heard this test claim during a regularly scheduled hearing. _____ appeared for the Bakersfield City School District and Sweetwater Union High School District, _____appeared for the Department of Finance.

At the hearing, evidence both oral and documentary was introduced, the test claim was submitted, and the vote was taken.

The law applicable to the Commission's determination of a test claim is Government Code section 17500 et seq. and section 6, article XIII B of the California Constitution and related case law.

The Commission, by a vote of ___ approved this test claim.

Issue

Do the provisions of the test claim legislation on school accountability report cards, impose a new program or higher level of service upon school districts within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514?

Prior Law

School accountability report cards were added to the Education Code on November 8, 1988, when California voters approved Proposition 98. Among other things, Proposition 98 added sections 33126 and 35256 to the Education Code. Section 33126 sets forth the following requirements:

- the Superintendent of Public Instruction is to prepare a model school accountability report card to be adopted by the Board of Education as the statewide model by March 1, 1989; and
- the model shall include, but is not limited to, assessment of thirteen school elements.

Section 35256 sets forth the following requirements:

- the school accountability report card shall include, but is not limited to, the conditions listed in section 33126;
- the governing board of each school district shall, triennially, compare the school district's card to the model; and
- the school district shall prepare and issue school accountability report cards for each school in the school district.

Test Claim Legislation

Chapter 1463, Statutes of 1989, added sections 35256.1 and 41409.3 to the Education Code, Together, these sections require schoo1 districts to add information on salaries paid to teachers, school site principals, and school district superintendents to the district's school accountability report card. In addition, these sections require school districts to include information pertaining to certain statewide salary averages and percentages of salaries to total school budget in the district's report card.

Chapter 759, Statutes of 1992, amended Education Code section 41409 to require the Superintendent of Public Instruction to report the statewide salary information based upon a comparison of total expenditures rather than total school budget. This information is to be provided by the Superintendent of Public Instruction to school districts for inclusion in their school accountability report cards.

Chapter 1031, Statutes of 1993, added subsection (14) to Education Code section 33126. Subsection (14) requires school districts to report "the degree to which pupils are prepared to enter the work force."

Chapter 824, Statutes of 1994, added subsections (15) and (16) to Education Code section 33216. Subsection (15) requires school districts to report "[t]he total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per year required by state law, separately stated for each grade level." Subsection (16) requires school districts to report "[t]he total number of minimum days, . . . , in the school year."

Chapter 912, Statutes of 1997, made numerous amendments to Education Code section 33126. Under Chapter 912, Statutes of 1997, school districts are now required to include the following information in their school accountability report cards:

- results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including pupil achievement by grade level as measured by the statewide assessment (Q 33126, subd. (b)(1));
- for schools with high school seniors, the average verbal and math Scholastic'Assessment Test scores to the extent such scores are provided to the school and the average percentage of high school seniors taking the exam for the most recent thee-year period (fj 33126, subd. (b)(1));
- the one-year dropout rate for the schoolsite over the most recent three-year period (§ 33126, subd. (b)(2));
- the distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1-3, inclusive, participating in the Class Size Reduction Program for the most recent three-year period (Q 33126, subd. (b)(4));
- the total number of the school's credentialed teachers, the number of teachers relying on emergency credentials, and the number of teachers working without credentials for the most recent three-year period (§ 33126, subd. (b)(5));
- any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period (§ 33126, subd. (b)(5));
- the annual number of schooldays dedicated to staff development for the most recent three-year period (§ 33126, subd. (b)(10)); and
- the suspension and expulsion rates for the most recent three-year period (Q 33126, subd. (b)(11)).

Chapter 918, Statutes of 1997, added section 35258 to the Education Code. Section 35258 requires those school districts that are connected to the Internet to make their school accountability report card available on the Internet and to update the information annually.

Commission **Findings**

In order for a statute, which is the subject of a test claim, to impose a reimbursable state mandated program, the statutory language (1) must direct or obligate an activity or task upon local governmental entities, and (2) the required activity or task must be new or it must create an increased or higher level of service over the former required level of service. To determine if a required activity is new or imposes a higher level of service, a comparison must be undertaken between the test claim legislation and the legal requirements in effect immediately prior to the enactment of the test claim legislation. Finally, the newly required activity or increased level of service must be state mandated,'

[1] *County of Los Angeles* v. *State* of *California* (1987) 43 Cal.3d 46, 56; *Carmel Valley Fire Protection Dist.* v. *State of California* (1987) 190 Cal.App.3d 521, 537; *Lucia Mar Unified School Dist.* v. *Honig* (1988) 44 Cal.3d 830, 835.

The Commission found that the thirteen elements that are found in Proposition 98 are not reimbursable, because those activities fell under the exception in Government Code section 17556, subdivision (f).[2]

The Commission found that Chapter 1463, Statutes of 1989, added sections 35256.1 and 41409.3 to the Education Code requiring school districts to add information on salaries paid to teachers, school site principals, and school district superintendents to the district's school accountability report card. In addition, the Commission found these sections require school districts to include information on certain statewide salary averages and percentages of salaries to total school budget in the district's report card.

The Commission found that Chapter 759, Statutes of 1992, amended Education Code section 41409 to require school districts to include statewide salary information which is provided to school districts by the Superintendent of Public Instruction for inclusion in their school accountability report cards.

The Commission found that Chapter 1031, Statutes of 1993, added subsection (14) to Education Code section 33126 which requires school districts to report "the degree to which pupils are prepared to enter the work force."

The Commission found that Chapter 824, Statutes of 1994, added subsections (15) and (16) to Education Code section 33216. Subsection (15) requires school districts to report "[t]he total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per year required by state law, separately stated for each grade level." Subsection (16) requires school districts to report "[t]he total number of minimum days, . . . , in the school year."

The Commission found that Chapter 912, Statutes of 1997, amended Education Code section 33126 to require school districts to include the following information in their school accountability report cards:

- results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including pupil achievement by grade level as measured by the statewide assessment (§ 33126, subd. (b)(1));[3]
- for schools with high school seniors, the average verbal and math Scholastic Assessment Test scores to the extent such scores are provided to the school and the average percentage of high school seniors taking the exam for the most recent three-year period (§ 33126, subd. (b)(1));
- the one-year dropout rate for the schoolsite over the most recent three-year period

[2] Government Code § 17756. Findings. reads, "The commission shall not find costs mandated by the state, . . . , in any claim submitted by a local agency or school district, if, after a hearing, the commission finds that: . . . (f) The statute or executive order imposed duties that were expressly included in a ballot measure approved by the voters in a statewide election."

[3] All section references are to the Education Code unless otherwise stated,

(§ 33126, subd. (b)(2));

- the distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1-3, inclusive, participating in the Class Size Reduction Program for the most recent three-year period (§ 33126 subd. (b)(4));
- the total number of the school's credentialed teachers, the number of teachers relying on emergency credentials, and the number of teachers working without credentials for the most recent three-year period (§ 33126, subd. (b)(5));
- any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period (§ 33126, subd. (b)(5));
- the annual number of schooldays dedicated to staff development for the most recent three-year period (§ 33126, subd. (b)(10)); and
- the suspension and expulsion rates for the most recent three-year period (§ 33126, subd. (b)(11)).

The Commission found that Chapter 918, Statutes of 1997, added section 35258 to the Education Code requiring those school districts that are connected to the Internet to make their school accountability report card available on the Internet and to update the information annually.

Conclusion

The Commission concludes that Chapter 1463, Statutes of 1989 (adding Education Code sections 35256.1 and 41409.3), Chapter **759,** Statutes of 1992 (amending Education Code section 41409), Chapter 1031, Statutes of 1993 (adding subsection 14 to Education Code section 33126), Chapter 824, Statutes of 1994 (adding subsections 15 and 16 to Education Code section 33126), Chapter 912, Statutes of 1997 (amending Education Code section 33126), and Chapter 918, Statutes of 1997 (adding Education Code section 35258), impose a new program or higher level of service upon local school districts and therefore are reimbursable under section 6, article XIII B of the California Constitution and Government Code section **17514.**

The Commission finds the following to be state mandated activities and therefore, reimbursable under section 6, article XIII B of the California Constitution and Government Code section 17514, Reimbursement would include direct and indirect costs to compile, analyze, and report the specific information listed below in a school accountability report card.

The Commission concludes that reimbursement for inclusion of the following information in the school accountability report card begins on July 1, 1996:

- Salaries paid to schoolteachers, school site principals, and school district superintendents.
- Statewide salary averages and percentages of salaries to total *expenditures* ~~school budget~~ in the district's school accountability report card.
- "The degree to which pupils are prepared to enter the work force."

- "The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per year required by state law, separately stated for each grade level,"
- "The total number of minimum days, . . . , in the school year."
- Salary information provided by the Superintendent of Public Instruction,

The Commission concludes that reimbursement for inclusion of the following information in a school accountability report card begins on January 1, 1998:

- Results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including pupil achievement by grade level as measured by the statewide assessment.
- The average verbal and math Scholastic Assessment Test (SAT) scores for schools with high school seniors to the extent such scores are provided to the school and the average percentage of high school seniors taking the exam for the most recent three-year period.
- The one-year dropout rate for the schoolsite over the most recent three-year period.
- The distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1-3, inclusive, participating in the Class Size Reduction Program for the most recent three-year period.
- The total number of the school's credentialed teachers, the number of teachers relying on emergency credentials, and the number of teachers working without credentials for the most recent three-year period.
- Any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period.
- The annual number of schooldays dedicated to staff development for the most recent three-year period.
- The suspension and expulsion rates for the most recent three-year period.

The Commission concludes that reimbursement for posting and annually updating school accountability report cards on the Internet, if a school district is connected to the Internet, begins on January 1, 1998.

EXHIBIT A

SWEETWATER UNION HIGH SCHOOL DISTRICT
DIVISION OF FISCAL SERVICES
1130 FIFTH AVENUE
CHULA VISTA, CA 91911-2896
(619) 585-6177

ORIGINAL

December 30, 1997

Paula Higashi Executive Director
Commission on State Mandates
1300 I Street Suite 950
Sacramento CA 95814

Dear Ms. Higashi,

RE: Test Claim of Sweetwater Union High School District and Bakersfield City School District
Chapter 918, Statutes of 1997 et al.
School Accountability Report Cards

Enclosed you will find the original and seven (7) copies of our test claim for the statutes referenced above. The test claim alleges reimbursable costs mandated by the state for school districts which imposed, higher level of requirements related to the school accountability report than those imposed requirements expresslt set forth in Proposition 98.

Contact persons for each school district are:

Lawrence L. Hendee, Coordinator/Mandated Costs
Sweetwater Union High School District
1130 Fifth Avenue
Chula Vista CA 91911-2896

Wayne Stapley, Director/Financial Services
Bakersfield City Elementary School District
1300 Baker Street
Bakersfield CA 93305-4399

Please forward all correspondence to both parties.

This test claim is filed with the endorsement of the Education Mandated Cost Network, and the districts request that copies of correspondence be provided to the individuals list below. In addition the members of the EMCN listed below are

cognizant of the alleged issues in the test claim and therefore you can feel free to discuss the issues with them.

Sincerely,

Lawrence L. Hendee
Coordinator Mandated Costs

Enclosures

c: Diana Halpenny, Chair, Education Mandated Cost Network
Keith Peterson, Special Counsel, Education Mandated Cost Network
Dr. Carol Berg, School Services of California

State of California
COMMISSION ON STATE MANDATES
1300 I Street Suite 950
Sacramento CA 95814
(916)323-3562

For Official Use Only
DEC 31 1997
COMMISSION ON STATE MANDATES

TEST CLAIM FORM

Claim No. 97-TC-$1

Local Agency or School District Submitting Claim
Bakersfield City School District
Sweetwater Union High School District

Contact Person
Lawrence L. Hendee
Coordinator/Mandated Costs
Sweetwater Union High School District

Telephone No.
(619)585-6177

Address
1130 Fifth Avenue
Chuia Vista CA 91910-2896

Representative Organization to be Notified
Dr. Carol Berg, Consultant
Education Mandated Cost Network

This test claim alleges the existence of "costs mandated by the state" within the meaning of section 17514 of the Government Code, and section 6, article XIIIB of the California Constitution. This test claim is filed pursuant to section 17551(a) of the Government Code identify specific section(s) of the chaptered bill or executive order alleged to contain a mandate, including the particular statutory code section(s) within the chaptered bill, if applicable:

Chapters:		Education Code Sections:	
918/97	1031/93	33126	35258
912/97	759/92	35256	41409.3
824194	1463/89	35256.1	

IMPORTANT: PLEASE SEE INSTRUCTIONS AND FILING REQUIREMENTS FOR COMPLETING A TEST CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative
Barry S. Dragon
Chief Fiscal Office
Sweetwater Union High School District

Telephone No.
(619)691-5550

Signature of Authorized Representative

12/29/97
Date

Name and Title of Authorized Representative
John C. Bernard, Ed.D.
District Superintendent
Bakersfield City School District

Telephone No.

Signature of Authorized Representative

Date

State of California
COMMISSION ON STATE MANDATES
1300 i Street Suite 950
Sacramento CA 35814
(916)323-3562

For Official Use Only
Claim NO.

TEST CLAIM FORM

Local Agency or School District Submitting Claim
Bakersfield City School District
Sweetwater Union High School District

Contact Person
Lawrence L. Hendee
Coordinator/Mandated Costs
Sweetwater Union High School District

Telephone No,
(619)585-6177

Address
1130 Fifth Avenue
Chula Vista CA 91910-2896

Representative Organization to be Notified
Dr. Carol Berg, Consultant
Education Mandated Cost Network

This test claim alleges the existence of "costs mandated by the state" within the meaning of section 17614 of the Government Code, and section 6, article XIIB of the California Constitution. This test claim is filed pursuant to section 17551(a) of the Government Code

Identify specific section(s) of the chaptered bill or executive order alleged to contain a mandate, including the particular statutory code section(s) within the chaptered bill, if applicable:

Chapters:		Education Code Sections:	
918197	10BI/93	33126	36258
912/97	759/92	35256	41400.3
824194	1463/89	35256.1	

IMPORTANT: PLEASE SEE INSTRUCTIONS **AND** FILING REQUIREMENTS **FOR COMPLETING** A TEST **CLAIM** ON THE REVERSE **SIDE.**

Name and Title of Authorized Representative
Barry S. Dragon
Chief Fiscal Office
Sweetwater Union High School District

Telephone No.
(619)691-5550

Signature of Authorized Representative

Date

Name and Title of Authorized Representative
John C. Bernard. Ed.D.
District Superintendent
Bakersfield City School District

Telephone No.

John Bernard

December 29, 1997

Signature of Authorized Representative

Date

CERTIFICATION

I certify by my signature below that the statements made in this document are true and correct of my own knowledge, and as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on December 29, 1997, at Bakersfield, California, by:

John C. Bernard, Ed.D., District Superintendent
Bakersfield City School District

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

Test Claim of Bakersfield City School District _____ Sweetwater Union High School District	))))))))))))	No. CSM _____ Chapter 918, Statutes of 1997 Chapter 912, Statutes of 1997 Chapter 824, Statutes of 1994 Chapter 1031, Statutes of 1993 Chapter 759, Statutes of 1992 Chapter 1463, Statutes of 1989 Education Code sections 33126, 35256, 35256.1, 35258 and 41409.3 *School Accountability Report Cards*

AUTHORITY FOR THE CLAIM

The Commission on State Mandates has the authority pursuant to Government Code Section 17551(a) to hear and decide upon a claim by a local agency or school district that the local agency or school district is entitled to be reimbursed by the state for costs mandated by the state as required by section 6 of article XIII B of the California Constitution. Bakersfield City School District and Sweetwater Union High School District ("Claimants") are school districts as defined in Government Code section 17519. This test claim is filed pursuant to Title 2, California Code of Regulations section 1183.

STATEMENT OF THE CLAIM

This test claim alleges reimbursable costs mandated by the state in Chapter 1463, Statutes of 1989 ("Chapter 1463/89"),[1] Chapter 759, Statutes of 1992 ("Chapter 759/92"),[2] Chapter 1031,

[1] Chapter 1463, Statutes of 1989 is attached as Exhibit A.
[2] Chapter 759, Statutes of 1992 is attached as Exhibit B.

Statutes of 1993 ("Chapter 1031/93"),[3] Chapter 824, Statutes of 1994 ("Chapter 824/94"),[4] Chapter 912, Statutes of 1997 ("Chapter 912/97")[5] and Chapter 918, Statutes of 1997 ("Chapter 918/97"),[6] all of which impose requirements related to school accountability report cards that exceed the voter-imposed requirements that were expressly set forth in Proposition 98.[7]

A. ACTIVITIES REQUIRED UNDER PRIOR LAW

1. Activities Required Prior to 1975.

Prior to January 1, 1975, no statute or regulation required school districts to develop school accountability report cards.

2. Post-1974 Requirements.

The requirement that school districts develop school accountability report cards was first imposed by Proposition 98, an initiative measure approved by the California voters on November 8, 1988. Among other things, Proposition 98 added Education Code section 33126, which set forth the thirteen elements of school accountability report cards required by the voters, and Education Code section 33256, which required each school district to develop and issue a school accountability report card for each school in the school district.'

B. ACTIVITIES REQUIRED UNDER STATUTES AND EXECUTIVE ORDERS CONTAINING MANDATES,

Chapter 1463/89 added Education Code sections 35256.1 and 41409.3, which together required school districts to add information regarding salaries paid to school teachers, school site principals and school district superintendents to the district's school accountability report cards. These

[3] Chapter 1031, Statues of 1993 is attached as Exhibit C.
[4] Chapter 824, Statutes of 1994 is attached as Exhibit D.
"Chapter 912, Statutes of 1997 is attached as Exhibit E.
[6] Chapter 918, Statutes of 1997 is attached as Exhibit F.
[7] Proposition 98 is attached as Exhibit G.

sections also require school districts to include certain statewide salary averages and percentages of salaries to total school budget in their school accountability report cards,

Chapter 759/92 amended Education Code section 41409, requiring school districts to report the statewide salary information based upon a coinparison to total expenditures rather than total school budget.

Chapter 1031/93 amended Education Code section 33126 to add the requirement that school districts include an assessment of the degree to which students are prepared to enter the workforce.

Chapter 824/94 amended Education Code section 33126 to add the requirements that school districts include in their school accountability report cards (1) the total number of instructional minutes offered in the school year, by grade level, compared to the instructional minutes required by state law, and (2) the total number of minimum days in the school year.

Chapter 912/97 amended Education Code section 33126 to require school districts to include the following information in their school accountability report cards:

(1) results, by grade level, of specified student assessment tools (such as SAT scores) for the most recent three-year period;

(2) the one-year dropout rate for the schoolsite over the most recent three-year period;

(3) the distribution of class sizes by grade level, the average class size, and the percentage of pupil in kindergarten and grades 1 through 3 participating in the state's Class Size Reduction Program;

(4) the total number of credentialed teachers, the number of teachers relying upon emergency credentials, and the assignment of teachers outside of their subject area of competence for the most recent three-year period;

[8] See Proposition 98, sections 7 and 8.

(5) the annual number of schooldays dedicated to staff development for the most recent three-year period; and

(6) suspension and expulsion rates for the most recent three-year period.

Each of these chapters requires that. school districts gather the required data, prepare the required analyses, and include the analyses and data in their school accountability report cards,

Chapter 918/97 added Education Code section 35258, which requires those school districts that are connected to the internet to make their school accountability report cards available on the internet and to update the information annually.

C. COSTS INCURRED OR EXPECTED TO BE INCURRED FROM MANDATE.

(1) Chapter 1463/89, Chapter 759/92, Chapter 1031/93, Chapter 824/94, Chapter 912/97 and Chapter 918/97 all result in school districts incurring costs mandated by the state, as defined in Government Code section 17514, by creating new state-mandated duties related to the uniquely governmental function of providing public education to children. Chapter 1463/89, Chapter 759/92, Chapter 1031/93, Chapter 824/94, Chapter 912/97 and Chapter 918/97 apply only to schools and do not apply generally to all residents and entities in the state.

School districts have incurred or will incur costs:

(a) for school districts to collect the required data, prepare the required analyses, and include the analyses and data in their school accountability report cards for the following items:

1. results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including the pupil achievement by grade level as measured by the statewide assessment developed by the state pursuant to chapter 5 (commencing with section 60600) and chapter 6 (commencing with section 60800) of part 33 of the Education Code;

2. for schools with high school seniors, the average verbal and math Scholastic Assessment Test scores of high school seniors to the extent such scores are provided to the school and the average percentage of seniors taking that exam for the most recent three-year period;

3. the one-year dropout rate listed in the California Basic Education Data System for the schoolsite over the most recent three-year period;

4, the distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1 to 3, inclusive, participating in the Class Size Reduction Program established pursuant to chapter 6.10 (commencing with section 52120) of part 28 of the Education Code, using California Basic Education Data System information for the most recent three-year period;

5. the total number of the school's credentialed teachers, the number of teachers relying upon emergency credentials and the number of teachers working without credentials for the most recent three-year period;

6. any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period;

7. the annual number of schooldays dedicated to staff development for the most recent three-year period;

8. the suspension and expulsion rates for the most recent three-year period;

9, the degree to which pupils are prepared to enter the worldorce;

10. the total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level;

11. the total number of minimum days, as specified in Education Code

sections 46112, 46113, 46117, and 46141, in the school year;

12. the beginning, median, and highest salary paid to teachers in the district, as reflected in the district's salary scale;

13. the average salary for schoolsite principals in the district;

14. the salary of the district superintendent;

15. based upon the state summary information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Education Code section 41409, the statewide average salary for the appropriate size and type of district for the following:

a. beginning, mid-range, and highest salary paid to teachers;

b, school site principals; and

c. district superintendents;

16. the statewide average of the percentage of school district expenditures allocated for the salaries of administrative personnel for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of section 41409 of the Education Code;

17. the percentage allocated under the district's corresponding fiscal year expenditure for the salaries of administrative personnel, as defined in Education Code sections 1200, 1300, 1700, 1800, and 2200 of the California School Accounting Manual published by the State Department of Education;

18. the statewide average of the percentage of school district expenditures allocated for the salaries of teachers for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction, pursuant of subdivision (a) of Section 41409 of the Education Code; and

19. the percentage expended under the district's corresponding fiscal budget for the salaries of teachers, as defined in Section 1100 of the California School Accounting Manual published by the State Department of Education.

(b) for those school districts that are connected to the internet, to make their school accountability report cards available on the internet and to update the information annually.

(2) The requirement to include the original thirteen components listed in Proposition 98 do not impose a reimbursable state-mandated new program, since requirements "were expressly included in a ballot measure approved by the voters in a statewide election." (Government Code section 17556(f).) All of the duties imposed by Chapter 1463/89, Chapter 759/92, Chapter 1031/93, Chapter 824/94, Chapter 912/97 and Chapter 918/97 exceed the requirements imposed by Proposition 98, None of the other Government Code Section 17556 statutory exceptions to a finding of costs mandated by the state apply to this test claim. (3) No funds are appropriated by Chapter 1463/89, Chapter 759/92, Chapter 1031/93, Chapter 824/94, Chapter 912/97 or Chapter 918/97 for reimbursement of these costs mandated by the state.

(4) There are no other Federal or State constitutional provisions, statutes or executive orders impacted.

D. ESTIMATED COSTS RESULTING FROM THE MANDATE.

The estimated costs mandated by the state incurred by the Claimant to implement Chapter 1463/89, Chapter 759/92, Chapter 1031/93, Chapter 824/94, Chapter 912/97 and Chapter 918/97 are $20,000 Fiscal Year 1996/97 and $20,000 for subsequent Fiscal Years, for Bakersfield City School District, and $5,000 Fiscal Year 1996/97 and $6,000 for subsequent Fiscal Years, for Sweetwater Union High School District.

EXHIBITS

The following exhibits of this claim are attached to and incorporated into this test claim:

Exhibit A: Chapter 1463, Statutes of 1989

Exhibit B: Chapter 759, Statutes of 1992

Exhibit C: Chapter 1013, Statutes of 1993

Exhibit D: Chapter 824, Statutes of 1994

Exhibit E: Chapter 912, Statutes of 1997

Exhibit F: Chapter 918, Statutes of 1997

Exhibit G: Proposition 98

CERTIFICATION

I certify by my signature below that the statements made in this document are true and correct of my own knowledge, and as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on December 29, 1997, at Chula Vista, California, by:

Barry S. Dragon, Chief Fiscal Officer
Sweetwater Union High School District

DECLARATION OF GILDA MARENTEZ

SWEETWATER UNION HIGH SCHOOL DISTRICT

No. CSM _____
Test Claim of: Sweetwater Union High School District
Bakersfield City School District

Chapter 918, Statutes of 1997
Chapter 912, Statutes of 1997
Chapter 824, Statutes of 1994
Chapter 1031, Statutes of 1993
Chapter 759, Statutes of 1992
Chapter 1463, Statutes of 1989
Education Code Section 33126
Education Code Sectioii 35256
Education Code Section 35256.1
Education Code Section 35258
Education Code Section 41409.3

School Accountability Report Cards

I, Gilda Marentez, Administrative Aide/Research and Evaluation, Division of Student Services, Sweetwater Union High School District, make the following declaration and statement:

In my capacity as the Administrative Aide/Testing and Evaluation, I am responsible for the preparation of materials to be included in tlie School Accountability Report Cards for individual scliools located within the boundaries of the Sweetwater Union High School District. I am familiar with the provisions and requirements of Education Code sections described in this declaration, as added and amended by the statutes referenced above. These laws require that data be collected and analyses prepared and included in each individual school accountability report card for each school located within the boundaries of the Sweetwater Union High Scliool District for the following:

1. Results by grade level from tlie assessment tool used by the school district using percentiles when available for the most recent thee-year period, including the pupil achievement by grade level as measured by the statewide assessment developed by tlie state pursuant to chapter 5 (commencing with section 60600) and chapter 6 (commencing with section 60800) of part 33 of tlie Education Code;

2. The average verbal and math Scholastic Assessment Test scores of high school seniors to the extent such scores are provided to the school and the average percentage of seniors taking that exam for the most recent three-year period;
3. The one-year dropout rate listed in the California Basic Education Data System for the school site over the most recent three-year period;
4. The total number of the 'school's credentialed teachers, the number of teachers relying upon emergency credentials and the number of teachers working without credentials for the most recent three-year period;
5. Any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period;
6. The annual number of schooldays dedicated to staff development for the most recent three-year period;
7. The suspension and expulsion rates for the most recent three-year period;
8. The degree to which pupils are prepared to enter the workforce;
9. The total number of instructional minutes offered in the scliool year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level;
10, The total number of minimum *days,* as specified in Education Code sections 46112, 46113, 46117, and 46141, in the school year;
11, The beginning, median, and highest salary paid to teachers in the district, as reflected in the district's salary scale;
12. The average salary for schoolsite principals in the district;
13. The *salary* of the district superintendent;
14. The statewide average *salary* for the appropriate size and type of district based upon the state summary information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Education Code section 41409, for the following:

a. Beginning, mid-range, and highest salary paid to teachers;

b. Scliool site principals; and

c, District superintendents;

15. The statewide average of the percentage of school district expenditures allocated for the salaries of administrative personnel for the appropriate size and type of district for tlie most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of section 41409 of the Education Code;

16. The percentage allocated under the district's corresponding fiscal year expenditure for the salaries of administrative personnel, as defined in Education Code sections 1200, 1300, 1700, 1800, and 2200 of the California Scliool Accounting Manual published by the State Department of Education;

17. The statewide average of the percentage of school district expenditures allocated for the salaries of teachers for tlie appropriate size aid type of district for tlie most recent fiscal year, provided by tlie Superintendent of Public Instruction, pursuant of subdivision (a) of Section 41409 of the Education Code;

18. The percentage expended under the district's corresponding fiscal budget for the salaries of teachers, as defined in Section 1100 of tlie California Scliool Accounting Manual published by tlie State Department of Education, and,

19. To make each school accountability report card available on tlie internet aid to update tlie information annually.

The foregoing facts are known to me personally, and if so required, I could testify to the statements made herein. I hereby declare under penally of perjury that tlie foregoing is true and correct except where stated upon information and belief and where so stated I declare that I believe them to be true.

Executed on December 29, 1997 at Chula Vista, California, by:

Gilda Marentez
Administrative Aide/Testing and Evaluation

DECLARATION OF DALE RUSSELL

BAKERSFIELD CITY SCHOOL DISTRICT

No. CSM _____
Test Claim of: Bakersfield City School District
Sweetwater Union High School District

Chapter 918, Statutes of 1997
Chapter 912, Statutes of 1997
Chapter 824, Statutes of 1994
Chapter 1031, Statutes of 1993
Chapter 759, Statutes of 1992
Chapter 1463, Statutes of 1989
Education Code Section 33126
Education Code Section 35256
Education Code Section 35256.1
Education Code Section 35253
Education Code Section 41409.3

School Accountability Report Cards

I, Dale Russell, Director/Research and Evaluation, Bakersfield City School District, make the following declaration and statement:

In my capacity as the Director/Research and Evaluation, I am responsible for the preparation of materials to be included in the School Accountability Report Cards for individual schools located within the boundaries of tlie Bakersfield City School District, I am familiar with the provisions and requirements of Education Code sections described in this declaration, as added and amended by tlie statutes referenced above. These laws require that data be collected and analyses prepared and included in each individual school accountability report card for each school located within the boundaries of the Bakersfield City School District for the following:

1. Results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including the pupil achievement by grade level as measured by the statewide assessment developed by the state pursuant to chapter 5 (commencing with section 60600) and chapter 6 (conmencing with section 60800) of part 33 of the Education Code;
2. The one-yea dropout rate listed in tlie California Basic Education Data System for tlie school site over the most recent three-year period;
3. The distribution of class sizes at the schoolsite by grade level, tlie average class size, and the percentage of pupils in kindergarten and grades 1 to 3, inclusive, participating in the Class Size Reduction Program

established pursuant to chapter 6.10 (commencing with section 52120) of **part** 28 of the Education Code, using California Basic Education Data System information for the most recent three-year period

4. The total number of the school's credentialed teachers, tlie number of teachers relying upon emergency credentials and the number of teachers working without credentials for the most recent three-year period;
5. Any assignment of teachers outside of their subject area of competence for the **first** two pars of the most recent three-year period;
6. The annual number of schooldays dedicated to staff development for the most recent three-year period;
7. The suspension and expulsion rates for the most recent three-year period;
8. The degree to which pupils are prepared to enter the worlcforce;
9. The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level;
10. The total number of minimum days, as specified in Education Code sections 46112, 46113, 46117, and 46141, in the school year;
11. The beginning, median, and highest salary paid to teachers in the district, as reflected in the district's salary scale;
12. The average *salary* for schoolsite principals in tlie district;
13. The *salary* of the district superintendent;
14. The statewide average salary for tlie appropriate size and type of district based upon the state summary information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Education Code section 41409, for the following:
    a. Beginning, inid-range, and highest salary paid to teachers;
    b. Scliool site principals; and
    c. District superintendents;

15. The statewide average of the percentage of school district expenditures allocated for the salaries of administrative personnel for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of section 41409 of the Education Code;
16. The percentage allocated under the district's corresponding fiscal year expenditure for the salaries of administrative personnel, as defined in Education Code sections 1200, 1300, 1700, 1800, and 2200 of the California School Accounting Manual published by the State Department of Education;
17. The statewide average of the percentage of school district expenditures allocated for the salaries of teachers for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction, pursuant of subdivision (a) of Section 41409 of the Education Code;
18. The percentage expended under the district's corresponding fiscal budget for the salaries of teachers, as defined in Section 1100 of the California School Accounting Manual published by the State Department of Education, and,
19. To make each school accountability report card available on the Internet and to update the information annually.

The foregoing facts are known to me personally, and if so required, I could testify to the statements made herein. I hereby declare under penalty of perjury that the foregoing is true and correct except where stated upon information and belief and where so stated I declare that I believe them to be true.

Executed on December 29, 1997 at Bakersfield, California, by:

Dale Russell

Dale Russell, Director/Research and Evaluation

of Federal Regulations on September 1.1989, as applied to consumer credit contracts, as defined by Section 433.1(i) of Part 433 of Title 16 of the Code of Federal Regulations.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to facilitate the transfer and sale of variable loan portfolios by financial institutions into secondary markets which is vital to the continued economic viability of these institutions and to permit the continued expansion of commercial practices and the modernization of the law governing commercial transactions, it is necessary that this act take effect immediately.

SCHOOLS—ADMINISTRATIVE EMPLOYEES—SALARIES

CHAPTER 1463

S.B.No. 280

AN ACT to add Sections 35256.1, 41408. 41409, nnd 41409.3 to, the Education Code. relating to schools, and making an appropriation therefor.

[Appmved by Governor October 2, 1989.]

[Filed with Secretary of State October 2, 1989.]

LEGISLATIVE COUNSEL'S DIGEST

SB 280, Hart Schools: administrative employees.

Existing law prescribes the maximum ratio of administrative employees to each 100 teachers in the various districts. Existing law additionally requires school districts to submit specified reports relating to administrative and teaching employees to the Superintendent of Public Instruction. These reports are used to determine whether a district's apportionment of funds will be reduced.

This bill would require the Legislative Analyst to conduct, or cause to be conducted, a study to determine the most appropriate, efficient, and clearly understood means of reporting and monitoring the allocation of resources by school districts. The Legislative Analyst, at a minimum, would be required to consult with designated persons in conducting the study. The study would be required to consider, among other things, whether an administrator-teacher maximum ratio is the most effective means for calculating, monitoring, and reporting the proportion of resources that school districts allocate for their administrative costs, or whether there are alternative means that would more effectively accomplish that purpose. and, assuming that an administralor-teacher maximum ratio is retained, the definitions of the various categories of school employees that would provide the most accurate and consistent calculating, monitoring, and reporting procedures, and which administrator-teacher maximum ratios would be the most appropriate. This bill would require the Legislative Analyst to submit a report on the findings and recommendations of the advisory group to the appropriate budget and policy committees of the Legislature, the Governor, and the Department of Finance on or before October 30, 1990.

This bill, commencing with the 1988–89 fiscal year, and annually thereafter, would require the Superintendent of Public Instruction to determine the statewide average percentage of school district budgets that are allocated to the salaries of administrative personnel, as defined. for specified types and sizes of school districts. This bill would also require the Superintendent of Public Instruction to determine the statewide average percentage of school district budgets that are allocated to the salaries of teachers, and would require the superintendent to determine that statewide average salary, by size and type of school district, for: (1) beginning, mid-range, and highest salary paid to teachers, (2) schoolsite principals, and (3) district superintendents. The bill would require the

statewide averages for the 1988–89 fiscal year to be provided to each school district on or before March 30, 1990, and annually thereafter for the prior fiscal year for use in the school accountability report card. This bill would require a copy of the state summary information to be submitted annually Lo the Legislature, the Governor, tbe Department of Finance, and the office of the Legislative Analyst

This bill would require each school district to include specified information in the district's school accountability report card required under specified provisions of current law, relating to the salaries paid to teachers and schoolsite principals in the district, and district superintendents, and the percentage allocated under the district's current fiscal year budget for the salaries of teachers, as defined. This requirement would not apply to school districts maintaining a single school for kindergarten or grades 1 to 12, inclusive. The bill would also require this state summary information and information on the statewide average percentage of school district budgets allocated for the salaries of administrative personnel for the appropriate sue and type of district for the most current fiscal year to be included in the district's school accountability report card. These provisions would impose a state-mandated local program on school districts.

This bill would appropriate $50,000 to the Legislative Analyst for the purpose of conducting or contracting for the study for the reporting and monitoring of the allocation of school district resources required by this bill.

The California Constitution requires the state to reimburse local agencies anu school districts for certain costs mandated by the state- Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 35256.1 is added to the Education Code, to read:

35256.1. In addition to the. information required under Section 35256, each School Accountability Report Card shall include the information required under Section 41409.3.

SEC. 1.5. Section 41408 is added to the Education Code, to read

41408. (a) The Legislative Analyst shall conduct, or cause to be conducted, a study to determine the most appropriate, efficient, and clearly understood means of reporting and monitoring the allocation of resources by school districts. The study shall address, but shall not be limited to, the following questions:

(1) Whether an administrator-teacher maximum ratio is the most effective means for calculating, monitoring, and reporting the proportion of resources that school districts allocate for their administrative costs, or whether there are alternative means that would more effectively accomplish that purpose.

(2) Assuming that an administrator-teacher maximum ratio is retained, what definitions of the various categories of school employees would provide the most accurate and consistent calculating, monitoring, and reporting procedures, and which administrator-teacher maximum ratios would be the most appropriate.

(b) In conducting the study, the Legislative Analyst, or his or her designee, shall, at a minimum, consult with each of the following:

(1) The Superintendent of Public Instruction, or his or her designee.

(2) The Auditor General, or his or her designee.

(3) The Controller. or his or her designee.

(4) One school administrator in a public elementary or secondary school in the slate.

(5) One administrator from the central office of a school district

(6) One member of a schwl district governing board.

(7) Three teachers employed in public elementary or secondary schools in the state.

(8) Two persons holding a service credential other than an administrative services credential employe: by a school district

(9) Two persons who are employed as classified employees in a school district.

(10) One representative from the State Board of Education.

(11) One representative from a management or administrative position in the private sector.

(c) The Legislative Analyst shall submit the findings and recommendations in a report to the appropriate budget and policy committees of the Legislature, the Governor, and the Department of Finance on or before October 30, 1990.

SEC. 2. Section 41409 is added to the Education Code, to read:

41409. (a) Commencing with the 1988–89 fiscal year, and annually thereafter, the Superintendent of Public Instruction shall determine the statewide average percentage of school district budgets that are allocated to the salaries of administrative personnel, as that term is defined in Sections 1200, 1700, 1800, and 2200 of the California School Accounting Manual published by the State Department of Education. The Superintendent of Public Instruction shall also determine the statewide average percentage of school district budgets that are allocated to the salaries of teachers, as defined in Section 1100 of the California School Accounting Manual. The statewide averages shall be calculated for the following types and sizes of school districts:

District	ADA
Elementary	less than 101
Elementary	more than 100
High School	less than 301
High School	more than 300
Unified	less than 1.501
Unified	more than 1,500

(b) Commencing with the 1988–89 fiscal year, and annually thereafter, the Superintendent of Public Instruction shall determine the statewide average salary, by size and type of district, for the following:

(1) Beginning, mid-range, and highest salary paid to teachers.

(2) Schoolsite principals.

(3) District superintendents.

(c) The statewide averages calculated pursuant to subdivisions (a) and (b) for the 1988–89 fiscal year shall be provided to each school district on or before March 30, 1990, and annually thereafter for the prior fiscal year, for use in the school accountability report card. A copy of the state summary information shall be submitted annually to the Legislature, the Governor, the Department of Finance, and the office of the Legislative Analyst

SEC. 3. Section 41409.3 is added to the Education Code, to read

41409.3. Each school district, except for school districts maintaining a single school to serve kindergarten or any of grades 1 to 12, inclusive, shall include in the school accountability report card required under Section 35256 a statement which shall include the following information:

(a) The beginning; median, and highest salary paid to teachers in the district, as reflected in the district's salary scale.

(b) The average salary for schoolsite principals in the district

(c) The salary of the district superintendent.

(d) Based upon the state summary information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Section 41409, the statewide average salary for the appropriate size and type of district for the following:

(1) Beginning, midrange, and highest salary paid to teachers.

(2) Schoolsite principals.

(3) District superintendents.

(e) The statewide average of the percentage of school district budgets allocated for the salaries of administrative personnel for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of Section 41409.

(f) The percentage allocated under the district's corresponding fiscal year budget for the salaries of administrative personnel, as defined in Sections 1200, 1700,1800, and 2200 of the California School Accounting Manual published by the State Department of Education.

(g) The statewide average of the percentage of school district budgets allocated for the salaries of teachers for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction, pursuant to subdivision (a) of Section 41409.

(h) The percentage allocated under the district's corresponding fiscal budget for the salaries of teachers, as defined in Section 1100 of the California School Accounting Manual published by the State Department of Education.

SEC. 4. The sum of fifty thousand dollars ($50,000) is hereby appropriated from the General Fund to the Legislative Analyst for the purpose of conducting or contracting for the study for the reporting and monitoring of the allocation of school district resources required by Section 41408 of the Education Code.

SEC. 5. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

PERS—SAFETY MEMBERS

CHAPTER 1464

S.B.No. 1172

AN ACT to amend Sections 20021, 20100.2, 20607. and 21293.1 of, to add Sections 20021.01 20022.01, 20450.1, and 20938.1 to. nnd to ndd and repeal Section 21252023 of, the Government Code. and to amend Sections 4850 nnd 4850.3 of the Labor Code, relating to the Public Employees' Retirement System, making nn appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1989.]

[Filed with Secretary of State October 2, 1989.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1172, Graven. PERS: local firefighters: disability: board member compensation additional contracting agency formula.

(3) Improved school environment as measured by indicators such as (A) the incidence among pupils of absenteeism, suspension, expulsion, and dropouts and the incidence and costs of school violence, vandalism, and theft of school or private property while participating in school activities, (B) pupil attitudes toward school, self, and others, (C) incidence of absenteeism. resignations and requests for transfers among teachers and other school personnel, and (D) satisfaction of teachers, pupils, parents, administrators, and other school personnel with school services and decisionmaking processes.

(4) The degree to which fiscal expenditures meet the criteria of the school improvement plan.

(h) Improvement of pupil attendance, including parent awareness of the importance of regular school attendance.

SEC. 4.5. Section 52015 of the Education Code is amended to read:

52015. Each plan shall include all of the following:

(a) Curricula, instructional strategies, and materials responsive to the individual educational needs and learning styles of each pupil which enable all pupils to do all of the following:

(1) Make continuous progress and learn at a rate appropriate to their abilities.

(2) Master basic skills in language development and reading, writing, and mathematics pursuant to Sections 51215 and 51216.

(3) Develop knowledge and skills in other aspects of the curriculum, such as arts and humanities; physical, natural, and social sciences; multicultural education; physical, emotional, and mental health; consumer economics; and career education.

(4) Pursue educational interests and develop esteem for self and others, personal and social responsibility, critical thinking, and independent judgment

Consideration shall be given to the use of community resources, such as museums, libraries, and communications media, to achieve instructional improvement objectives. In addition, consideration shall be given to the use of education technology equipment, including appropriate "technology-based materials," as defined in Section 60017.1, in each component of the plan to achieve instructional improvement objectives, and to the utilization for this purpose of all funding resources available to the school district or the schoolsite, including state categorical education programs.

(b) Instructional and auxiliary services to meet the special needs of * * * English learners consistent with * * * Chapter 7.5 (commencing with Section 52190) of * * * Part 28, including instruction in a language those pupils understand; educationally disadvantaged pupils; and pupils with exceptional abilities or needs.

(c) A staff development program for teachers, other school personnel, paraprofessionals, and volunteers as provided in Section 52019.

(d) Improvement of the classroom and school environments, including improvement of relationships between and among pupils, school personnel, parents, and the community, and reduction of the incidence among pupils of violence and vandalism.

(e) Other objectives as established by the council.

(f) The proposed expenditure of allowances provided pursuant to Article 4 (commencing with Section 52015) * * * and other state or local funds available to support the school improvement program.

(g) Ongoing evaluation and modification of the school improvement plan by the council, based on information regarding:

(1) The degree to which the school is meeting its improvement objectives as assessed by parents, teachers, other school personnel, and pupils.

(2) Pupil achievement

(3) Improved school environment as measured by indicators such as (A) the incidence among pupils of absenteeism, suspension, expulsion, and dropouts and the incidence and costs of school violence, vandalism, and theft of school or private property while participating in school activities, (B) pupil attitudes toward school, self, and others, (C)

incidence of absenteeism, resignations and requests for transfers among teachers and other school personnel, and (D) satisfaction of teachers, pupils, parents, administrators, and other school personnel with school services and decisionmaking processes.

(4) The degree to which fiscal expenditures meet the criteria of the school improvement plan.

(h) Improvement of pupil attendance, including parent awareness of the importance of regular school attendance.

SEC. 5. Section 60602.7 is added to the Education Code, to read:

60602.7. The State Department of Education shall seek to apply appropriate educational technology in the evaluation of individual pupil performance under the statewide pupil assessment program described in this article.

SEC. 6. Section 4.5 of this bill incorporates amendments to Section 52015 of the Education Code proposed by both this bill and SB 2026. It shall become operative only if (1) both bills are enacted and become effective on or before January 1, 1993, (2) each bill amends Section 52015 of the Education Code, and (3) this bill is enacted after SB 2026, in which case Section 4 of this bill shall not become operative.

SCHOOLS AND SCHOOL DISTRICTS—FUNDING

CHAPTER 759

A.B. No. 1248

AN ACT to amend Sections 17717.6, 17717.7, 17747, 33590, 37220, 41409, 41409.3, 41601, 41850, 42842, 42643, 44258.2, 46010.2, 46300, 517.17, 51747.5, 52241, 56001, 56026.5, 56030.5, 56031, 56101, 56192, 56326, 56368, 56425.5, 56441, 56441.4, 56441.5, 56441.11, 56520, 56521, 56726, 56728, 56728.6, 56728.8, 56737, 56828, 56830, 56850, 58553, 59002, 59002.5, 59003, 59005, 59006, 59007, 59045, 59101, 59102, 59112.5, 59111, 591.13, 59144, 59200, 59201, 59202, 59203, 59204, 59204.5, 59210, 59211, 59220, and 59223 of, to amend the hending of Chapter 1 (commencing with Section 59000) of Part 32 of, to amend the heading of Part 32 (commencing with Section 59000) of, to amend the heading of Chnpter 3 (commencing with Section 59200) of Part 32 of, to amend and renumber Sections 41310 nnd 41310.5 of, to odd Section 14022.4 to, and repeal nnd add Sections 2550.4 and 42238.6 of, the Education Code, to amend Sections 7570, 7572, 7575, 7577, 7578, 7579, 7579.1, 7580, 7582, 7584, and 7587 of the Government Code, to omend Section 324.3 of the Health nnd Safety Code, to amend Section 628.2 of the Penal Code, and to amend Section 4 of Chnpter 480 of the Statutes of 1992, relating to school funding, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1992.]

[Filed with Secretary of State September 21, 1992.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1248, Alpert. School funding.

(1) Existing law requires the Superintendent of Public Instruction, subject to the approval of the Director of Finance, to make a one-time adjustment to the base revenue limit of each school district and county office of education, upon request, for any fiscal year, as specified.

This bill would repeal that requirement and, instead, would require the Superintendent of Public Instruction, at the request of a county superintendent of schools or school district, and with the approval of the Director of Finance, to calculate the days of attendance in schools and classes maintained by the county superintendent of schools or school district in a specified manner for the 1993–94 fiscal year or any subsequent fiscal year.

(2) Under existing law, as set forth in the Leroy F. Greene State School Building Lease-Purchase Law of 1976, the State Allocation Board is authorized to approve the apportion-

ment of state funding to applicant school districts for the construction, as defined, of school facilities. The State Allocation Board is required to grant project fnnding priority for that purpose on the basis of criteria that include whether an applicant district has a substantial enrollment in multitrack year-round schools.

This bill would set forth a definition for the term "multitrack year-round school" for that purpose.

Existing law specifies that, for a high school district, "substantial enrollment" means, for the above purpose, enrollment of at least 30% of district pupils, or 40% of pupils in the high school attendance area for which the school district is applying for new facilities.

This bill would revise that definition to specify that either 30% of pupils of the high school district must be enrolled in multitrack year-round schools, or 40% of the pupils enrolled in public school in kindergarten and grades 1 to 12, inclusive, within the boundaries of the high school attendance area for which the school district is applying for new facilities are enrolled in multitrack year-round schools.

(3) Under existing law, state school funding apportionments to school districts are calculated, in part, according to the average daily attendance in each district, which is based upon the number of days in which classes are taught in the district.

This hill would permit a school district to exclude, from the calculation for that purpose ir the number of days taught, the number of days taught in any school year in late entry make-up classes, as defined, in continuous school programs, as to any pupil who entered he continuous school program after September 1 of that school year, provided that the rack in which the pupil is enrolled began instruction in July or August of that school year and subject to specified limits.

(4) Existing law makes various references to handicapped children.

This bill would revise those provisions to refer instead to children with disabilities.

(5) Existing law prescribes the date upon which the public schools are to close in servance of designated holidays.

63 This bill would authorize the governing board of a school district, by adoption of a esolution, to revise the date upon which the schools of the district close in observance of ny of those holidays.

(6) Existing law requires the Superintendent of Public Instruction to determine annual- the statewide average percentage of school district budgets that are allocated to the laries of administrative personnel and the statewide average percentage of school strict budgets that are allocated to the salaries of teachers, by specified type and size of hool district.

'his bill instead would require that this information be based on district expenditures her than district budgets. and would revise the specified types and sizes of school istricts for which the information is determined.

(7) Under existing law, average daily attendance for school and classes maintained by a unty superintendent of schools, for purposes of calculating state apportionments, is termined pursuant to a designated formula, except that average daily attendance for ecified incentive funding for special education classes operated by county offices of ucation is determined in the same manner as average daily attendance is computed nerally for schools and classes maintained by school districts.

This bill would require instead that all special education classes operated by county perintendents of schools be determined in the same manner as average daily attendance computed generally for schools and classes maintained by school districts.

(8) Under existing law relating to computation of allowances and apportionments from State School Fund to school districts, the governing board of each school district is quired to report to the Superintendent of Public Instruction during each fiscal year the erage daily attendance of the district for 2 specified time periods.

(8.5) Under-existing law, the governing board of a school district is authorized to tablish and maintain special reserve funds for capital outlay or other purposes, as ecified.

This bill would require that any moneys to be expended from a special reserve fund that is maintained for purposes other than capital outlay first be transferred into the general fund of the district. The bill thereby would impose a state-mandated local program.

(9) Existing law authorizes the assignment of the holder of a single subject teaching credential or a standard secondary teaching credential, with his or her consent, to teach classes in grades 5 to 8, inclusive, in a middle school, as specified. Under existing law. that assignment is a partial assignment for one year, but may be renewed annually by the governing board of the school district.

This bill would delete the provision of existing law restricting that assignment to a partial assignment for one year subject to annual renewal.

(10) Under existing law, in order to qualify for independent study funding, a school district or county office of education is required to adopt written policies that address various elements of the independent study program, including the method utilized to evaluate the work of a participating pupil and the duration of the independent study agreement.

This bill would require further that the written policies address the objectives and methods of study for each participating pupil and the dates upon which his or her participation in independent study is to begin and end.

Existing law requires independent study by each pupil 18 years of age or less to be coordinated, evaluated, and supervised by designated school employees.

The bill would apply that requirement to all pupils participating in independent study and each adult education student.

(11) Existing law establishes a program to make certain state funding available to school districts to provide financial assistance to economically disadvantaged pupils in the payment of advanced placement examination fees. Existing law defines "economically disadvantaged pupils," for that purpose to mean children aged 5 to 17 years, inclusive, who are from families that receive certain public assistance or who are identified as having limited English proficiency.

This bill would expand that definition to include children who are 18 years of age and otherwise qualify under that definition.

(12) Existing law provides for the establishment and operation of the diagnostic schools for neurologically handicapped children.

This bill would rename the diagnostic schools for neurologically handicapped children as "diagnostic centers," and would identify their objective as the diagnosis and treatment of disabled children. The bill would make certain minor revisions to the provisions governing the California School For the Deaf and the California School for the Blind.

(13) Under existing law, known as the Hughes Children's Health Enforcement Acf the governing board of each school district is required to exclude from school, for up to 5 days, any pupil in grade 1 who has not submitted either a certification of health screening or a waiver, as described. That exclusion is to occur upon the child's enrollment

This bill instead would require that exclusion to occur if the certification or waiver is not received by the 90th day after entrance into grade 1, and would make related changes. This revision in school district procedure would impose a state-mandated local program.

(14) Existing law requires each principal of a school in a school district and each principal or director of a county operated program, site, or school under the jurisdiction of the county superintendent of schools to forward a completed report of crimes committed thereon at the end of each reporting period to the district superintendent or county superintendent of schools on forms prepared and supplied by the State Department of Education.

This bill instead would specify that this reporting be done for crimes committed at every school or camp. The bill also would revise the distribution requirements by the department of this information.

(15) Certain provisions of existing law, effective January 1, 1993, authorize the River Delta Unified School District to receive certain apportionments according to the schedule for small necessary high schools if the district has more than 3,000 units of average daily attendance.

This bill would make a technical correction to those provisions.

(16) Pursuant to certain legislative findings and declarations, the bill would direct the Superintendent of Public Instruction, for each of the fiscal years 1992–93 through 1996–97, to reduce the amount of state funding that otherwise would be apportioned for that fiscal year to the Fresno Unified School District on the basis of its revenue limit and average daily attendance by $1,126,674, for the purpose of the district's repayment of $5,633,371 to the General Fund based on an audit exception.

(17) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

(18) The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 2550.4 of the Education Code is repealed.

SEC. 2. Section 2550.4 is added to the Education Code, to read:

2550.4. At the request of any county superintendent of schools, the Superintendent of Public Instruction, with the approval of the Director of Finance, shall calculate the days of attendance in schools and classes maintained by that county superintendent of schools, for the 1993–94 fiscal year or any subsequent fiscal year, in the manner described in subdivision (b) of Section 46010.2.

SEC. 3. Section 14022.4 is added to the Education Code, to read:

14022.4. Notwithstanding Section 14022.3, for purposes of calculating changes in enrollment under that section between the 1991–92 fiscal year and the 1992–93 fiscal year, average daily attendance for county offices of education shall be computed for each of those two fiscal years pursuant to subdivision (b) of Section 41601, as amended by Chapter 838 of the Statutes of 1989.

SEC. 4. Section 17717.6 of the Education Code is amended to read:

17717.6. Notwithstanding Section 17717.7, the definition of "substantial enrollment" set forth in that section shall apply only to elementary and unified school districts. For a high school district, "substantial enrollment in multitrack year-round schools," for the purposes of Section 17717.7, means * * * that at least 30 percent of * * * the pupils enrolled in the high school district are enrolled in multitrack year-round schools, or that 40 percent of * * * the pupils enrolled in public school in kindergarten and grades 1 to 12, inclusive, within the boundaries of the high school attendance area for which the school district is applying for new facilities are enrolled in multitrack year-round schools. In addition, a high school district shall be deemed to have a substantial enrollment in multitrack year-round schools for purposes of Section 17717.7 if, at the option of the district, the entire high school to be constructed is to operate on a multitrack year-round basis.

SEC. 5. Section 17717.7 of the Education Code is amended to read:

17717.7. (a) Notwithstanding any other provision of this chapter, priority for the approval of project funding for new construction under this chapter, shall be as follows:

(1) First priority for construction funds shall be given to school districts with a substantial enrollment in multitrack year-round schools requesting state funding for 50

percent of the cost of a project that would be constructed to operate on a multitrack year-round basis.

(2) Second priority shall be for school districts with a substantial enrollment in multitrack year-round schools requesting state funding for the entire cost of a project that would be constructed to operate on a multitrack year-round basis.

(3) Third priority shall be for school districts without a substantial enrollment in multitrack year-round schools requesting state funding for 50 percent of the cost of a project to operate on a multitrack year-round basis.

(4) Fourth priority shall be for school districts without a substantial enrollment in multitrack year-round schools requesting state funding for the entire cost of a project that would be constructed to operate on a multitrack year-round basis.

(5) Fifth priority shall be for school districts with a substantial enrollment in multitrack year-round schools requesting state funding for 50 percent of the cost of a project that would not operate on a multitrack year-round basis.

(6) Sixth priority shall be for school districts with a substantial enrollment in multitrack year-round schools requesting state funding for the entire cost of a project that would not operate on a multitrack year-round basis.

(b) The board shall not restrict the availability of funding for construction of multitrack year-round schools, from any funding source available to the State School Building Lease-Purchase Fund, but shall make approval of project funding for those projects the first priority in accordance with this section.

(c) "Substantial enrollment," for the purposes of this section, means enrollment of at least 30 percent of district pupils in kindergarten and * * * grades 1 to 6, inclusive, or 40 percent of pupils in kindergarten and * * * grades 1 to 12, inclusive, in the high school attendance area for which the school district is applying for new facilities. The calculation set forth in this subdivision, as to a self-certifying district, shall be made by the district, in accordance with any standards governing that calculation that are adopted by the board. The calculation shall be certified by the district to the board and used by the board for the purposes of this section. The self-certifying district shall maintain documentation of the calculation as may be required by the board, and the calculation shall be subject to subsequent audit as the board may direct. If a self-certifying district is found by the board to have materially misrepresented its pupil enrollment pursuant to this subdivision, the board may impose either or both of the penalties set forth in paragraphs (1) and (2) of subdivision (c) of Section 17741.1, in accordance with that section.

(d) "Multitrack year-round school," for purposes of this section, means a school for which the applicant district demonstrates that both of the following criteria are satisfied:

(1) The pupils are divided into three or more groups or tracks, which rotate attendance so that, for a majority of schooldays during the school year, at least one group or track is not attending the school while all other groups or tracks are in attendance.

(2) The operation of the school on a multitrack year-round basis has resulted in an increase in enrollment capacity.

(e) Notwithstanding any other provision of this section, the State Allocation Board may continue to implement any year-round school priority provisions for hardships adopted prior to September 1, 1990.

SEC. 6. Section 17747 of the Education Code is amended to read:

17747. (a) The allowable new building area for the purpose of providing special day class and Resource Specialist Program Facilities for special education pupils shall be negotiated and approved by the State Allocation Board, with any necessary assistance to be provided by the Special Education Division of the State Department of Education. The square footage allowances shall be computed within the maximum square footage set forth in the following schedule:

(4) The third Monday in February, known as 'Washington Day." On the Friday receding, all public schools and educational institutions throughout the state shall hold xercises in memory of George Washington.

(5) The last Monday in May, known as "Memorial Day."

(6) July 4.

(7) The first Monday in September, known as "Labor Day."

(8) November * * * 11, known as "Veterans Day."

(9) That Thursday in November proclaimed by the President as "Thanksgiving Day."

(10) December 25.

(11) All days appointed by the Governor for a public fast, thanksgiving, or holiday and ll special or limited holidays on which the Governor provides that the schools shall close.

(12) All days appointed by the President as a public fast, thanksgiving, or holiday, nless it is a special or limited holiday.

(13) Any other day designated as a holiday by the governing hoard of the school istrict.

(b) When any of the holidays on which the schools would be closed falls on Sunday, the ublic schools shall close on the Monday following.

(c) When any of the holidays on which the schools would be closed falls on Saturday, e public schools shall close on the preceding Friday, and that Friday shall be declared a ate holiday.

(d) If any holiday on which the public schools are required to close pursuant to ibdivision (a) occurs under federal law on a date different from the date specified in bdivision (a), the governing board of any school district may close the public schools of e district on the date recognized by federal law and maintain classes on the date ecified in subdivision (a).

(e) The governing board of a school district, by adoption of a resolution, may revise the te upon which the schools of the district close in observance of any of the holidays entified in subdivision (a).

SEC. 9. Section 41310 of the Education Code is amended and renumbered to read

11320.2. The governing board of a school district that determines during a fiscal year at its revenues are less than the amount necessary to meet its current year expenditure bligations may request an emergency apportionment through the Superintendent of ublic Instruction subject to the requirements and repayment provisions of this * * * ticle.

It is not the intent of the Legislature that this section authorize emergency loans to hool districts for the purpose of meeting cash flow requirements pending the receipt of cal taxes and other funds.

it is further the intent of the Legislature that no * * * emergency apportionments, as scribed in this section, occur unless funds have been specifically appropriated therefor the Legislature.

SEC. 10. Section 41310.5 of the Education Code is amended and renumbered to read

11320.3. On or before February 15 of each year, the State Department of Education all report to the Legislature on the status of school districts that have received nergency apportionments pursuant to * * * this article or some other specific statutory portionment.

SEC. 11. Section 41409 of the Education Code is amended to read

11409. (a) Commencing with the 1988-89 fiscal year, and annually thereafter, the perintendent of Public Instruction shall determine the statewide average percentage of hool district expenditures that are allocated to the salaries of administrative personnel, that term is defined in Sections 1200, 1300, 1700, 1800, and 2200 of the California hool Accounting Manual published by the State Department of Education. The perintendent of Public Instruction * * * also shall determine the statewide average rcentage of school district expenditures that are allocated to the salaries of teachers, as

defined in Section 1100 of the California School Accounting Manual. The statewide averages shall be calculated for the following types and sizes of school districts:

District	ADA
Elementary	less than 1,000
Elementary	1,000 to 4,999
Elementary	5,000 and greater
High School	less than 1,000
High school	1,000 to 3,999
High School	4,000 and greater
Unified	less than 1,500
Unified	1,600 to 4,999
Unified	5,000 to 9,999
Unified	10,000 to 19,999
Unified	20,000 and greater

(b) Commencing with the 1988-89 fiscal year, and annually thereafter, the Superintendent of Public Instruction shall determine the statewide average salary, by size and type of district, for the following:

(1) Beginning, mid-range, and highest salary paid to teachers.

(2) Schoolsite principals.

(3) District superintendents.

(c) The statewide averages calculated pursuant to subdivisions (a) and (b) * * * shall he provided annually to each school district * * * for use in the school accountability report. card. A copy of the state summary information shall be submitted annually to the Legislature, the Governor, the Department of Finance, and the office of the Legislative Analyst.

SEC. 12. Section 41409.3 of the Education Code is amended to read

41409.3. Each school district, except for school districts maintaining a single school to serve kindergarten or any of grades 1 to 12, inclusive, shalt include in the school accountability report card required under Section 35256 a statement that shall include the following information:

(a) The beginning, median, and highest salary paid to teachers in the district, as reflected in the district's salary scale.

(b) The average salary for schoolsite principals in the district.

(c) The salary of the district superintendent.

(d) Based upon the state summary information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Section 41409, the statewide average salary for the appropriate size and type of district for the following:

(1) Beginning, midrange, and highest salary paid to teachers.

(2) Schoolsite principals.

(3) District superintendents.

(e) The statewide average of the percentage of school district expenditures allocated for the salaries of administrative personnel for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of Section 41409.

(f) The percentage allocated under the district's corresponding fiscal year expenditure for the salaries of administrative personnel, as defined in Sections 1200, 1300, 1700, 1800, and 2200 of the California School Accounting Manual published by the State Department of Education.

(g) The atatewide average of the percentage of school district expenditures allocated for the salaries of teachers for the appropriate size and type of district for the moat recent fiscal year, provided by the Superintendent of Public Instruction, pursuant to subdivision (a) of Section 41409.

(h) The percentage • • • expended for the salaries of teachers, as defined in Section 1100 of the California School Accounting Manual published by the State Department of Education.

SEC. 13. Section 41601 of the Education Code is amended to read:.

41601. For the purposes of this chapter, the governing board of each school district shall report to the Superintendent of Public Instruction during each fiscal year the average daily attendance of the district for all full school months during (1)the period between July 1 and December 31, inclusive, to be known as the "first period" report for the first principal apportionment, and (2) the period between July 1and April 15, inclusive, to be known as the "second period" report for the second principal apportionment. Each county superintendent of schools shall report the average daily attendance for the schools and classes maintained by him or her and the average daily attendance for the county school tuition fund.

Each report shall be prepared in accordance with instructions on forms prescribed and furnished by the Superintendent of Public Instruction. Average daily attendance shall be computed in the following manner:

(a) The average daily attendance in the regular elementary, junior high, and high schools, including continuation schools and classes and opportunity schools and classes, maintained by the school districts shall be determined by dividing the total number of days of attendance allowed in all full school months in each period • • • by the number of days the schools are actually taught in ail full school months in each period, exclusive of Saturdays or Sundays and exclusive of weekend makeup classes pursuant to Section 37228.

(b) The attendance for schools and classes maintained by a county superintendent of schools and the county school tuition fund shall be reported in the same manner as reported by school districts. The average daily attendance • • • in special education classes operated by county superintendents of schools shall be determined in the same manner as all other attendance under subdivision (a). The average daily attendance in all other schools and classes maintained by the county superintendents of schools shall be determined by dividing the total number of days of attendance in all full school months in the first period by a divisor of 70, in the second period by 135 and at annual time by 175. For attendance in special classes and centers pursuant to Section 56364, the average daily attendance shall be reported by the county superintendents of schools, but credited for revenue limit purposes to the district in which the pupil resides.

(c) The days of attendance in classes for adults and regional occupational centers programs shall be reported in the same manner as all other attendance under subdivision (a). The average daily attendance in those schools and classes shall be determined by dividing *the* total number of days of attendance in all full school months in the first period by a divisor of 85 in the second period by 135 and at annual time by 175.

• • •

SEC. 14. Section 41850 of the Education Code is amended to read:

41850. (a) Apportionments made pursuant to this article shall only be made for home-to-school transportation and special education transportation, as defined in this section.

(b) As used in this article, "home-to-school transportation" includes all of the following:

(1) The transportation of pupils between their homes and the regular full-time day school they attend, as provided by a school district or county superintendent of schools.

(2) The payment of moneys by a school district or county superintendent of schools to parents or guardians of pupils made in lieu of providing for the transportation of pupils between, their homes and the regular full-time day schools they attend.

(3) Providing board and lodging to pupils by a school district or county superintendent of schools made in lieu of providing for the transportation of pupils between their homes and the regular full-time day schools they attend.

(4) The transportntion of pupils between the regular full-time day schools they would attend and the regular full-time occupational training classes they attend, as provided by a regional occupational center or program.

(5) The transportation of individuals with exceptional needs as specified in their individualized education programs, who do not receive special education transportation as defined in subdivision (d).

(6) The payment of moneys by a school district or county superintendent of schools for the replacement or acquisition of schoolbuses.

(c) For purposes of this article, the computation of the allowances provided to a regional occupational center or program shall be subject to all of the following:

(1) A regional occupational center or program shall receive no allowance for 50 percent of the total transportation costs.

(2) A regional occupational center or program shall be eligible for a transportation allowance only if the total transportation costs exceed 10 percent of the total operational budget of the regional occupational center or program.

(3) A regional occupational center or program eligible for a transportation allowance pursuant to paragraph (2) shall receive an amount equal to one-third of the transportation costs subject to reimbursement

(d) As used in this article, "special education transportation" means either of the following:

(1) The transportation of severely disabled special day class pupils, and orthopedically impaired pupils who require a vehicle with a wheelchair lift, who received transportation in the prior fiscal year, as specified in their individualized education program.

(2) A vehicle that was used to transport special education pupils.

SEC. 15. Section 42238.8 of the Education Code is repealed.

SEC. 16. Section 42238.8 is added to the Education Code. to read

42238.8. At the request of the governing board of any school district, the Superintendent of Public Instruction, with the approval of the Director of Finance, shall calculate the days of attendance in schools and classes maintained by that school district, for the 1993–94 fiscal year or any subsequent fiscal year, in the manner described in subdivision (b) of Section 46010.2.

SEC. 17. Section 42842 of the Education Code is amended tn read

42842. (a) The governing board may expend the money in the special reserve fund for capital outlay for the purpose *or* purposes specified in any resolution filed pursuant to Section 42841 unless the purpose has been withdrawn pursuant to that section. In addition, unless actually encumbered for ongoing expenses, the governing board may expend the money in the fund for the general operating purposes of the district.

(b) The governing board of a school district may expend the money in the special reserve fund • • • that is maintained for purposes other than capital outlay in accordance with this section. Any moneys to be expended from this special reserve fund first shall be transferred into the general fund of the district.

SEC. 17.5. Section 42843 of the Education Code is amended to read

42843. Any moneys remaining in the special reserve fund of the district • • • shall be transferred to the general fund of the district by the auditor and treasurer upon written request to the superintendent of schools, auditor, and treasurer of the county by the governing board of the district, and the auditor and treasurer shall discontinue the special reserve fund.

SEC. 18. Section 44258.2 of the Education Code is amended to read:

44258.2. The holder of a single subject teaching credential or a standard secondary teaching credential may, with his or her consent, be assigned by action of the • • • governing board to teach classes in grades 5 to 8, inclusive, in a middle school, • • • if he or she has a minimum of 12 semester units, or six upper division or graduate units, of coursework at an accredited institution in the subject to which he or she is assigned.

SEC. 19. Section 46010.2 of the Education Code is amended to read:

(b) In determining placement and treatment needs of technology dependent children. an effort should be made to place the child in the least costly and least restrictive level of care that still provides for the child's medical safety and dignity.

(c) It is the ultimate goal of the Legislature to ensure that a true continuum of care is available to address the individual developmental and medical needs of technology dependent children.

SEC. 2 Section 14114 is added to the Welfare and Institutions Code. to read:

14114. (a)(1) Notwithstanding any other provision of this chapter, for the provision of benefits to any Lechnology dependent child who is placed at a lower cost facility or at the child's home, reimbursement for the lower cost facility or home-based services shall be made on the basis of actual, allowable, reasonable costs, in accordance with medicare cost reimbursement principles, as applied to economically and efficiently operated technologies, if the overall cost to the State would decrease. Nothing in this section precludes reimbursement for services to technology dependent children receiving care in the home.

(2) Paragraph (1) shall apply to all medical services covered under this chapter that are related to lhe needs arising from a child's technological dependence.

(3) Effective July 1, 1994, the department shall implement paragraph (1) concurrent with its application for federal Financial participation if the reimbursement will result in cost savings to lhe state

(4) The department shall not implement paragraph (3) if the department commences implementation of a pediatric care program as described in Section 3 of the act adding this section prior to July 1, 1994, pursuant to the adoption of regulations and the receipt of any necessary federal approvals

(b) The department shall compile the number of technology dependent children for whom payments are made under this section, and the reason fur the determination to make the payments under this section.

(c) For purposes of this section, "technology dependent child" means a person under 21 years of age who uses a medical technology that compensates for the loss of normal use of a vital body function, and all of the following apply:

(1) He or she requires around-the-clock availability of skilled nursing care that is more intensive than is provided to the majority of patients in a nursing facility licensed as a skilled nursing facility and, in the absence of a pediatric subacute unit., can be provided only in an acute care licensed hospital bed. including daily physician visits.

(2) He or she does not require the services of an acute care hospital, including daily physician visits.

(3) Either of the following applies:

(A) He or she is dependent at least part of each day on mechanical ventilation.

(B) He or she is dependent on device-based respiratory, nutritional, or pharmaceutical medical supports, including, but not necessarily limited to, peritoneal dialysis, tracheostomy tube care, nasogastromic, gastrostomy, or olhcr enteral tube feedings, or intravenous administration of nutritional substance.

(d) Reimbursement for services provided pursuant to this section shall be made only to a facility that meets all of the following service criteria:

(1) The facility ensures that a sufficient number of registered nurses are available seven days a week, 24 hours a day, to provide skilled nursing care, and that such other licensed vocational nurses and certified nurses aides are available as are necessary to ensure a safe level of care with some dignity.

(2)(A) The facility ensures that the provision of developmental services are appropriate to the needs of each individual child.

(B) For purposes of subparagraph (A), developmental services include, hut need not be limited to, recreational therapy, occupational therapy, physical therapy, and psychosocial services.

(C) Those developmental services provided pursuant to subparagraph (A) shall be provided under the direction of a qualified mental retardation professional, as defined by federal regulations, who has not less than two years of pediatric experience, except as othenvisc provided by the department.

(3) The facility ensures that the provision of pediatric dietary services is under the direction of a registered dietitian.

(e) The department shall, cxccpt as otherwise provided in this section, implement this section only to the extent full federal financial participation is available through an approved state plan amendment Tor services to the population defined in this section.

(f) This section shall bc repealed on January 1, 1996. or the date that the department commences implementation, after the adoption of regulations and the receipt of any necessary federal approvals, of the pediatric service continuum described in Section 4 of the act that added this section to the Welfare and Institutions Code. whichever is earlier.

(g) This section shall become operative on January 1, 1994.

SEC. 3. (a)(1) The State Department of Health Services shall convene a workgroup Lo address the policy issues related to the development of a pediatric service continuum. The workgroup shall seek input from clinicians and other interested and knowledgeable parties, and shall develop emergency regulations and a reimbursement structure for services to technology dependent children with special needs no later than April 1, 1994.

(2) The department shall continue the efforts of the workgroup beyond April 1, 1994, to address the policy issues related to the development of other services necessary to define and provide a pediatric service continuum that addresses the needs of other children with special health care needs. Those services, subject to the availability of federal financial participation, may include, but arc not limited to, the provision of pediatric day health and respite care facility services, as defined in Section 1760.2 of the Health and Safely Code, and congregate living health facility services, as defined in subdivision (i) of Section 1250 of the Health and Safety Code.

(b) The State Department of Health Services shall report the results of the workgroup to the appropriate committees of the Legislature upon development of the regulations and reimbursement structure pursuant to subdivision (a).

SEC. 4. The Stale Department of Health Services shall adopt emergency regulations pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the initial implementation of this act. The adoptiun of initial regulations pursuant to this section shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, or safety. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, emergency regulations adopted by the State Department of Health Services in order to implement this act shall not he subject to the review and approval of the Office of Administrative Law. These regulations shall become effective immediately upon filing with the Secretary of State Initial emergency regulations adopted pursuant to this section shall remain in effect for no more than 180 days.

SCHOOLS AND SCHOOL DISTRICTS—ACCOUNTABILITY—REPORT CARD

CHAPTER 1031

A.B. No. 198

AN ACT to amend Section 33126 of the Education Code, relating to schools.

[Approved by Governor October 10, 1993.]

[Filed with Secretary of State October 11, 1993.]

LEGISLATIVE COUNSEL'S DIGEST

AB 198, W. Brown. School accountability.

(1) Under the Classroom Instructional Improvement and Accountability Act (Proposition 98). in order to promote a model statewide standard of instructional accountability and conditions for teaching and learning, the Superintendent of Public Instruction is required to develop and present to the State Board of Education for adoption a statewide model school accountability report card that includes an assessment of specified school conditions. Under the act, the governing board of each school district is required to implement a school accountability report card for each school in the district that includes the conditions covered in the statewide model report card.

This bill would require that the statewide model school accountability report card also include, as a school condition to be assessed. the degree to which students are prepared to enter the work force. The bill would require the superintendent to consult with representatives of business and organized labor in the development of this condition. Adding a condition to the statewide model report card would require local districts to similarly modify their school accountability report cards, thus imposing a state-mandated local program by creating a new duty.

(2) The Classroom Instructional Improvement and Accountability Act, an initiative measure. provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house.

This bill. which would declare that it furthers the purposes of the act, would therefore require a ⅔ vote.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

The people of the State of California do enact as follows:

SECTION 1. Section 33126 of the Education Code is amended to read:

33126. In order to promote a model statewide standard of instructional accountability and conditions for teaching and learning, the Superintendent of Public Instruction shall, by March 1, 1989, develop and present to the State Board of Education for adoption a statewide model school accountability report card.

(a) The model school accountability report card shall include, but is not limited to, assessment of the following school conditions:

(1) Student achievement in and progress toward meeting reading, writing, arithmetic and other academic goals

(2) Progress toward reducing drop-out rates.

(3) Estimated expenditures per student * * * and types of services funded.

(4) Progress toward reducing class sizes and teaching loads.

(5) Any assignment of teachers outside their subject areas of competence.

(6) Quality and currency of textbooks and other instructional materials.

(7) The availability of qualified personnel to provide counseling and other student support services.

(8) Availability of qualified substitute teachers.

(9) Safety, cleanliness, and adequacy of school facilities.

(10) Adequacy of teacher evaluations and opportunities for professional improvement.

(11) Classroom discipline and climate for learning.

(12) Teacher and staff training, and curriculum improvement programs.

(13) Quality of school instruction and leadership.

(14) The degree to which students are prepared to enter the work force.

(b) In developing the statewide model school accountability report, the Superintendent of Public Instruction shall consult with a Task Force on Instructional Improvement, to be appointed by the superintendent, composed of practicing classroom teachers. school administrators, parents, school board members, classified employees. and educational research specialists * * *. However, the majority of the task force shall consist of practicing classroom teachers.

SEC. 2. In addition to the task force identified pursuant to subdivision (b) of Section 33126 of the Education Code, the Superintendent of Public Instruction shall consult with representatives of business and organized labor in the development of the components of the model school accountability report card required pursuant to paragraph (14) of subdivision (a) of Section 33126 of the Education Code.

SEC. 3. The Legislature finds and declares that this act furthers the purposes of the Classroom Instructional Improvement and Accountability Act

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

PUBLIC CONTRACTS—MINORITY, WOMEN, AND DISABLED VETERANS—AWARD OF CONTRACTS

CHAPTER 1032

A.B. No. 340

AN ACT to amend Section 16857 of, and to add Section 16852.5 to, the Government Code, to add Section 999.10 to the Military and Veterans Code, and to amend Section 10115.10 of, and to add Sections 2001, 10108.7, and 10115.12 to, the Public Contract Code, relating to public contracts.

[Approved by Governor October 10, 1993.]

[Filed with Secretary of State October 11, 1993.]

LEGISLATIVE COUNSEL'S DIGEST

AB 340, Katz. Public contracts: minority, women, and disabled veteran business enterprises.

(1) Existing law requires all contracts awarded by any state agency, department, officer, or other state governmental agency, and permits all contracts awarded by any local agency, for construction, certain professional services, materials, supplies, equipment, alteration, repair, or improvement to have participation goals of not less than 15% for minority business enterprises, 5% for women business enterprises, and 3% for disabled veteran business enterprises.

Existing law, the Subletting and Subcontracting Fair Practices Act, also imposes requirements on prime contractors with respect to providing certain information regarding subcontractors.

nonfederal share of county facility modification or acquisition * * * and all costs related to the purchase of computer hardware, including delivery and installation costs, shall not be paid by the state. This paragraph does not apply to the County of Los Angeles.

* * *

(3)(A) Notwithstanding subdivisions (a) and (b) of Section 15200.6, the department shall loan to the County of Los Angeles, from funds authorized by subparagraph (A) of paragraph (2) of subdivision (c) of Section 15200.6, an amount not to exceed three million five hundred fifty-seven thousand dollars ($3,557,000) in the 1994-95 fiscal year for the nonfederal share of the ARS, for the period commencing July 1, 1993, and ending September 30, 1995, costs that are eligible for enhanced federal funding. This loan does not constitute a shift in financial responsibility for any portion of the child support enforcement program implemented under this chapter. The nonfederal share of county facility modification or acquisition and all costs related to the purchase of computer hardware, including delivery and installation costs, shall not be paid by the state nor with funds loaned to the County of Los Angeles pursuant to this paragraph.

(B) In order for the funds to be loaned, the county shall enter into a memorandum of understanding with the department. The memorandum of understanding shall be approved by the Department of Finance and shall contain all of the following specific conditions under which the loan will be made:

(i) On or before September 1, 1995, Los Angeles County shall do all of the following:

(I) Complete development and implementation of a Family Support Act certifiable automated child support enforcement system.

(II) Fully implement ARS countywide, including loading all cases into ARS, a fully functioning collections and distribution system operating within ARS and a financial reporting system operating within ARS.

(III) Complete the identification and transfer of all duplicate cases with other counties when the case is received by Los Angeles County no later than June 1, 1995, as specified in the memorandum of understanding between the department and the county.

(IV) Complete programming and acceptance testing necessary for ARS to interface with SACSS.

(ii) If the conditions in clause (i) are not met by September 1, 1995, all funds loaned to Los Angeles County shall pursuant to subparagraph (A) for ARS be immediately due and payable to the department.

(iii) If Los Angeles County meets all of the conditions in clause (i) by September 1, 1995, and achieves all of the following goals in the 1995-96 fiscal year, the county shall not be required to repay the loan authorized by this section:

(I) Increase the number of successful locates by 75 percent over those located in the 1992-93 fiscal year.

(II) Increase the number of paternities established by 75 percent over those established in the 1992-93 fiscal year.

(III) Increase the number of child support enforcement orders established by 75 percent over those established in the 1992-93 fiscal year.

(4) If Los Angeles County meets all of the conditions in clause (i) by September 1, 1995, but does not meet the goals in clause (iii) by June 30, 1996, any funds loaned to the county pursuant to subparagraph (A) of paragraph (3) for ARS shall be repaid by the county to the department over a period of four consecutive quarters beginning January 1, 1997. The funds shall be deducted from incentive funds earned or welfare recoupment realized by the county during the repayment period.

(5) Prior to the release of any funds, Los Angeles County shall provide an accounting of expenditures claimed prior to the date of enactment of this section and a schedule of payments for the period July 1, 1994, to the end of the project.

(e) The counties shall pay the nonfederal share of the ongoing operational and maintenance costs of SACSS that are attributable to local government.

(f) As used in this section, the following definitions shall apply:

(1) "ACSES" means the Los Angeles County Automated Child Support Enforcement System.

(2) "ACSES Replacement System" or "ARS" means the modifications to ACSES that are developed by Los Angeles County pursuant to this section.

* * *

(3) "Plan of cooperation" means an agreement between a county district attorney and the department that specifies the responsibilities and activities to be performed by each party, as described in the department's manual of policies and procedures.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure adequate implementation of the Los Angeles County Automated Child Support Enforcement System Replacement System in a timely manner, it is necessary that this act go into immediate effect.

SCHOOLS AND SCHOOL DISTRICTS—ACCOUNTABILITY REPORT CARD—CONTENTS

CHAPTER 824

S.B. No. 1665

AN ACT to amend Section 33126 of the Education Code, relating to schools.

[Approved by Governor September 25, 1994.]

[Filed with Secretary of State September 27, 1994.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1665, Hart. School Accountability Report Card.

(1) Under the Classroom Instructional Improvement and Accountability Act (Proposition 98), in order to promote a model statewide standard of instructional accountability and conditions for teaching and learning, the Superintendent of Public Instruction is required to develop and present to the State Board of Education for adoption a statewide model school accountability report card that includes an assessment of specified school conditions. Under the act, the governing board of each school district is required to implement a school accountability report card for each school in the district that includes the conditions covered in the statewide model report card.

This bill would require that the statewide model school accountability report card also include, as a school condition to be assessed, the total number of instructional minutes offered in the school year, separately stated for each grade level and the total number of minimum days in the school year, as specified. The bill, by adding conditions to the statewide model report card, thereby would require school districts to similarly modify their school accountability report cards, thereby imposing a state-mandated local program.

(2) The Classroom Instructional Improvement and Accountability Act, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house.

This bill, which would declare that it furthers the purposes of the act.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

The people of the State of California do enact as follows:

SECTION 1. Section 33126 of the Education Code is amended to read:

33126. In order to promote a model statewide standard of instructional accountability and conditions for teaching and learning, the Superintendent of Public Instruction shall, by March 1, 1989, develop and present to the State Board of Education for adoption a statewide model school accountability report card.

(a) The model school accountability report card shall include, but is not limited to, assessment of the following school conditions:

(1) Pupil achievement in and progress toward meeting reading, writing, arithmetic, and other academic goals.

(2) Progress toward reducing drop-out rates.

(3) Estimated expenditures per pupil and types of services funded.

(4) Progress toward reducing class sizes and teaching loads.

(5) Any assignment of teachers outside their subject areas of competence.

(6) Quality and currency of textbooks and other instructional materials.

(7) The availability of qualified personnel to provide counseling and other pupil support services.

(8) Availability of qualified substitute teachers.

(9) Safety, cleanliness, and adequacy of school facilities.

(10) Adequacy of teacher evaluations and opportunities for professional improvement.

(11) Classroom discipline and climate for learning.

(12) Teacher and staff training, and curriculum improvement programs.

(13) Quality of school instruction and leadership.

(14) The degree to which pupils are prepared to enter the workforce.

(15) The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level.

(16) The total number of minimum days, as specified in Sections 46112, 46113, 46117, and 46141, in the school year.

(b) In developing the statewide model school accountability report, the Superintendent of Public Instruction shall consult with a Task Force on Instructional Improvement, to be appointed by the superintendent, composed of practicing classroom teachers, school administrators, parents, school board members, classified employees, and educational research specialists. However, the majority of the task force shall consist of practicing classroom teachers.

SEC. 2. The Legislature finds and declares that this act furthers the purposes of the Classroom Instructional Improvement and Accountability Act.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SCHOOLS AND SCHOOL DISTRICTS—INTERNATIONAL STUDENT EXCHANGE VISITOR PLACEMENT ORGANIZATIONS

CHAPTER 825

S.B. No. 1885

AN ACT to add Section 35185 to the Education Code and to add Article 8.2 (commencing with Section 12620) to Chapter 6 of Division 3 of Title 2 of the Government Code, relating to international student exchange visitors.

[Approved by Governor September 25, 1994.]

[Filed with Secretary of State September 27, 1994.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1885, Presley. International student exchange visitor placement organizations.

Existing federal law, the Mutual Education and Cultural Exchange Act of 1961, and the regulations thereto, authorizes the United States Information Agency to designate certain exchange visitor programs that meet certain eligibility requirements to act as sponsors of exchange visitor programs, including, among other programs, exchange visitor programs that place certain foreign nationals in schools at the secondary school level. That law authorizes the issuance of a certain federal nonimmigrant visa to students participating in designated programs. Under federal law, certain student exchange visitors, including certain elementary and secondary students, may also be authorized to enter the United States to study on other federal nonimmigrant visas. Student exchange visitor programs assisting student exchange visitors in obtaining those other federal nonimmigrant visas are not subject to regulation by the United States Information Agency.

This bill would establish the Uniform Supervision of International Student Exchange Visitor Placement Organizations Act of 1994 to require that international student exchange visitor placement organizations register with the Attorney General, as specified, meet certain requirements, and perform certain duties. The bill would require the Attorney General to adopt regulations regarding the standards and requirements that those organizations must meet in a manner consistent with specified federal regulations and for the administration of these provisions.

This bill would require each international student exchange visitor placement organization to submit certain documents along with the registration application.

This bill would require each organization to, among other things, provide certain information to participating students, host families, and school districts.

This bill would make it a misdemeanor for any international exchange visitor placement organization to fail to register with the Attorney General or to willfully and knowingly provide false or incorrect information to the Attorney General, as specified, thereby creating a state-mandated local program.

This bill would create the Registry of International Student Exchange Visitor Placement Organizations Fund in the State Treasury and would require deposit of all registration and renewal fees collected into that fund for the purpose of funding the administration of these provisions.

This bill would authorize a school district to require proof of registration with the Attorney General from any organization seeking to place an international student exchange visitor, as defined, in the school district as a condition to agreeing to enroll that student.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

Assembly Bill No. 572

CHAPTER 912

An act to amend Section 33126 of the Education Code, relating to schools.

[Approved by Governor October 12, 1997. Filed with Secretary of State October 12, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 572, Caldera. School Accountability Report Card.

(1) Under the Classroom Instructional Improvement and Accountability Act (Proposition 98), in order to promote a model statewide standard of instructional accountability and conditions for teaching and learning, the Superintendent of Public Instruction is required by March 1, 1989, to develop and present to the State Board of Education for adoption a statewide model school accountability report card that includes an assessment of specified school conditions. The Superintendent of Public Instruction is required to consult with a Task Force on Instructional Improvement in developing the statewide model school accountability report card. Under the act, the governing board of each school district is required to implement a school accountability report card for each school in the district that includes the conditions covered in the statewide model report card.

This bill would eliminate the obsolete requirement that the Superintendent of Public Instruction develop by March 1, 1989, in consultation with a Task Force on Instructional Improvement, a statewide model school accountability report card. The bill would provide that the school accountability report card shall provide data by which parents can make meaningful comparisons between public schools.

The bill would require that the school accountability report card also include, but not be limited to, the results by grade level from the assessment tool used by the school district and after it is developed, the statewide assessment, average verbal and math Scholastic Assessment Test scores, the one-year dropout rate, the percentage of pupils in kindergarten and grades 1 to 3, inclusive, participating in the Class Size Reduction Program, the total number of the school's credentialed teachers, the annual number of schooldays dedicated to staff development, and the suspension and expulsion rates for the most recent 3-year period. The bill, by adding conditions to the school accountability report card, would require school districts to modify their school accountability report cards, thereby imposing a state-mandated local program. The bill would also express the Legislature's intent that schools make a concerted effort to ensure

that parents receive a copy of the accountability report card, that the accountability report cards are easy to read and understandable, and that administrators and teachers are available to answer any questions regarding the report card.

(2) The Classroom Instructional Improvement and Accountability Act, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $^2/_3$ vote of each house.

This bill would declare that it furthers the purposes of the act.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 33126 of the Education Code is amended to read:

33126. (a) The school accountability report card shall provide data by which parents can make meaningful comparisons between public schools enabling them to make informed decisions on which school to enroll their children.

(b) The school accountability report card shall include, but is not limited to, assessment of the following school conditions:

(1) Pupil achievement in and progress toward meeting reading, writing, arithmetic, and other academic goals, including results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period. After the state develops a statewide assessment system pursuant to Chapter 5 (commencing with Section 60600) and Chapter 6 (commencing with Section 60800) of Part 33, the school accountability report card shall include pupil achievement by grade level, as measured by the results of the statewide assessment. Secondary schools with high school seniors shall list both the average verbal and math Scholastic Assessment Test scores to the extent provided to the school and the percentage of seniors taking that exam for the most recent three-year period.

(2) Progress toward reducing dropout rates, including the one-year dropout rate listed in California Basic Education Data System for the schoolsite over the most recent three-year period.

(3) Estimated expenditures per pupil and types of services funded.

(4) Progress toward reducing class sizes and teaching loads, including the distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1 to 3, inclusive, participating in the Class Size Reduction Program established pursuant to Chapter 6.10 (commencing with Section 52120) of Part 28, using California Basic Education Data System information for the most recent three-year period.

(5) The total number of the school's credentialed teachers, the number of teachers relying upon emergency credentials, the number of teachers working without credentials, and any assignment of teachers outside their subject areas of competence for the most recent three-year period.

(6) Quality and currency of textbooks and other instructional materials.

(7) The availability of qualified personnel to provide counseling and other pupil support services.

(8) Availability of qualified substitute teachers.

(9) Safety, cleanliness, and adequacy of school facilities.

(10) Adequacy of teacher evaluations and opportunities for professional improvement, including the annual number of schooldays dedicated to staff development for the most recent three-year period.

(11) Classroom discipline and climate for learning, including suspension and expulsion rates for the most recent three-year period.

(12) Teacher and staff training, and curriculum improvement programs.

(13) Quality of school instruction and leadership.

(14) The degree to which pupils are prepared to enter the work force.

(15) The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level.

(16) The total number of minimum days, as specified in Sections 46112, 46113, 46117, and 46141, in the school year.

(c) It is the intent of the Legislature that schools make a concerted effort to notify parents of the purpose of the school accountability report cards, as described in this section, and ensure that all parents receive a copy of the report card, to ensure that the report cards are easy to read and understandable by parents, and to ensure that administrators and teachers are available to answer any questions regarding the report cards.

SEC. 2. The Legislature finds and declares that this act furthers the purposes of the Classroom Instructional Improvement and Accountability Act.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

O

AB 568 Education: School Accountability Report Card.

BILL NUMBER: AB **568** CHAPTERED 10/12/97

CHAPTER 918
FILED 'WITH SECRETARY OF STATE OCTOBER 12,1997
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AMENDED IN ASSEMBLY APRIL 16,1997
AMENDED IN ASSEMBLY APRIL 1, 1997

INTRODUCED BY Assembly Member Lempert

FEBRUARY 25, 1997

An act to add Section 35258 to tlie Educatioii Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 568, Lempert. Education: Scliool Accountability Report Card.

(1) Existing law requires the governing board of each school district to develop and cause to be implemented for each school in the school district a Scliool Accountability Report Card.

This bill would require each school district that is connected to tlie Internet to make the information contained in the School Accountability Report Card accessible on the Internet on or before July 1, 1998, aid to update tlie report card information annually. The bill would make a related legislative finding and declaration and a statement of legislative intent.

By imposing additional duties on public schools, this bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by tlie state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by tlie state, reimbursement for those costs shall be made pursuant to these statutory provisions.

SECTION 1. (a) The Legislature finds and declares that, although our state has einbraced technology in creating a revolution of growth, our schools have not kept pace with this technology revolution. Access to information through the use of teclmology has become an integral and crucial part in the decisionmaking processes of government, industry, and tlie home. However, our schools do not facilitate access to information through one of tlie most available information technology mediums, the Internet.

(b) It is the intent of the Legislature to improve the access of parents and the community to school-based information.

SEC. 2. Section 35258 is added to the Education Code, to read:

35258. On or before July 1, 1998, each school district that is connected to tlie Internet shall make the information contained in the School Accountability Report Card developed pursuant to Section 35256 accessible on tlie Internet. The School Accouiitability Report Card information sliall be updated annually.

SEC. 3. Notwithstanding Section 17610 of tlie Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from tlie State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act sliall become operative on the same date that the act takes effect pursuant to the California Constitution.

Senate Home Page Search Bill Text

Senate Rules Committee / CaliforniaState Senate / WebMaster@sen.ca.gov

98 School Funding. Initiative Constitutional Amendment and Statute

Official Title and Summary Prepared by the Attorney General

SCHOOL FUNDING. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE. Amends State Constitution by establishing a minimum level of state funding for school and community college districts; transferring to such districts, within limits, state revenues in excess of State's appropriations limit; and exempting excess funds from appropriations limit. Adds provisions to Education Code requiring excess funds to be used solely for instructional improvement and accountability and requiring schools to report student achievement, drop-out rates, expenditures per student, progress toward reducing class size and teaching loads, classroom discipline, curriculum, quality of teaching, and other school matters. Contains other provisions. Summary of Legislative Analyst's estimate of net state and local government fiscal impact: Meeting the required minimum funding level for schools and community college districts will result in state General Fund costs of $215 million in 1988–89. No excess state revenues are expected in 1988–89 for transfer to schools and community colleges. Local administrative costs are estimated to be $2 million to $7 million a year for preparation and distribution of School Accountability Report Cards. No fiscal effect can be identified for the required prudent reserve fund.

Analysis by the Legislative Analyst

Background

The state provides funding for public schools and community colleges, adjusted each year to reflect changes in inflation and student enrollment.

Under the California Constitution, most government entities (including the state and local school districts) have a limit on the amount of tax revenues they can appropriate each year, adjusted annually to reflect changes in inflation and population. Whenever a government entity does not appropriate all of its tax revenues, these "excess revenues" must be returned to taxpayers.

Proposal

This measure makes changes in the way the state funds public schools and treats excess revenues. Specifically, the measure does the following:

- Establishes a minimum level of funding for public schools and community colleges.
- Requires the state to spend any excess revenues, up to a specified maximum, for public schools and community colleges. Other provisions of the measure would (a) increase the state's appropriations limit so that these funds may be spent and (b) raise the minimum level of funding for public schools and community colleges by the amount of excess revenues they receive.
- Requires the Legislature to establish a state reserve fund.
- Requires school districts to prepare and distribute "School Accountability Report Cards" each year.

Minimum Funding Level. Starting in 1988–89, this measure requires the state to provide a minimum level of funding for public schools and community colleges.

The measure specifies two methods for determining what the minimum funding level should be and requires the state to use the method that results in the *larger* amount.

- The first method would require the state to ensure that the percentage of State General Fund revenue that is allocated to public schools and community colleges is not less than the percentage that was allocated to them in 1986–87.
- The second method would require the state to ensure that public schools and community colleges receive from state and local tax revenues the same total amount of funds received from these sources in the prior year, adjusted for changes in inflation and increases in enrollment.

The measure permits the enactment of legislation, by a two-thirds vote, to suspend the minimum funding requirement for one year.

Distribution of Excess Revenues. This measure requires any excess revenues to be distributed to public schools and community colleges rather than returned to taxpayers. The measure limits the amount the state may distribute each year to 4 percent of the minimum school funding level. In 1988–89, this limit would be about $500 million. Any remaining amount above this limit would be returned to taxpayers.

If excess revenues are distributed in any year, the measure requires that the state's appropriations limit be increased by this amount in the next year. Any excess revenues that public schools or community colleges receive would permanently increase their minimum funding levels.

The measure requires public schools and community colleges to use these additional funds for "instructional improvement and accountability." It also requires that these funds be in addition to—rather than a replacement for—other funding and be kept in a separate account.

The distribution of excess revenues to public schools would not be required in any year in which the Superintendent of Public Instruction and the Director of Finance determine that *both* of the following conditions have been met:

- The annual expenditure per student in California is equal to or greater than the average annual expenditure per student of the 10 states with the highest annual expenditures per student for elementary and high schools.

- The average class size in California is equal to or less than the average class size of the 10 states with the lowest class size for elementary and high schools.

Similarly, the distribution of excess revenues to community colleges would not be required in any year in which the Chancellor of the California Community Colleges and the Director of Finance determine that the annual expenditure per student in California is equal to or greater than the annual expenditure per student of the 10 states with the highest annual expenditures per student for community colleges.

School Accountability Report Card, This measure requires the Superintendent of Public Instruction to appoint and consult with a task force to develop a model School Accountability Report Card by March 1,1989. The model report card would contain information on a variety of school conditions, including student achievement, dropout rates, expenditures, class size, teacher assignment, textbook quality, student services, school safety, teacher evaluation and staff development, classroom discipline, and instructional quality.

This measure requires each public school district to issue an annual School Accountability Report Card for each of its schools, beginning in 1989–90. The measure does not require school districts to adopt the statewide model but, at a minimum, each report card must contain information on the conditions listed above,

State Reserve **Fund,** This measure requires the Legislature to establish a prudent state reserve fund each year. The measure does not specify the amount of the reserve.

Fiscal Effect

Minimum **Funding** Level. This measure would result in State General Fund costs of about $215 million in 1988–89. This would bring funding for public schools and community colleges to the same percentage level they had in 1986–87. There would be unknown increases in General Fund costs in the future to maintain school funding at the minimum funding level.

Excess Revenues. It is unclear at this time whether the state will have excess revenues in 1988–89. If there are such excess revenues in 1988–89 or in future years, they would be distibuted to public schools and community colleges, up to the specified annual maximum—$500 million in 1988–89.

Report Cards. It would cost local schools from $2 million to $7 million each year to prepare and distribute the School Accountability Report Cards,

State Reserve Fund. The requirement to establish a state reserve fund would have no fiscal effect because the state already maintains a reserve fund and the measure does not specify an amount that must be allocated to it.

Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure expressly amends the Constitution by amending and adding sections thereto, and adds sections to the Education Code; therefore, existing sections proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. This Act shall be known as "The Classroom Instructional Improvement and Accountability Act"

SECTION 2. Purpose and Intent. The People of the State of California find and declare that:

(a) California schools are the fastest growing in the nation. Our schools must make room for an additional 130,000 students every year.

(b) Classes in California's schools have become so seriously overcrowded that California now has the largest classes of any state in the nation.

(c) This act will enable Californians to once again have one of the best public school systems in the nation.

(d) This act will not raise taxes.

(e) It is the intent of the People of California to ensure that our schools spend money where it is most needed. Therefore, this Act will require every local school board to prepare a School Accountability Report Card to guarantee accountability for the dollars spent.

(f) This Act will require that excess state funds be used directly for classroom instructional improvement by providing for additional instructional materials and reducing class sizes.

(g) This Act will establish a prudent state reserve to enable California to set aside funds when the economy is strong and prevent cutbacks or tax increases in times of severe need or emergency.

SECTION 3. Section 5.5 is hereby added to Article XIIIB as follows:

SECTION 5.5. Prudent State Reserve. The Legislature shall establish a prudent state reserve fund in such amount as it shall deem reasonable and necessary. Contributions to, and withdrawals from, the fund shall be subject to the provisions of Section 5 of this Article.

SECTION 4. Section 2 of Article XIIIB is hereby amended to read as follows:

SECTION 2. *Revenues in Excess of Limitation.*

(a) All revenues received by the state in excess of that amount which is appropriated by the state in compliance with this Article, and which would otherwise be required, pursuant to subdivision (b) of this Section, to be returned by a revision of tax rates or fee schedules within the next two subsequent fiscal years, shall be transferred and allocated pursuant to Section 8.5 of Article XVI up to the maximum amount permitted by that section.

(b) Except as provide$' in subdivision (a) of this Section, ~~Revenues~~ *revenues* received by any entity of government in excess of that amount. which is appropriated by such entity in compliance with this Article during the fiscal year shall be returned by a revision of tax rates or Fee schedules within the next two subsequent fiscal years.

SECTION 5. Section 8 of Article XVI is hereby amended to read as follows:

SECTION 8. *School Funding Priority*

(a) From all state revenues there shall first be set apart the monies to be applied by the state for support of the public school system and public institutions of higher education.

(b) Commencing with the 1988–89 fiscal year, the monies to be applied by the state for the support of school districts and community college districts shall be not less than the greater of:

(1) The amount which, as a percentage of the State General Fund revenues which may be appropriated pursuant to Article XIIIB, equals the percentage of such State General Fund revenues appropriated for school districts, and community college districts, respectively, in fiscal year 1986–87; or

(2) The amount required to ensure that the total *allocations to school districts and community college districts from the State General Fund proceeds of taxes appropriated pursuant to Article XIIIB and allocated local proceeds of taxes shall not be less than the total amount from These sources in the prior year, adjusted for increases in enrollment, and adjusted for changes in the cost of living pursuant to the provisions of Article XIIIB.*

(c) The provisions of subdivision (b) of this Section may be suspended for one year by the enactment of an urgency statute pursuant to Section 8 of Article IV, provided that no urgency statute enacted under this subdivision may be made part of or included within any *bill enacted pursuant to Section 12 of Article IV.*

SECTION 6. Section 8.5 of Article XVI is hereby added as follows:

SECTION 8.5. Allocations to State School Fund

(a) In addition to the amount required to be applied for the support of school districts and community colleges pursuant to Section 8(b), the Controller shall during each fiscal year transfer and allocate all revenues available pursuant to subdivision (a) of Section 2 of Article'

Continued on page 127

98 School Funding. Initiative Constitutional Amendment and Statute

Argument in Favor of Proposition 98

Proposition 98, the School Funding for Instructional Improvement and Accountability Initiative, is a well-thought-out plan for California's schools to once again be among the very best in the nation. Proposition 98 will not raise taxes; it just tells the politicians how to spend state funds to make our schools better.

- Today, classes are overcrowded. California packs more students into its schoolrooms than any other state. And 140,000 more young people are entering our schools each and every year.
- We can't give enough attention to essential subjects and we've had to eliminate some courses entirely.
- We have far too few counselors to help our youth plan their educational and job futures, and to work with those who show signs of delinquency and drug abuse.

In, the last ten years the percentage of local property tax dollars used to support local schools has decreased from 43% to 32%. The percentage of our personal income spent on public education has declined from' 4.6% to 3.3%, which means a loss of $1,000 a year per student!

Those are only a few of our schools' problems. But they're big ones, And unless we, the voters, do something about them, our state's economy and every Californian's well-being will suffer.

It wasn t always this way.

By 1910, a provision 'was added to the" California Constitution which required that 'the Legislature first set aside funds for the "support 'of the public school system."

Beginning in the 1920s the State Constitution required a minimum amount of money be spent on each student. And over the years the specific dollar amount spent. on each child was adjusted for inflation.

All that has changed,

Every year for the last ten years, our schools asked the politicians for help. Year after year they said, "We'd like to help, but we just can't agree among ourselves."

We are asking you to step in and reestablish public education as a first priority in our state.

We recognize that there'll never be enough money for everything.

But, since our elected leaders in Sacramento cannot seem to agree on how to spend existing tax dollars, the schoolteachers and the PTA have written a plan for school funding, instructional improvement, and accountability.

- Proposition 98 takes school financing out of politics by ensuring a minimum funding level for schools which the Legislature and Governor must honor except in fiscal emergencies.
- Proposition 98 requires that if there is a state budget surplus over and above the government spending limit, the money that goes for education can only be used for instructional improvements, paying teachers, or reducing class size.
- Proposition 98 makes schools accountable by requiring that each school make public a progress report on test scores, dropout rates, classroom discipline, class size, instructional materials, the quality of instruction and school leadership.

We're proud that over 1,000,000 Californians signed our initiative and put it on the ballot. Proposition 98 gives us a chance to make our schools number one again.

Please vote "YES" on Proposition 98, the School Funding for Instructional Improvement and Accountability Initiative.

ED FOGLIA
President, California Teachers Association

HELEN H. LINDSEY
President, California State PTA

Rebuttal to Argument in Favor of Proposition 98

Despite the claims'of its supporters, Proposition 98 will do nothing to improve the quality of education in California, It will not improve student performance or make teachers and administrators more' accountable. It will likely cause an increase in your taxes.

Proposition 98 is an attempt by the teachers' unions and the educational bureaucracy to guarantee a certain level of state funding for K–12th-grade schools 'and community colleges-regardless of any other vital state and local needs, and regardless of whether they are doing a good job in spending those funds and teaching our children,

This year, California will invest *more* than $20 billion in our K–12th-grade schools-an increase of nearly $8 billion in the past five years, Total school funding has increased 78 percent 'during this time period-far in excess of inflation, With this level of support, many people believe that California's schools should be doig better,

The proponents, of Proposition 98 don't realize that bigger, budgets don't necessarily buy better schools. Many of the most effective reforms taking place in our classrooms Mav-such as' more homework, greater parental involvement, increased discipline and more rigorous courses—do not take additional,' money. They are the result of increased commitment by principals, 'teachers, students and parents.

If California hopes to retain' its place as, a leadership state,. we need to provide our students with quality education—but Proposition 98 will do, nothing to help, us meet this goal.

VOTE NO ON PROPOSITION 98.

GEORGE DEUKMEJIAN
Governor

GEORGE CHRISTOPHER
Chairman, California Commission on Educational Quality

RICHARD P. SIMPSON
Executive Vice President, California *Taxpayers' Association*

 Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

Argument Against Proposition 98

Education is already California's top budget priority. Over 50% of all the dollars that you pay into the state's General Fund are spent on schools. SINCE 1982, CALIFORNIA'S PUBLIC SCHOOLS HAVE RECEIVED A 78% INCREASE IN FUNDING, WHILE STUDENT ENROLLMENT HAS RISEN ONLY 14%. Average teacher salaries are now the fifth highest in the nation.

Since 1982, the Governor and the Legislature have provided schools with funding increases every year. Proposition 98 would place a provision in the Constitution which mandates a certain level of school funding *even if it means cutting other services, such as health care for senior citizens, funds to fight drug trafficking or programs to reduce traffic congestion.*

Proposition 98 would place all other important state services at risk. Proposition 98 would throw away the reasonable limit on state spending imposed by a vote of the people. In just a few years, Proposition 98 would surely require a major tax increase.

And for what? Proposition 98 will certainly increase the level of school bureaucracy, but does it guarantee that your children will receive better schooling? Absolutely not!

If you want to continue to increase funding and quality of education *without* raising taxes and *without* cutting other services such as health care, transportation and public safety, then vote "NO" on Proposition 98.

GEORGE DEUKMEJIAN
Governor
GEORGE CHRISTOPHER
Chairman, California Commission on Educational Quality
RICHARD P. SIMPSON
Executive Vice President, California Taxpayers' Association

Rebuttal to Argument Against Proposition 98

By including hundreds of millions of dollars spent on state universities and colleges, opponents of Proposition 98 attempt to make it seem that all is well in our public elementary and high schools.

But using "statistics" cannot hide the simple truth.

Today we spend just one real dollar more per student day in our schools than 10 years ago.

That puts California 48th among the 50 states' in percent of personal income spent on schools,

We rank dead last on average class size.

1. Vermont
2. Wyoming
3. Connecticut,
4. Massachusetts
5. New York
6. Kansas
7. Rhode Island
8. New Jersey
9. New Hampshire
10. Nebraska
11. North Dakota
12. Montana
13. South Dakota
14. West Virginia
15. Iowa
16. Wisconsin
17. Delaware
18. Missouri
19. Maine
20. Oklahoma
21. Pennsylvania
22. Illinois.
23. Virginia
24. Maryland
25. Florida
26. Minnesota
27. Oregon
28. South Carolina
29. Arizona
30. Texas
31. Louisiana
32. Arkansas
33. New Mexico
34. Mississippi
35. Colorado
36. Kentucky
37. Indiana
38. Georgia
39. Ohio
40. North Garolina
41. Hawaii
42. Alaska
43. Nevada
44. Alabama
45. Tennessee
46. Michigan
47. Washington
48. Idaho
49. Utah
50. *California*

Proposition 98 only guarantees schools as much money as they received in the last year adjusted to pay for new children and inflation. It does not raise taxes.

It reforms the system by requiring that extra money is only spent for instructional improvement.

And it sets up a comprehensive program which holds educators accountable for the job they do and the tax dollars they spend.

BILL HONIG
State Superintendent of Public Instruction
RAY TOLCACHER
President, Association of California School Administrators

assign a specific date and time as approved by the court for appearance by the person contesting the violation and shall then file a complaint and a copy of the notice of delinquent violation with the court pursuant to Section 31027 within 15 days. The processing agency shall notify the person contesting the violation of the filing and the date and time for appearance. Thereafter, all proceedings including the collection of any penalties and fees shall be conducted by the court in the same manner as infraction violations of the Vehicle Code.

(b) Neither the outcome of a processing agency's action pursuant to paragraph (1) of subdivision (a) of this section, nor the court's verdict upon a referral pursuant to paragraph (2) of subdivision (a) of this section, shall be admissible in any subsequent criminal proceeding.

31025. Circumstances Requiring Termination of Proceedings on Notice of Delinquent Violation. The processing agency shall terminate proceedings on the notice of delinquent violation in either of the following cases:

(a) Upon receipt of collected penalties and applicable fees for that notice of delinquent violation. The termination under this subdivision is by satisfaction of the penalty.

(b) Upon a verdict of not guilty from a court of competent jurisdiction.

31026. Deposit of Penalties.

Any penalties which are received by a processing agency or court under this chapter shall be deposited pursuant to chapter 3 of this division.

31027. Filing of Complaint; Notice of Delinquent Violation; Jurisdiction of Court

(a) When a processing agency files a complaint with the court pursuant to Section 31023 or Section 31024, a copy of the notice of delinquent violation issued for service under Section 31020 shall be filed with the court within 15 days and, f prepared in the form approved by the judicial Council shall be treated as a written notice to appear.

(b) After filing of a complaint or a notice of delinquent violation under this section, the court shall exercise all further jurisdiction over the violation, Any fines or forfeitures collected by the court, after filing of a complaint, shall be collected, deposited, and disbursed pursuant to the provisions of chapter 3 of this division.

CHAPTER 3. DISPOSITION OF FUNDS

31040. Disposition of Funds, Notwithstanding any other provision of law, including but not limited to any provision relating to state funding of trial courts by black grant or other means, the total amount of penalties received by a processing agency or court under this division shall be allocated as follows:

(a) An amount equal to ten percent shall be retained in the county treasury or general fund, at the direction of the Board of Supervisors, for the purpose paying administrative costs incurred by issuing agencies under this division.

(b) An amount equal to eighty percent shall be transferred each month to the California Emergency Housing and Nutrition Fund, pursuant to the provisions of Section 8699.40 of the Government Code;

(c) An amount equal to ten percent shall be transferred each month to the California Housing Fund, pursuant to the provisions of Section 8699.30 of the Government Code.

(d) All processing fees shall be deposited with the county for reimbursement to the processing agency or court.

(e) Pursuant to a finding by the board of directors of the Corporation for California that amounts retained in county treasuries and general funds under subdivision (a) of this section are insufficient to pay administrative costs incurred by issuing agencies under this division, the board may increase the allocation of funds under subdivision (a) of this section up to but not exceeding an amount equal to twenty-five percent (25%) of the total amount of penalties received by a processing agency or court under this division, and may make such other allocations of funds to the California Emergency Housing and Nutrition Fund and the California Housing Fund as may be required to achieve the purposes of this subdivision.

31041. State Funding of Courts. Except as provided in Section 31017 and 31040, nothing in this division is intended to affect, reduce, or otherwise alter the participation of any county in the Court Funding Trust Account or other programs providing state funding of trial courts pursuant to Chapter 13 (commencing with Section 77000) of Title 8 of the Government Code.

SECTION 9. To the extent that this Act is inconsistent with any other governmental statute or special act or parts thereof, this Act is controlling and shall be liberally construed to effect its purpose.

SECTION 10. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, shall be held invalid, the remainder of this Act, to the extent that it can be given effect, shall not be affected thereby, and to this end the provisions of this Act are severable,

Proposition 96: Text of Proposed Law

Continued from page 71

should continue to monitor their own health and should consult a physician as appropriate."

If the person subject to' the test is a minor, copies of the test result shall also be sent to the minor's parents or guardian.

(e) The court shall order all persons, other than the test subject, who receive test results pursuant to Sections 199.96 or 199.97, to maintain the confidentiality of personal identifying data relating to the test results except for disclosure which may be necessary to obtain medical or psychological care or advice.

(f) The specimens and the results of tests ordered pursuant to Sections 199.96 and 199.97 shall not be admissible evidence in any criminal or juvenile proceeding,

(g) Any person performing testing, transmitting test results, or disclosing information pursuant to the provisions of this chapter shall be immune from civil liability for any action undertaken in accordance with the provisions of this chapter.

199.99. Custodial Safety.

(a) Any medical personnel employed by, under contract to, or receiving payment from the State of California, any agency thereof, or any county, city, or city and county to provide service at any state prison, the Medical Facility, any Youth Authority institution, any county jail, city jail, hospital jail ward, juvenile hall, juvenile detention facility, or any other facility in which adults are held in custody or minors are detained. or any medical personnel employed, under contract, or receiving payment-to provide services to persons in custody or detained at any of the foregoing facilities, who receives information as specified herein that an inmate or minor at such a facility has been exposed to or infected by the AIDS virus or has an AIDS-related condition or any communicable disease, shall communicate such information to the officer in charge of the facility in which such inmate or minor is in custody or detained.

(b) Information subject to disclosure under subsection (a) shall include the following: any laboratory test which indicates exposure to or infection by the AIDS virus, AIDS-related condition, or other communicable diseases; any statement by the inmate or minor to medical personnel that he or she has AIDS or an AIDS-related condition, has been exposed to the AIDS virus, or has any communicable disease; the results of any medical examination or test which indicates that the inmate or minor has tested positive for antibodies to the AIDS virus, has been exposed to the AIDS virus, has an AIDS-related condition, or is infected with or any communicable disease; provided, that information subject to disc. shall not include information communicated to or obtained by a scientific research study pursuant to prior written approval expressly waiving disclosure under this section by the officer in charge of the facility.

(c) The officer in charge of the facility shall notify all employees, medical personnel, contract personnel, and volunteers providing services at such facility who have or may have direct contact with the inmate or minor in question, or with bodily fluids from such inmate or minor, of the substance of the information received under subsections (a) and (b) so that such persons can take appropriate action to provide for the care of such inmate or minor, the safety of other inmates or minors, and their own safety.

(d) The officer in charge and all persons to whom information is disclosed pursuant to this section shall maintain the confidentiality of personal identifying data regarding such information except for disclosure authorized hereunder or as may be necessary to obtain medical or psychological care or advice.

(e) Any person who willfully discloses personal identifying data regarding information obtained under this section to any person who is not a peace officer or an employee of a federal, state, or local public health agency, except as authorized hereunder, by court order, with the written consent of the patient or as otherwise authorized by law, is guilty of a misdemeanor,

SECTION 2. Effective Date; Retrospective Application.

This initiative and its statutory amendments shall take effect the day after the election and shall be construed to apply retrospectively to pending complaints and petitions, regardless of when the underlying actions took place, and to information subject to disclosure hereunder obtained prior to its effective date, to the maximum extent permitted by law.

Proposition 98: Text of Proposed Law

Continued from page 79

XIIIB, up to a maximum of four percent (4%) of the total amount required pursuant to Section 8(b) of this Article, to that portion of the State School Fund restricted for elementary and high school purposes, and to that portion of the State School Fund restricted for community college purposes, respectively, in proportion to the enrollment in school districts and community college districts respectively.

(1) With respect to funds allocated to that portion of the State School Fund restricted for elementary and high school purposes, no transfer or allocation of funds pursuant to this section shall be required at any time that the Director of Finance and the Superintendent of Public Instruction mutually determine that current annual expenditures per student equal or exceed the average annual expenditure per student of the ten states with the highest annual expenditures per student for elementary and high schools, and that average clas size equals or is less than the average clas size of the ten states with the lowest class size for elementary and high schools.

(2) With respect to funds allocated to that portion of the State School Fund restricted for community college purposes, no transfer or allocation of funds pursuant to this section shall be required at any time that the Director of Finance and the Chancellor of Community Colleges mutually determine that current annual expenditures per student for community colleges in this state equal or exceed the average annual expenditure per student of the ten states with the highest annual expenditures per student for community colleges.

(b) Notwithstanding the provisions of Article XIIIB, funds allocated pursuant to this section shall not constitute appropriations subject to limitation, but appropriation limits established in Article XIIIB shall be annually increased for any such allocutions made in the prior year.

(c) From any funds transferred to the State School Fund pursuant to paragraph (a) of this Section, the Controller shall each year allocate to each school district and community college district an equal amount per enrollment in school districts from the amount in that portion of the State School Fund restricted; elementary and high school purposes and an equal amount per enrollment in community college districts from that portion of the State School Fund restricted for community college purposes.

(d) All revenues allocated pursuant to subdivision (a) of this section, together

with an amount equal to the total amount of revenues allocated pursuant to subdivision (a) of this section in all prior years, as adjusted if required by Section 8(b)(2) of Article XVI, shall be expended solely for the purposes of instructional ıvement and accountability as required by law.

Any school district maintaining an elementary or secondary school shall ..op and cause to be prepared an annual audit accounting for such funds and shall adopt a School Accountability Report Card for each school.

SECTION 7. Section 33126 is hereby added to Article 2 of Chapter of 2 of Part 20 of Division 2 of Title 2 of the Education Code to read as follows:

33126. School Accountability Report Card

In order to promote a model statewide standard of instructional accountability and conditions for teaching and learning, the Superintendent of Public Instruction shall by March 1, 1989, develop and present to the Board of Education for adoption a statewide model School Accountability Report Card.

(a) The model School Accountability Report Card shall include, but is not limited to, assessment of the following school conditions:

(1) Student achievement in and progress toward meeting reading, writing, arithmetic and other academic goals.

(2) Progress toward reducing drop-out rates.

(3) Estimated expenditures per student, and types of services funded.

(4) Progress toward reducing class sizes and teaching loads.

(5) Any assignment of teachers outside their subject areas of competence.

(6) Quality and currency of textbooks and other instructional materials.

(7) The availability of qualified personnel to provide counseling and other student support services.

(8) Availability of qualified substitute teachers,

(9) Safety, cleanliness, and adequacy of school facilities.

(10) Adequacy of teacher evaluations and opportunities for professional improvement.

(11) Classroom discipline and climate for learning.

(12) Teacher and staff training, and curriculum improvement programs.

(13) Quality of school instruction and leadership.

(b) In developing the statewide model School Accountability Report, the Superintendent of Public Instruction shall consult with a Task Force on Instructional Improvement, to be appointed by the Superintendent, composed of practicing classroom teachers, school administrators, parents, school board members, classified employees, and educational research specialists, provided that the majority of the task force shall consist of practicing classroom teachers.

SECTION 8. Section 35256 is hereby added to Article 8 of Chapter 2 of Part 20 of Division 3 of Title 2 of the Education Code to read as follows:

35256. School Accountability Report Card

governing board of each school district maintaining an elementary or ... ary school shall by September 30, 1989, or the beginning of the school year dev op and cause to be implemented for each school in the school district a School Accountability Report Card.

(a) The School Accountability Report Card shall include, but is not limited to, the conditions listed in Education Code Section 33126.

(b) Not less than triennially, the governing board of each school district shall compare the content of the school district's School Accountability Report Cord to the model School Accountability Report Cord adopted by the State Board of Education. Variances among school districts shall be vsrmitted where necessary to ıccount for local needs.

(c) The Governing Board of each school district shall annually issue a school Accountability Report Card for each school in the school district, publicize such reports, and notify parents or guardians of students that a copy will be provided upon request.

SECTION 9. Section 41300.1 is hereby added to Article 1 of Chapter 3 of Part 24 of Division 3 of Title 2 of the Education Code to read as follows:

41300.1 Instructional Improvement and Accountability.

The amount transferred to Section A of the State School Fund pursuant to Section 8.5 of Article XVI of the State Constitution shall to the maximum extent feasible be expended or encumbered during the fiscal year received ond solely for the purpose of instructional improvement and accountability.

(a) For the purpose of this section, "instructional improvement and accountability" shall mean expenditures for instructional activities for school sites which directly benefit the instruction of students, and shall be limited to expenditures for the following:

(1) Lower pupil-teacher ratios until o ratio is attained of not more than 20 students per teacher providing direct instruction in any class, and until a goal is attained of total teacher loads of less than 100 total students per teacher in all secondary school classes in academic subjects as defined by the Superintendent of Public Instruction.

(2) Instructional supplies, instructional equipment, instructional materials and support services necessary to improve school conditions.

(3) Direct student services needed to ensure that each student makes academic progress necessary to be promoted to the next appropriate grade level.

(4) Staff development which improves services to students or increases the quality and effectiveness of instructional staff, designed and implemented by classroom teachers and other participating school district personnel, including the school principal, with the aid of outside personnel as necessary. Classroom teachers shall comprise the majority of any group designated to design such staff development programs for instructional personnel.

(5) Compensation of teachers.

(b) Funds transferred to each school district, pursuant to this section shall be deposited in a separate account and shall be maintained and appropriated separately from funds from all other sources. Funds appropriated pursuant to this section shall supplement other resources of each school district and shall not supplant any other funds.

SECTION 10. Section 14020.1 is hereby added to Article 1 Chapter 1 of Part 9 of Division 1 of Title 1 of the Education Code to read as follows:

14020.1. Instructional Improvement and Accountability.

The amount transferred to Section B of the State School Fund pursuant to Section 8.5 of Article XVI of the State Constitution shall to the maximum extent feasible be expended or encumbered during the year received solely for the purposes of instructional improvement and accountability.

(a) For the purposes of this section, "instructional improvement and accountability" shall mean expenditures for instructional activities for college sites which directly benefit the instruction of students and shall be limited to expenditures for the following:

(1) Programs which require individual assessment and counseling of students for the purpose of designing a curriculum for each student and establishing a period of time within which to achieve the goals of that curriculum and the support services needed to achieve these goals, provided that any such program shall first have been approved by the Board of Governors of Community Colleges.

(2) Instructional supplies, instructional equipment, and instructional materials and support services necessary to improve campus conditions.

(3) Faculty development which improves instruction and increases the quality and effectiveness of instructional staff, as mutually determined by faculty and the community college district governing board.

(4) Compensation of faculty.

(b) Funds transferred to each community college district pursuant to this section shall be deposited in a separate account and shall be maintained and appropriated separately from funds from all other sources. Funds appropriated pursuant to this section shall supplement other resources of each community college district and shall not supplant funds appropriated from any other source.

SECTION 11. Section 14022 is added to the Education Code to read as follows:

14022. (a) For the purposes of Section 8 and Section 8.5 of Article XVI of the California Constitution, 'enrollment' shall mean:

(1) In community college districts, full-time equivalent students receiving services, and

(2) In school districts, average daily attendance when students are counted as average daily attendance and average daily attendance equivalents for services not counted in average daily attendance.

(b) Determination of enrollment shall be based u on actual data from prior years and for the next succeeding year such enrolments shall be estimated enrollments adjusted for actual dnta as actual data becomes available.

SECTION 12. Section 41302.5 is added to the Education Code to read as follows:

41302.5. For the purposes of Section 8 and Section 8.5 of Article XVI of the California Constitution, 'school districts' shall include county boards of education, county superintendents of schools and direct elementary and secondary level instructional services provided by the State of California.

SECTION 13. No provision of this Act may be changed except to further its purposes by a bill passed by a vote of two-thirds of the membership of both houses of the Legislature and signed by the Governor.

SECTION 14. Severability

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, shall be held invalid, the remainder of this Act, to the extent that it can be given effect, shall not be affected thereby, and to this end the provisions of this Act are severable.

Proposition 100: Analysis

Continued from page 86

- Creates an Office of Insurance Consumer Advocate in the State Department of Justice, and
- Establishes a Senior Bureau of Investigations in the Department of Insurance to assist senior citizens with health-care insurance.

Good Driver and Other Motor Vehicle Insurance Provisions

1. Rate Reductions, This measure requires insurance companies to reduce motor vehicle insurance rates for good drivers on January 2, 1989. The reductions would:

- Lower rates 20 percent below those charged on January 1, 1988;
- Apply to private passenger vehicles, trucks with a load capacity of 1,500 pounds or less, and motorcycles; and
- Apply to the liability, medical payment and collision portions of the insurance rates.

This measure generally defines a good driver as a person who during the last three years (1) held a valid driver's license, (2) had no more than one moving violation, and (3) had no accident in which he or she was

STATE OF CALIFORNIA
DEPARTMENT OF FINANCE
915 L STREET
SACRAMENTO, CA 95814-3706

PETE WILSON, Governor

RECEIVED
FEB 04 1998
COMMISSION ON
STATE MANDATES

EXHIBIT B

January 29, 1998

Ms. Paula Higashi
Executive Director
Commission on State Mandates
1300 I Street, Suite 950
Sacramento, CA 95814

Dear Ms Higashi:

As requested in your letter of January 8, 1998, the Department of Finance has reviewed the test claim submitted by the Sweetwater Union High School District and the Bakersfield City Elementary School District (claimants). In the test claim (CSM-97-TC-21 "School Accountability Report Cards"), claimants ask the Commission to determine whether specified costs, incurred as a result of the chaptered legislation identified below, are reimbursable state mandated costs. Commencing with page 2, paragraph 4 of the test claim, claimants have identified new duties which they assert are reimbursable state mandates, Specifically, the chapters which are identified in the test claim as containing reimbursable state mandated costs are:

- Chapter 918, Statutes of 1997 (AB568, Lempert)
- Chapter 912, Statutes of 1997 (AB572, Caldera)
- Chapter 824, Statutes of 1994 (SB1665, Hart)
- Chapter 1031, Statutes of 1993 (AB 198, W. Brown)
- Chapter 759, Statutes of 1992 (AB1248, Alpert)
- Chapter 1463, Statutes of 1989 (SB280, Hart)

'Upon completion of our review, we have determined the chapters cited above may have resulted in new reporting requirements for school districts thereby creating additional reimbursable state mandated costs. The Commission is scheduled to hear this matter on February 26, 1998. If, as a result of that hearing, the Commission reaches the same conclusion, the nature and extent of the specific activities required of Sweetwater Union High School District and Bakersfield City Elementary School District can be addressed in the parameters and guidelines which will ensue.

As required by the Commission's regulations, we are including a "Proof of Service" indicating that the parties included on the mailing list which accompanied your January 8, 1998, letter have been provided with copies of this letter via either United States Mail or, in the case of other state agencies, Interagency Mail Service.

If you have any questions regarding this letter, please contact Robin E. Baker, Principal Program Budget Analyst at **(916) 445-0328** or James Apps, state mandates claims coordinator for the Department of Finance, at **445-8913.**

Sincerely,

Kathryn Radtkey-Gaither
Program Budget Manager

Attachments

Attachment **A**

DECLARATION OF ROBIN E. BAKER
DEPARTMENT OF FINANCE
CLAIM NO. CSM-97-TC-21

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

2. We concur that the sections of Chapter 918, Statutes of 1997 (AB568, Lempert), Chapter 912, Statutes of 1997 (AB572, Caldera), Chapter 824, Statutes of 1994 (SB1665, Hart), Chapter 1031, Statutes of 1993 (AB 198, W. Brown), Chapter 759, Statutes of 1992 (AB1248, Alpert), and Chapter 1463, Statutes of 1989 (SB280, Hart) relevant to this claim are accurately characterized in the test claim submitted by claimants and, therefore, we do not restate them in this declaration.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

_____
at Sacramento, CA

Robin E. Baker
Robin E. Baker

PROOF OF SERVICE

Test Claim Name: "School Accountability Report Cards"
Test Claim Number: CSM-97-TC-21

I, the undersigned, declare as follows:
I am employed in the County of Sacramento, State of California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 915 L Street, Floor, Sacramento, CA 95814.

On 1/29/98, I served the attached recommendation of the Department of Finance in said cause, by facsimile to the Commission on State Mandates'and by placing a true copy thereof: (1) to claimants and nonstate agencies enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at Sacramento, California; and (2) to state agencies in the normal pickup location at 915 L Street, 7th Floor, for Interagency Mail Service, addressed as follows:

A-16
Ms. Paula Higashi, Executive Director
Commission on State Mandates
1300 I Street, Suite 950
Sacramento, CA 95814
Facsimile No. 445-0278

B-29
Legislative Analyst's Office
Attention Marianne O'Malley
925 L Street, Suite 1000
Sacramento, CA 95814

Sixten & Associates
Attention: Keith Petersen
5252 Balboa Avenue, Suite 8.07
San Diego, CA 92117

Mandated Cost Systems, Inc.
Attention: Steve Smith
2275 Watt Avenue, Suite C
Sacramento, CA 95825

B-8
State Controller's Office
Division of Accounting & Reporting
Attention: William Ashby
3301 C Street, Room 500
Sacramento, CA 95816

Education Mandated Cost Network
C/O School Services of California
Attention: Dr. Carol Berg, PhD
1121 L Street, Suite 1060
Sacramento, CA 95814

E-8
Department of Education
School Business Services
Attention: Marie Johnson
560 J Street, Suite 170
sacramento, CA 95814

San Diego Unified School District
Attention: James Cunningham
4100 Normal Street, Room 3159
San Diego, CA 92103-2682

E-8
State Board of Education
Attention: Bill Lucia, Executive Director
721 Capitol Mall, Room 532
Sacramento, CA 95814

California Teachers Association
Attention: Steve DePue
2921 Greknwood Road
Greenwood, CA 95635

Girard & Vinson
Attention: Paul Minney
1676 N. California Blvd., Suite 450
Walnut Creek, CA 95496

Sweetwater Union High School District
Mi. Lawrence L. Hendee
Coordinator/Mandated Costs
Sweetwater Union High School District
1130 Fifth Avenue
Chula Vista, CA 91911-2896

Mi. Wayne Stapley
Director/Financial Services
Bakersfield City Elementary School District
1300 Baker Street
Bakersfield, **CA** 93305-4399

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 at Sacramento, California.

Amy Cooper

Amy Cooper

STATE OF CALIFORNIA PETE WILSON, *Governor*

COMMISSION ON STATE MANDATES
1 STREET, SUITE 950
S MENTO, CA 95814
(916) 323-3562

EXHIBIT C

March 10, 1998 *Via Fax*

To: Mr. Lawrence L. Hendee, Sweetwater Union High School District, Co-Claimant
Mr. Wayne Stapely, Bakersfield City Elementary School District, Co-Claimant
Mr. James Apps, Department of Finance

And Interested Parties (See Attached Mailing List)

RE: 97-TC-21: *School Accountability Report Cards*
Chapter 918, Statutes of 1997, et al

Staff is unable to complete its review of this test claim before the March *26,* 1998 hearing. Staff requests information regarding whether school districts are required to provide Internet access. If Internet access is not mandated by the state, staff's tentative recommendation is to deny that portion of the test claim pertaining to the posting of a district's school accountability report card(s) on the Internet. Responses should be filed with the Commission *no later than* 4:00 p.m., **March 31, 1998**.

Upon receipt of any supplemental responses, staff will complete its analysis of this test claim. This test claim is tentatively set for the **April 23, 1998**, hearing.

Sincerely,
PAULA HIGASHI
Executive Director

By: DAVID E. SCRIBNER
Commission Staff

cc: mailing list

f:\mandates\des\97tc21\031098.doc

EXHIBIT D

SWEETWATER UNION HIGH SCHOOL DISTRICT

DIVISION OF FISCAL SERVICES
1130 FIFTH AVENUE
CHULA VISTA, CA 91911-2896
(619) **585-6177**

RECEIVED
MAR 30 1998
COMMISSION ON STATE MANDATES

March 24, 1998

Paula Higashi Executive Director
Commission on State Mandates
1300 I Street Suite 950
Sacramento CA 95814

RE: 97-TC-21: School Accountability Report Cards
Chapter 918, Statutes of 1997 et al.
Correspondence dated March 10, 1998

Dear Ms. Higashi,

This letter is provided in response to a COSM staff member David E. Scribner's question and a statement of a tentative recommendation based on the answer to the question. Co-claimant responses are presented below the COSM staff **question/recommendation.**

Are school districts required to provide Internet access?
To the best knowledge of the co-claimants, there are no legislative or other mandated requirements to provide Internet access.

School districts that have chosen to provide Internet access have done so solely for educational purposes, in order to enhance the students ability to cope with the inevitable changes of the 21st Century. Attachment A is the appendix to the Sweetwater Union **High** School District's Educational Technology Plan that describes how technology and the Internet are integrated into the district's educational curriculum.

It should be noted and emphasized that school districts that have voluntarily provided access to the Internet for students have done so for educational purposes! School districts ***did*** *not* and ***have*** *not* voluntarily provided access to the Internet in order to allow the State to mandate administrative activities to be accomplished on the Internet.

If Internet access is not mandated by the state, staff's tentative recommendation is **to deny that** portion **of the test claim pertaining to the posting of a district's** school **accountability report card(s) on the Internet.**
Co-claimants contend that the state has no authority to legislate imposed workloads or higher levels of service on activities that districts choose to offer to their students for educational purposes. Further as described above as well as in Attachment **A,** access to the Internet is provided by the district solely for educational purposes and ***NOT*** administrative purposes. The SARC is clearly an administrative activity and has ***NO*** educational value to a districts' student population.

Districts have never been required to post a SARC to the Internet and to the extent that they have made Internet access available to their students for educational purposes at their own expense is of no consequence to this test claim.

Furthermore, Co-claimants contend that the state by legislating through Chapter 918, Statutes of 1997, that "On or before July 1, 1998, each school district that is connected to the internet shall make the information contained in the School Accountability Report Card developed pursuant to Section 35256 accessible on the internet,'' and that "The School Accountability Report Card information shall be updated annually," has, in fact, *mandated* an increased workload and required a higher level of service on an activity that exists because districts have chosen to make Internet access available to their students for educational purposes.

School districts that opted to provide Internet access to their students made that choice without the encumbrance of the requirements of Chapter 918/97, and now, in order to avoid the additional requirements mandated by chapter 918/97, would be required to eliminate a currently provided educational program, thereby, creating an additional handicap to students in their attempt to get into the 21st Century on an even playing field with other students in other states and counties, *Co-claimants contend that this action is neither practical nor desired!*

Attachment B is a declaration from James Frazee, Manager/Education Technology Sweetwater Union High School District, indicating the results of eliminating currently provided Intei.net access for educational programs.

And finally, Co-claimants would remind COSM staff that the costs of providing Internet access *are not* being alleged, and that it is the costs of preparing and posting administrative data to the Internet that *are* alleged.

Sincerely,

Lawrence L. Hendee
Sweetwater Union High School District
Coordinator Mandated Costs

Wayne Stapley
Bakersfield City School District
Director/Financial Services

ATTACHMENT A

9 18/97 School Accountability Report Cards

Appendix **A:** Approved Sweetwater Union High School District Educational Technology Curriculum Goals

Appendix A: District Curriculum Goals

ACT Now! directly addresses an overarching district goal to improve student achievement and to help *all* students meet **high** academic standards. Results from the Stanford Achievement Tests given district-wide show reading scores have declined over the past three years at all grade levels. Although students' performance has remained consistent in mathematics, the gap between students of different racial and ethnic backgrounds **has** continued to increase.

English Language Learners, representing more than 25% of the entire district population, face a host of educational challenges and disengage or drop out from school at disproportionate rates. Between these students and their English-only peers a performance gap exists across all curriculum areas.

In addition, district partnerships with local business and industry have suggested a need for enhanced school-to-career transitions for area students. Employers cite a lack of communication skills, inexperience with teamwork and insufficient technological know-how.

All of these identified student learning needs have directly shaped the design of, and the rationale for, *ACT Now!* project activities. The plan of action incorporates the following core elements to address student needs:

- high expectations for all students, supported by the use of strategies and technologies that actively engage learners and *make* connections to real world applications;
- assessment closely linked to student outcomes, including **an** electronic portfolio assessment in grades 7 through 12;
- enhanced preparation for the world of work through strengthened Tech Prep career programs, expanded career paths in technological fields and access to on-line career exploration software;
- adequate access to advanced technologies and global learning resources to support improved learning outcomes;
- infusion of *hands-on,* technology-rich curriculum targeting the special needs of English Language Learners: and
- implementation of technology applications that encompass all disciplines.

The *ACT **Now!*** project design also addresses the need for intensive professional development to help district staff become 21st Century Teachers – teachers who easily, effectively and daily integrate advanced technologies into their classrooms. Without a concentrated and sustained staff development effort, teachers in the district remain unprepared to impact learning outcomes through technology. This project's innovative use of Web-based curriculum allows teachers to master the technology while producing standards-driven, technology-enhanced curriculum.

Sweetwater Union High School District has established five goals and fourteen objectives, and has identified related strategies/activities to accomplish these goals.

Goal 1: Ensure equitable access for all students to challenging, technology-enriched learning.

Objective 1.1: Students will have access to appropriate and sufficient technological resources.

Objective 1.2: Students will use technology as part of learning across all disciplines.

Activities/Strategies

1. Review the existing Technology Plan and evaluate distribution of technological resources.
2. Install a wireless network in Sweetwater's National City schools including National City Middle School, Granger Junior High School, Sweetwater High School and National City Adult School.
3. Connect targeted school sites and community locations to the network.
4. Develop policies to support current and emerging technology needs.
5. By 1999, expand network access to all district schools and provide appropriate hardware for students and teachers to access the network.
6. Work with public sector partners to develop home access capability to the district network
7. Provide professional development to enable teachers to effectively use technology throughout the curriculum.
8. Develop extensive bank of technology-enhanced curriculum available to all district schools, and disseminate curriculum world-wide through the network.
9. Design and use rigorous assessment techniques to evaluate the effectiveness of the technology in increasing student learning outcomes.

Goal 2: Enhance learning outcomes by infusing technology throughout a standards-driven curriculum.

Objective 2.1: Students will acquire, synthesize and appropriately use information resources, and will demonstrate mastery of a variety of technology including application program, multimedia tools and authoring programs.

Objective 2.2: Students will complete relevant, real-world tasks linked to a rigorous curriculum.

Objective 2.3: Students will achieve to high standards as evidenced by work included in an electronic portfolio.

Activities/Strategies

1. Implement technology-enhanced curriculum developed through the WebQuest model.
2. Evaluate student success and adjust objectives and teaching strategies to increase learning outcomes.
3. Use technology-enhanced curriculum to address the needs of English Language Learners.
4. Implement electronic portfolios to assess and document student achievement across disciplines.
5. Provide a variety of educational options to support students' personal development and learning styles.

Goal 3: Enrich instruction through the development and support of "21st Century Teachers."

Objective 3.1: Staff will facilitate students' use of technology to enhance learning.

Objective 3.2: Staff will share their technological expertise and experience with colleagues.

Objective 3.3: Staff will use technology as a tool in developing curriculum and managing their classroom.

Activities/Strategies

1. Establish a regional technology training center at a National City school site during the first year of the project, and add two other locations in of the district by the end of year 2.
2. Provide release time for a technology leader at each target site.
3. Train a cadre of teacher/mentors from targeted project schools who are experts in the use of new learning technologies and the WebQuest curriculum development model.
4. Develop and implement technology-enriched curriculum across all disciplines.
5. Establish a Trainer of Trainers model for teacher "technology experts" to share their skills with colleagues.
6. Use e-mail and video conferencing to expand collaboration among teachers and educators throughout the world.

7. Create an on-line curriculum data bank to provide universal access to project-developed resources.

8. Link with the national *Tech Corps* to provide public sector technology mentors for district staff.

Goal 4: Extend the district's "community of learners" to include members of the local and global communities.

Objective 4.1: Students will link with the outside community via virtual field trips, video conferencing, chat boxes and E-mail.

Objective 4.2: Community members will interact with students in on-line learning activities.

Objective 4.3: Parents will have increased access to information resources.

Activities/Strategies

1. Place telecommunications and desktop video conferencing capability in target schools.
2. Connect community centers including the National City Library, it's Community Computer Center, Villa Nueva Community Technology Center, National City Park Apartment's Intergenerational Learning Center and private schools to district network.
3. Make technology work stations available to the public at community sites.
4. Establish a dial-in access to the district network (reference and communication).
5. Provide parents on-line access to students' school records, progress reports and educational planning.
6. Establish student e-mail accounts and peer helper network.
7. Implement curriculum in all disciplines linking students to the global learners through authentic, interactive activities.
8. Expand telecommunication and desktop video conferencing capability and implementation of authentic, interactive curriculum to include every school in the district by year five of the *ACT Now!* project.

Goal 5: Expand school-to-career opportunities that prepare students for high skill/high wage careers in technological fields.

Objective 5.1: Students will participate in Tech Prep programs focused on technology.

Objective 5.2: Students will develop technical skills applicable to the workplace.

Objective 5.3: Students will explore career options through on-line resources.

Activities/Strategies

1. Implement new Tech Prep majors in computer repair and network engineering and establish Tech Prep articulation agreements with Southwestern College, UCSD and San Diego State University.
2. Include résumé, sample job application, and work products as part of students' electronic portfolios.
3. Provide students and staff on-line access to One Stop Career Centers and San Diego Consortium and Private Industry Council employer database.
4. Provide student access to career exploration software such as Discover, Eureka, and JobView through the district network.
5. Link students to local business and industry partners for mentoring and virtual job shadowing.
6. Involve Technology Tech Prep students in technical support for Local Area Networks in schools, site computer maintenance and repair and training for staff and students.

ATTACHMENT B

918/97 School Accountability Report Cards

Declaration,of James Frazee, Manager Educational/Technology, Sweetwater Union High School District

DECLARATION OF JAMES FRAZEE

SWETWATER UNION HIGH SCHOOL DISTRICT

No. CSM 97-TC-21
Test Claim of Sweetwater Union High School District
Bakersfield City School District

Chapter 918, Statutes of 1997
Chapter 912, Statutes of 1997
Chapter 824, Statutes of 1994
Chapter 1031, Statutes of 1993
Chapter 759, Statutes of 1992
Chapter 1463, Statutes of 1989
Education Code Section 33126
Education Code Section 35256
Education Code Section 35256.1
Education Code Section 35258
Education Code Section 41409.3

School Accountability Report Cards

I, James Frazee, Manager/Education Technology, Division of Information Services, Sweetwater Union High School District (the District), make the following declaration and statement:

In my capacity as the Manager/Education Technology, I am in a position to indicate the short, intermediate and long term effects of a decision to no longer provide access to the Internet for educational purposes. The District's decision to provide access to the Internet was made in order to provide the type of educational programs that will be, and already are, demanded as bare essential for entering into the new century.

The following statements represent only a few of the many instructional methods provided by Internet access that maximize teacher effectiveness and bolster student achievement:

1. Internet technologies support exploration and create a synergy with "constructivist" teaching methods. Because the World Wide Web provides so many paths to learning, students can construct meaning from many diverse and timely sources of information.
2. Internet access provides a step toward increasing teacher professionalism. By providing teachers with these new teaching tools, districts can reduce their isolation and lead to professional communities of educators in cyberspace.
3. Internet access allows teachers to post students homework assignments and share student achievement information with parents.

4. Internet access enables teachers to target resources and appropriate teaching methods for individual students.
5. Internet access multiplies the power and usefulness of computers as learning tools to by putting the best libraries, museums, and other research and cultural resources at our students' fingertips.
6. Internet access turns computers into powerful and versatile learning tools. Access to this network of information introduces students and teachers to people, places, and ideas from around the world to which they would not otherwise be exposed.

Should Internet access to students be terminated or not offered by districts in the state of California, it is my opinion that, California High School graduates would be denied the ability to compete on the same educational level as students from other states and countries.

The foregoing facts are known to me personally, and if so required, I could testify to the statements made herein. I hereby declare under penalty of perjury that the foregoing is true and correct except where stated upon information and belief and where so stated I declare that I believe them to be true.

Executed on March 20, I998 at Chula Vista, California, by:

Manager/Educational Technology

EXHIBIT E

SAN DIEGO CXTY SCHOOLS

EDUCATION CENTER • 4100 Normal Street, San Diego, CA 92103-2682 (619) 293-8205
Fax (619) 293-8474

FINANCIAL ACCOUNTING DEPARTMENT
MANDATED COST UNIT, ROOM 3159

March 31, 2998

Ms. Paula Higashi, Executive Director
Commission on State Mandates
1300I Street, Suite 950
Sacramento, California 95814

Re: COSM 97-TC-21 – *School Accountability Report Cards*

Dear Ms. Higashi:

San Diego Unified School District (the "District"), as interested party, is submitting these comments in response to Mr. David Scribner's letter dated March 10, 1998 on the School Accountability Report Cards test claim.

Mr. Scribner's letter indicates that the Commission staffs tentative recommendation is to deny the portion. of the test claim pertaining to the posting of school accountability report cards on the Internet. Staffs tentative recommendation is apparently based upon their conclusion that there is no statutory requirement for school districts to be connected to the Internet. Staff does not cite any authority for their tentative recommendation.

Staffs tentative recommendation is in error for three reasons. First, school districts that were connected to the Internet when Chapter 918/97 was enacted have no choice but to add the school accountability report cards to their Internet sites.' There is no reason to expand the staff analysis beyond Chapter 918/97.

Second, school districts made the choica to connect to the Internet before the enactment of Chapter 918/97. When school districts made this choice, they had no notice that the state would impose the requirements of Chapter 918/97 upon them. The costs of complying with Chapter 918/97 requirements did not factor into the decision-making process. The requirements

'The term "connected" is not defined in Chapter 918/97. Presumably, any type of connection will meet the statutory condition (for example, e-mail, a web-site or classroom modem). Pursuant to data collected by the Department of Education, in October, 1996, 837 of the 1,055 school districts and county offices of education had at least one classroom connected to the Internet. (Source: Gayle Eggleston, Department of Education re: October, 1996 CBEDS report.) This illustrates that the vast majority of school districts were connected to the Internet in one of the many means of being connected to the Intarnet.

of Chapter 918/97 are being applied retroactively to those decisions. Thus, school districts did not have a "true choice" with respect to implementing Chapter 918/97. (*City of Sacramento v. State of California* (1990) 50 Cal.3d 51, 76.)

Third, the only way that the districts can now avoid the costs of Chapter 918/97 is to "disconnect" from the Internet. School districts would be required to eliminate a valuable tool currently offered to students, teachers, parents, employees, and others. Those school districts, if any, that are not currently connected to the Internet are faced with the choice of either not connecting to the Internet in the future or incurring the costs of Chapter 918/97. These "options" are not practical.

The state in recent years has put great pressure on school districts to connect to the Internet and to make Internet resources available to students, teachers, and others. Chapter 404, Statutes of 1998 amended Education Code section 44259 to require study of advanced computer-based technology and uses of technology in educational settings as a condition of receiving a teaching credential. The state created the Education Council for Technology in Learning, whose duties include the duty "to assure the connectivity between and among, all education segments and public libraries and external networks, including Internet." (Education Code section 51872, subdivision (d).) The state created grant programs to entice schools to install and support the technology necessary for students to use the Internet. (See, for example, Digital High School Education Technology Grant Program, Education Code sections 52250 *et seq.*, Morgan-Farr-Quackenbush Education Technology Act of 1992, Education Code sections 51870 et *seq.*) These are merely examples of the many state activities which have a goal of assuring that school districts connect to the Internet.

Under *City of Sacramento v. State of California, supra*, the determination of whether a program is "optional" or "mandatory" must be determined on a case-by-case basis, taking into consideration the "legal and practical consequences of nonparticipation, noncompliance or withdrawal." If staff is expanding their analysis beyond Chapter 918/97, which by its terms is mandatory, staff must consider not only the legal requirements of complying with Chapter 918/97, but also the practical consequences of withdrawing from (or nonparticipation in) the Internet. Under this standard, Chapter 918/97 imposes a mandate, and the costs of complying with Chapter 918/97 are reimbursable state-mandated costs,

Sincerely,

James A. Cunningham

James A. Cunningham
Legislative Mandate Specialist

and paid work experience in the public sector or private nonprofit sector, for youth.

EXHIBIT F

Added Stats 1997 ch 915 § 1 (SB 394).

Note—Stats 1997 ch 915 provides:

SEC. 3. It is the intent of the Legislature that the Governor request a waiver from the United States Department of Labor on restrictions under regulations adopted pursuant to the federal Job Training Partnership Act that limit work experience under the act's summer youth employment and training program to placements in public or private nonprofit organizations in order to increase the coordination between the summer youth employment training program and the state's school-to-career program.

§ 33126. School accountability report card; Legislative intent

* * *

(a) The school accountability report card shall provide data by which parents can make meaningful comparisons between public schools enabling them to make informed decisions on which school to enroll their children.

(b) The * * * school accountability report card shall include, but is not limited to, assessment of the following school conditions:

(1) Pupil achievement in and progress toward meeting reading, writing, arithmetic, and other academic goals, *including results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period. After the state develops a statewide assessment system pursuant to Chapter 5 (commencing with Section 60600) and Chapter 6 (commencing with Section 60800) of Part 33, the school accountability report card shall include pupil achievement by grade level, as measured by the results of the statewide assessment. Secondary schools with high school seniors shall list both the average verbal and math Scholastic Assessment Test scores to the extent provided to the school and the percentage of seniors taking that exam for the most recent three-year period.*

(2) Progress toward reducing *dropout rates, including the one-year dropout rate listed in California Basic Education Data System for the schoolsite over the most recent three-year period,*

(3) Estimated expenditures per pupil and types of services funded.

(4) Progress toward reducing class sizes and teaching loads, *including the distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1 to 3, inclusive, participating in the Class Size Reduction Program established pursuant to Chapter 6.10 (commencing with Section 52120) of Part 28, using California Basic Education Data System information for the most recent three-year period.*

(5) *The total number of the school's credentialed teachers, the number of teachers relying upon emergency credentials, the number of teachers working without credentials, and any assignment of teachers outside their subject areas of competence for the most recent three-year period.*

(6) Quality and currency of textbooks and other instructional materials.

(7) The availability of qualified personnel to provide counseling and other pupil support services.

(8) Availability of qualified substitute teachers.

(9) Safety, cleanliness, and adequacy of school facilities.

(10) Adequacy of teacher evaluations and opportunities for professional improvement, *including the annual number of schooldays dedicated to staff development for the most recent three-year period.*

(11) Classroom discipline and climate for learning, ***including suspension and expulsion rates for the most recent three-year period.***

(12) Teacher and staff training, and curriculum improvement programs.

(13) Quality of school instruction and leadership.

(14) The degree to which pupils are prepared to enter the work force.

(15) The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level.

(16) The total number of minimum days, as specified in Sections 46112, 46113, 46117, and 46141, in the school year.

* * *

(c) It is the intent of the Legislature that schools make a concerted effort to notify parents of the purpose of the school accountability report cards, as described in this section, and ensure that all parents receive a copy of the report card; to ensure that the report cards are easy to read and understandable by parents; and to ensure that administrators and teachers are available to answer any questions regarding the report cards.

Amended Stats 1997 ch 912 § 1 (AB 572).

Note—Stats 1997 ch 912 provides:

SEC. 2. The Legislature finds and declares that this act furthers the purposes of the Classroom Instructional Improvement and Accountability Act.

§ 33132. Grant categories

(a) Notwithstanding Section 51877, the Superintendent of Public Instruction shall award educational technology competitive grants under this code with respect to each of the following categories based on a school district's regular average daily attendance:

(1) 1,000 and below.

(2) 1,001 to 2,500.

(3) 2,501 to 5,000.

(4) 5,001 to 15,000.

(5) 15,001 to 60,000.

(6) 60,001 and above.

(b) Notwithstanding Section 51877, the Superintendent of Public Instruction shall award educational technology competitive grants under this code with respect to each of the following two categories based on a county office of education's regular average daily attendance:

(1) 1,000 and below.

(2) 1,001 and above.

(c) The Superintendent shall use the prior year's second principal regular average daily attendance to determine the category in which a school district or county office of education shall be placed.

(d) Program grant funds shall be allocated for each category in subdivisions (a) and (b) in the following proportion:

(1) Compute the average daily attendance determined pursuant to subdivision (c) for the school districts or county offices of education in the category.

(2) Divide the aggregate sum determined pursuant to paragraph (1) by the

§ 35256. School accountability report card

The governing board of each school district maintaining an elementary or secondary school shall by September 30,. 1989, or the beginning of the school year develop and cause to be implemented for each school in the school district a School Accountability Report Card.

(a) The School Accountability Report Card shall include, but is not limited to, the conditions listed in Education Code Section 33126.

(b) Not less than trennially, the governing board of each school district shall compare the content of the school district's School Accountability Report Card to the model School Accountability Report Card adopted by the State Board of Education. Variances among school districts shall be permitted where necessary to account for local needs.

(c) The governing Board of each school district shall annually issue a School Accountability Report Card for each school in the school district, publicize such reports, and notify parents or guardians of students that a copy will be provided upon request.

Addition adopted by voters, Prop 98 § 8, effective November 9, 1988.

Editor's Notes— 1988 Proposition 98 provides:

SECTION 1. This Act shall be known as "The Classroom Instructional Improvement and Accountability Act."

SECTION 2. Purpose and Intent: The People of the State of California find and declare that:

(a) California schools are the fastest growing in the nation. Our schools must make room for an additional 130,000 students every year.

(b) Classes in California's schools have become so seriously overcrowded that California now has the largest classes of any state in the nation.

(c) This act will enable Californians to once again have one of the best public school systems in the nation.

(d) This act will not raise taxes.

(e) It is the intent of the People of California to ensure that our schools spend money where it is most needed. Therefore, this Act will require every local school board to, prepare a School Accountability Report Card to guarantee accountability for the dollars spent.

(f) This Act will require that excess state funds be used directly for classroom instructional improvement by providing for additional instructional materials and reducing class sizes.

(g) This Act will establish a prudent state reserve to enable California to set aside funds when the economy is strong and prevent cutbacks or tax increases in times of severe need or emergency.

SECTION 13. No provision of this Act may be changed except to further its purposes by a bill passed by a vote of two-thirds of the membership of both houses of the Legislature and signed by the governor.

SECTION **14.** Severability

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, shall be held invalid, the remainder of this Act, to the extent that it can be given effect, shall not be affected thereby, and to this end the provisions of this Act are severable.

Note—Stats 1994 ch 824 provides:

SEC, 2. The Legislature finds and declares 'that this act furthers the purposes of the Classroom Instructional Improvement and Accountability Act.

§ 35256.1. School Accountability Report Card; Required information

In addition to the information required under Section 35256, each

PUBLIC HEARING

COMMISSION ON STATE MANDATES

RECEIVED
MAY 6 1998
STATE MANDATES

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TIME: 9:30 a.m.

DATE: April 23, 1998

PLACE: State Capitol, Room 437
Sacramento, California

ORIGINAL

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

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Reported By: YVONNE K. FENNER, CSR License #10909, RPR

1 A P P E A R A N C E S

2

3 ROBIN J. DEZEMBER, Chairman

4 PAULA HIGASHI, Executive Director

5 GARY D. HORI

6 DAVE COX

7 RICHARD CHIVARO

8 NANCY PATTON

9 WILLIAM SHERWOOD

10 AL BELTRAMI

11 JOA'' STEINMEIER

12 DAVID SCRIBNER

13 STEVE ZIMMERMAN

14 --000--

15 PUBLIC PRESENTATIONS:

16 JAMES A. CUNNINGHAM, Legislative Mandate Specialist
San Diego City Schools

17

CAROL A. BERG, Ph.D.
18 Education Mandated Cost Network

19 KEITH B. PETERSEN, Esq., Special Counsel
Education Mandated Cost Network

20

LAWRENCE HENDEE
21 Sweetwater Union High School District

22 WAYNE C. STAPLEY
Bakersfield City School District

23

DALE RUSSELL, Ed.D., Director, Research and Evaluation
24 Bakersfield City School District

25 JAMES M. APPS, Principal Program Budget Analyst
Department of Finance

26

BRAD LANTZ, Director of Facilities and Security
27 Tustin Unified School District

28 CINDY S. CHAN, CGFM, CPA, Budget Analyst
Department of Finance

ROBIN E. BAKER, Principal Program Budget Analyst
Department of Finance

JOSEPH D. MULLENDER, Attorney at Law
Carlsmith Ball Wichman Case & Ichiki

DIANA K. McDONOUGH, Attorney at Law
Lozano, Smith, Smith, Woliver & Beherens

KYUNGAH SUK, Deputy Attorney General
Department of Justice

DANIEL G. STONE, Deputy Attorney General
Department of Justice

CHAIRMAN DEZEMBER: I honestly -- the Controller's Office is welcome here anytime, but I honestly don't believe an invitation to them would help -- would clarify what we are attempting to do here. I think it is our responsibility to do this. Okay, so that will be our order for today.

MR. PETERSEN: Thank you.

DR. BERG: Thank you very much.

MS. HIGASHI: Item 6 and 7 both will be put over to June. We'll come back with a revised staff report that includes copies of those other reports, if we can find them in the archives.

CHAIRMAN DEZEMBER: Okay. Excellent.

I'm going to suggest that we take a brief break at this point. Let's see, it's about 20 past, how about if we do ten minutes. We'll recess for ten minutes.

(Recess taken.)

CHAIRMAN DEZEMBER: We're back on record, and we're now dealing with Item No. 8.

MS. HIGASHI: Item No. 8 is the school accountability report cards test claim. This will be presented by David Scribner of our staff.

MR. SCRIBNER: California voters passed Proposition 98 in November of 1998, requiring school districts to prepare school accountability report cards for each school in the district. Proposition 98 added sections 33126 and 35256 to the Education Code. Both sections detail what information is to be included in

1 the report and what they are to be -- and when they are
2 to be prepared.
3 Originally, the Proposition 98 version of school
4 accountability report cards required 13 items to be
5 included. Since the adoption of Proposition 98, the
6 legislature has made several amendments to the Education
7 Code relating to school accountability report cards,
8 adding new items that must be included.
9 Please state your name for the record.
10 MR. HENDEE: I'm Larry Hendee, Sweetwater Union
11 High School District.
12 MR. CUNNINGHAM: Jim Cunningham, San Diego
13 Unified School District, interested party.
14 DR. BERG: Dr. Carol Berg, Education Mandated
15 Cost Network.
16 MR. STAPLEY: Wayne Stapley, Bakersfield City
17 School District.
18 DR. RUSSELL: Dale Russell, Bakersfield City
19 School District.
20 MS. HIGASHI: Mr. Chair, we need to swear the
21 witnesses in for the record.
22 CHAIRMAN DEZEMBER: Okay. Go ahead and swear
23 them in as a group.
24 MS. HIGASHI: Would you please raise your right
25 hand. Do you solemnly swear or affirm that the
26 testimony which you're about to give the Commission is
27 true and correct based upon your personal knowledge,
28 information, or belief?

(Witnesses respond.)

MS. HIGASHI: Thank you.

CHAIRMAN DEZEMBER: Okay, so essentially we have an undisputed test claim which we are adopting which grants, at least in part, the claim that was submitted, and you are addressing particular concerns with that decision; is that correct?

MR. CUNNINGHAM: One particular issue.

CHAIRMAN DEZEMBER: One concern? Okay. Who would like to go first?

MR. HENDEE: Larry Hendee, Sweetwater.

CHAIRMAN DEZEMBER: Yes, sir.

MR. HENDEE: Good morning.

CHAIRMAN DEZEMBER: Good morning.

MR. HENDEE: I'd like to thank you for providing us basically with an undisputed test claim. The only issue that we have that we would like to discuss with you is the issue of the operative date as reported in the statement of decision as January 1 of 1998 as it relates to the governor's signature date of October 12th, 1997.

I'm certainly not qualified to give you legal argument about the two different dates, but what I am qualified to do is to talk with you and hope to share with you some of the actions that a practical and prudent school district would take with knowledge of the chapters 912 and 918.

By the middle of May, school district staff

members would have been informed of AB 568 and 572 and the contents of these two bills and the fact that they were on the floor of the legislature and being discussed. They would also have been informed that they were not law at that particular point, however, recommendation would have been made to be sure that you knew what the major contents were and what the requirements were.

From mid-May on, staff members would have been informed of any changes to those two bills.

By the middle of October, staff would have been told that the governor had now signed the bill, and that it was law.

School districts are aware of the Government Code that says that if you undertake nonmandated activities and do them at your own discretion and they later become mandated, that those expenditures are not recoverable. However, school districts in this particular case believe that the governor's signature on those two legislative bills at the very least implied that there was an impending mandate. Basically we had to begin doing something to collect data, collect facts, figures, and so forth in order to be in compliance with the new law.

Bottom line is that school districts would not have taken any action had not the governor signed the bill, and school districts believe that they should be able to recover their costs from October the 12th,

1 rather than January the 1st. Thank you.
2 CHAIRMAN DEZEMBER: Thank you.
3 MR. CUNNINGHAM: Jim Cunningham.
4 We, again, in this claim have a disagreement
5 with an interpretation of the Government Code from that
6 of your staff. We think that the Government Code
7 section 565, which your staff cites, is intending to
8 apply to a completely different situation. 17565 was
9 intended to address an argument that if you had been
10 performing a particular activity before it became state
11 mandated, that you would have no increased costs because
12 you were doing it anyway, so you are not entitled to
13 claim.
14 What this section recognizes is that as long as
15 it's the agency option to do it or not -- when we were
16 doing it voluntarily, we also had the opportunity not to
17 do it. And we could decide if we wanted to do it, how
18 we were going to do it. But as soon as the state
19 required that same activity to be performed, it's now
20 state mandated. We don't have the option to discontinue
21 it, and therefore the legislature acknowledged that the
22 mere fact that you had done something before it became
23 state mandated does not preclude you from making a claim
24 once it does become state mandated.
25 By its own term, 17565 doesn't apply to this
26 particular situation. We're looking at here is the
27 legislature has adopted and the governor has signed a
28 particular law. That law becomes law when the

1 governor's signature is attached to it, which in this
2 case was October 12th, 1997. It became effective on
3 January lst, 1998.
4 To my knowledge, no school district was
5 performing any of these activities at their option
6 before the governor signed this bill, and so we aren't
7 in a situation where we were doing something voluntarily
8 and then it becomes law. It's only after chapter 912
9 and 918 became law, that we began to incur these costs.
10 Staff's interpretation would conflict with
11 another section, 17514, which defines costs mandated by
12 the state to include any increased costs which we would
13 incur as a result of the statute or executive order.
14 Again, the only reason we're incurring costs from the
15 date that it becomes law to the enactment date is
16 because it became law.
17 There are certain things that you have to do in
18 order to prepare to be in compliance with the law on
19 January lst, I think common to almost any statute. Once
20 this provision became law, you need to go out and you
21 need to inform the people who are going to be charged
22 with carrying out this law that is something new that
23 they have to do. You're going to have to potentially
24 train people on what the requirements of the new law
25 are. You are almost in every instance going to need to
26 start adopting policies and procedures, and depending on
27 the particular requirements of the statute, you may have
28 to do other steps also.

1 Just for example, if there was a new law passed
2 that said on January 1st, which is the effective date,
3 you must have a certain piece of equipment in place,
4 well, you couldn't wait until January 1st to go out and
5 buy that piece of equipment, because if you did, you
6 don't have it and you're going to be out of compliance
7 with the law. So there are certain natural things that
8 you have to do, certain start-up costs that you're going
9 to incur in this period between the date that it becomes
10 law and the date that the law becomes operative.
11 Those are the natural result of this statute
12 being passed, and it has nothing to do with the
13 situation that's addressed in 17565.
14 We request that you adopt the proposed statement
15 of decision with one change or one set of changes, and
16 that's on Bates page 12, the two references to
17 January 1, 1998, should be changed to October 12, 1997.
18 Those are the dates that both chapter 912 and 918 were
19 enacted. Thank you.
20 CHAIRMAN DEZEMBER: Thank you, Mr. Cunningham.
21 Does anyone else want to offer an argument in
22 support or a different argument? I presume you're all
23 here in support of that position?
24 DR. BERG: Correct.
25 MR. STAPLEY: Yes. Wayne Stapley, Bakersfield
26 City School District. Bakersfield City School District
27 concurs with the staff's report, except for the
28 supplemental analysis, which Mr. Hendee and

Mr. Cunningham have reported on. We're very appreciative of your time, and it's been an experience for Dr. Russell and myself to be here today.

And thank you again.

CHAIRMAN DEZEMBER: Thank you for coming. Do we have any questions from -- yes, Ms. Steinmeier.

MS. STEINMEIER: Yeah, I have a pretty basic question for either Mr. Cunningham or Mr. Hendee. If on January 1st of that year, which was, let's see, the '96/97 school year so 1997, your report card was not ready or virtually ready, what would have been the consequences of that? In practical terms.

MR. CUNNINGHAM: Yeah, I'm not sure that there's a specific date that you have to have the SARCs available. Every school district has different dates involved. One of the problems that you've got with the SARCs, particularly with all of these additions to it, is there is a tremendous amount of research and a tremendous amount of data gathering that has to go along, and if you wait too long to do that and you don't start those activities when the information becomes available, then you're not going to get them into your SARC, and you're eventually going to be out of compliance.

And I think Dr. Russell can address that. He has more practical experience in putting these together than I do, but 1 can tell you that it is a tremendous load upon the schools to try to get all of this

information collected, put in the right format, and then available for the public. And if you wait, you know, you're just going to really put yourself in a bind.

CHAIRMAN DEZEMBER: What -- tag-on question to that. Was there an implementation period stated in the statute?

DR. BERG: No, but there were rules and regulations issued by the California Department of Education. And I think Dr. Russell is prepared to talk about how those dates changed from the -- he's looking at me -- from the time the original statute was put in place because of the burden on school districts.

DR. RUSSELL: Right. I think it's probably easier to put this in perspective if it's a go forward basis, than going backwards, because now we are responsible for having the SARCs on the Internet in June of this year.

The high stakes affiliated with this or associated with having presentable and accurate SARCs on the Internet is very evident. In fact, just yesterday I had a person call me from Oakland who's planning to move to the Bakersfield area. He wanted to know if he could go on the Internet and find this information. And he is just a couple months early. So it's not available now, but we'd begun months ago preparing to have respectable and accurate SARCs that we can put on the Internet, that we can stand behind as being a good representation of our district.

And that hasn't changed since the SARCs first came into place, so I think the arguments that you're getting are accurate, and they do correctly represent what districts have to do. We really have to begin collecting information going way back to the beginning of the year, and sometimes the prior year, so that we can have our SARCs ready for timely and appropriate presentation.

MR. COX: Question.

CHAIRMAN DEZEMBER: Mr. Cox.

MR. COX: Dr. Russell, are there any items for which you do advance planning?

DR. RUSSELL: Any items?

MR. COX: You do a lot of advance planning, don't you?

DR. RUSSELL: Sure, on all of these things.

MR. COX: Are there any situations where you do advance planning and you then find that that particular situation doesn't occur, a law is not passed, a situation doesn't present itself, but as the professional that you are, that you are planning for things, some of which don't come about?

DR. RUSSELL: Well, that's a fairly broad scenario. Of course the --

MR. COX: Well, just give me a broad answer, then.

DR. RUSSELL: Well, the short broad answer to that would be, yes.

1 MR. COX: Of course.
2 DR. RUSSELL: But a more narrow broad answer to
3 that is that if a law is signed into place and we know
4 we're going to have to comply with it, then we really
5 step up whatever it is that we're doing for planning and
6 to make sure that we're prepared.
7 MR. COX: And if, in fact -- and I really don't
8 know how the mechanics of this work exactly, but let me
9 just give you the scenario that the law was passed and
10 then the governor signed it. Is there a possibility it
11 could be vetoed and then what would you do?
12 DR. RUSSELL: We would have gone through a lot
13 of work for nothing, if it were vetoed. Because we
14 would have still --
15 MR. COX: Then you would have come back and
16 submitted a claim, would you have?
17 MR. CUNNINGHAM: No.
18 MR. COX: And the reason for that is because
19 there are some things that school districts must do that
20 are just the cost of doing business, that you just have
21 to --
22 MR. CUNNINGHAM: No.
23 MR. COX: No? The answer is, no, there is not a
24 cost of doing business?
25 MR. CUNNINGHAM: There are certain things that
26 are a cost of doing business, and we had a certain cost
27 of doing business when Proposition 4 and 90 were
28 adopted, and what voters had said is that if the state

increases that cost of doing business by imposing a new program or a higher level service, that we are entitled to reimbursement.

MR. COX: Let me ask you a question then.

MR. CUNNINGHAM: Again, we're not asking for any costs prior to the date that this became law.

MR. COX: I'm appreciative of that. What we're talking about now is the question whether you ought to get reimbursed for that which occurred from October 12th to January the lst, is my understanding.

MR. CUNNINGHAM: Yes, sir.

MR. COX: And would it be your position that based upon the circumstances that you're attempting to describe to us that you also ought to be able to take your lobbying and have a cost accountant -- because there was a very nice lady who pointed out to me as we were leaving the meeting the other day that there's a thing called cost accounting, and I was appreciative of her comments. And I was familiar with that. I was familiar with that terminology. And I was appreciative of the comments.

But is it your position, then, that from a cost accounting standpoint that even as it relates to the lobbyist that you probably should be able to recover those costs because of the fact that they advised you and based upon that advice you then began to take steps that were necessary to prepare yourself so that you would be in compliance on January the 1st?

1 MR. CUNNINGHAM: No, that would not be our
2 position because those are costs that would have been
3 incurred prior to the date that the governor signed the
4 bill.
5 MR. COX: Okay. How about October the 13th or
6 14th?
7 MR. CUNNINGHAM: If the lobbyist were involved
8 in informing staff of what the requirements of the bill
9 were so that we could prepare to implement the bill,
10 yes.
11 MR. COX: You'd go back and try to claim that?
12 MR. CUNNINGHAM: Yes.
13 MR. COX: Okay. And is there not just a cost of
14 doing business that every school district ought to
15 recognize that you have on -- just doing business in the
16 state of California requires that you do planning and
17 preparation?
18 MR. CUNNINGHAM: I don't think that that has a
19 basis under section 6 of article XIII B.
20 MR. COX: Well, let's assume it does, for just a
21 moment.
22 MR. CUNNINGHAM: Again, I think they're
23 incompatible. I think there was a cost of doing
24 business that is, in fact, the cost of carrying out all
25 the programs that were pre-75 programs and that as far
26 as any new programs that are put into place, that those
27 costs are reimbursable under section 6.
'28 MR. COX: Okay. I guess I'm not going to get

1 the answer.
2 MS. STEINMEIER: You tried.
3 MR. COX: Keep putting that line out there. I
4 guess it just didn't go.
5 MR. CUNNINGHAM: A dead dog won't hunt.
6 CHAIRMAN DEZEMBER: Mr. Apps, I apologize for
7 not recognizing you earlier, representing the Department
8 of Finance. Would you like to make a statement?
9 MR. APPS: Please. Thank, Mr. Chairman,
10 Members. I'm Jim Apps for the Department of Finance.
11 Because the agenda described this issue as an undisputed
12 test claim, we were not prepared to come up here and
13 argue that --
14 CHAIRMAN DEZEMBER: To dispute it?
15 MR. APPS: We do dispute, though, the notion
16 that costs incurred prior to the bill -- the date the
17 bill took effect, i.e., January 1, are reimbursable.
18 Thank you.
19 CHAIRMAN DEZEMBER: Thank you. Did you have
20 another question, Ms. Steinmeier?
21 Mr. Beltrami.
22 MR. BELTRAMI: Mr. Chairman, it seems to me that
23 this is one of these quiet issues that have a lot of
24 meaning to it again, as you mentioned earlier. I guess
25 we can get a lot of claims in that are going to say that
26 we geared up for something because the law was passed by
27 a certain date and even though it's not effective until
28 January the following year. So -- so the implications

1 are more profound, I think, than just -- yeah, depending
2 on how we go with that.
3 CHAIRMAN DEZEMBER: I think they are. I think,
4 however, I'll just offer this: I think it would be very
5 unusual in any context for one to assume that a statute
6 becomes law the day the governor signs it when by its
7 own terms it becomes effective another date.
8 And traditionally in California, without
9 findings of urgency, laws become effective January after
10 the governor signs them. They are not, contrary to what
11 you are asserting, Mr. Cunningham, they are not law
12 until they are effective. Notwithstanding the fact that
13 the legislature passed and the governor signed it,
14 because by operation of law, it isn't a law until
15 January.
16 I don't see how we could actually find
17 otherwise, notwithstanding that you've made laudable
18 efforts to comply with the law. And particularly since
19 the statute, as I can see it, does not contain penalties
20 or a demand that you be totally up and running by
21 January 1.
22 Ms. Higashi.
23 MS. HIGASHI: I just wanted to add that on Bates
24 page 61 -- 0061, the last page of the chapter
25 legislation, section 3, the last sentence does have a
26 reference to Government Code 17580 and states that "the
27 provisions of this act shall become operative on the
28 same date that the act takes effect pursuant to the

1 California Constitution," just underscoring the point
2 you just made.
3 CHAIRMAN DEZEMBER: I can only say that aside
4 from the cost of doing business that Mr. Cox was
5 alluding to, you will simply need to gauge how much
6 activity you undertake when a statute is in process
7 before it actually becomes effective because we are
8 simply not empowered, even if we would like to, to grant
9 a claim prior to the effective date of statute.
10 Yes, Ms. Steinmeier.
11 MS. STEINMEIER: I will be voting the staff
12 recommendation, but I do want to reiterate that I am
13 sure that the bulk of the activity and it was reasonable
14 to be believe that these would be added because there
15 already was a school accountability report card. These
16 were new items to be added to it. So there was
17 reasonable, good faith that this would happen.
18 And I know that setting up data collection
19 systems does take time, but unfortunately since the
20 effective date was the lst, we're probably not going to
21 be able to rule in your favor. So I guess the future
22 lesson for this is, don't start too soon. It means you
23 may be late, and you may not get it out in that school
24 year. People do anticipate it. As you mentioned,
25 people wanted to know when the information would be
26 available.
27 In our district it's rarely asked for, to be
28 honest with you. In the first years they were asked for

a lot, and now they've sort of, I think except for people who are relocating, probably not even asked for. But we have it on an Internet site as well.

And so although I know that costs were incurred, that effective date is that effective date. And I know school districts do want to, you know, be compliant and get it done, but unfortunately the lesson for the future is you probably won't be reimbursed for stuff that's done before the effective date.

MR. CUNNINGHAM: We understand that. I think the message that we are getting is that you'd rather have us be out of compliance than to receive reimbursement for costs for assuring that we are in compliance.

MR. COX: No, no, Mr. Cunningham. That's an unfair statement, by the way.

MS. STEINMEIER: That's not true.

MR. COX: What we don't have is the ability to, in fact, grant expenses before the law becomes effective. Your best pursuit, then, would be to -- be the legislature to provide that you would, in fact, have -- expenses would be accepted from the date the governor signs it. That would be your best bet. Because what you're asking us to do is do something we don't have the capacity to do.

MR. CUNNINGHAM: Again, we disagree with the application of this particular code section to this situation. We think it is a misapplication of the law

1 by staff.

2 MR. COX: Okay.

3 MR. CUNNINGHAM: But I understand your message.

4 MR. COX: Move to adopt staff's -- if there's

5 not any additional testimony.

6 CHAIRMAN DEZEMBER: Motion by Mr. Cox.

7 MS. PATTON: Second.

8 CHAIRMAN DEZEMBER: Second by Ms. Patton. would

9 you please call the roll.

10 MS. HIGASHI: Mr. Chivaro.

11 MR. CHIVARO: Aye.

12 MS. HIGASHI: Mr. Cox.

13 MR. COX: Aye.

14 MS. HIGASHI: Ms. Patton.

15 MS. PATTON: Aye.

16 MS. HIGASHI: Mr. Sherwood.

17 MR. SHERWOOD: Aye.

18 MS. HIGASHI: Ms. Steinmeier.

19 MS. STEINMEIER: Aye.

20 MS. HIGASHI: Mr. Beltrami.

21 MR. BELTRAMI: Aye.

22 MS. HIGASHI: Mr. Dezember.

23 CHAIRMAN DEZEMBER: Aye.

24 MS. HIGASHI: Motion is carried.

25 CHAIRMAN DEZEMBER: Thank you very much for

26 coming.

27 MR. COX: We hope it's been a pleasurable

28 experience for you.

REPORTER'S CERTIFICATE

I hereby certify the foregoing hearing was held at the time and place therein named; that the proceedings were reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting.

In witness whereof, I have hereunto set my hand this 4th day of May, 1998.

Yvonne K. Fenner
Certified Shorthand Reporter
License No. 10909

MINUTES
COMMISSION ON STATE MANDATES
Thursday, April 23, 1998
9:30 a.m.
Commission on State Mandates
State Capitol
Room **437**
Sacramento, California

Present: Chairperson Robin Dezember
Representative of the Director of the Department of Finance
Member Bill Sherwood
Representative of the State Treasurer
Member Richard Chivaro
Representative of the State Controller
Member Nancy Patton
Representative of the Director of the Office of Planning and Research
Member Albert Beltrami
Public Member
Member Dave Cox
Representative of County Boards of Supervisors
Member Joann Steinmeier
Representative of School Boards

Roll Call

There being a quorum present, Chairperson Dezember called the meeting to order at 9:30 a.m.

Consent Calendar

Paula Higashi, Executive Director to the Commission, noted that the minutes for March 26, 1998 would be postponed. Therefore, Item 1 would consist only of the minutes for the February 26, 1998 hearing.

The following consent calendar, as modified, was adopted unanimously upon the motion of Member Sherwood and second by Member Steinmeier (Ms. Higashi noted for the record that Member Chivaro arrived during the vote):

Approval of Minutes (action)

Item 1 Hearing of February 26, 1998

Member **Cox** abstained from voting on this item.

Finding of Disputed Test Claim (action)

Item 2 *Michelle Montoya School Safety Act* – 97-TC-16
Lake Tahoe Unified School District and Irvine Unified School District, Co-Claimants
Chapter 588, Statutes of 1997, Sections 2, 3, and 4
Chapter 589, Statutes of 1997, Sections 1, 2, 3, and 4

Adoption of Proposed Statement of Decision, Pursuant to California Code of Regulations. Title 2, Chapter 2.5, Article 7 (action)

Item 3 Test Claim: *Domestic Violence Treatment Services – Authorization and Case Management* - CSM - 96-281-01
County of Los Angeles, Claimant
Penal Code Section 273.5, Subdivisions (e), (f), (g), (h) and (i)
Penal Code Sections 1000.93, 1000.94 and 1000.95
Penal Code Section 1203.097
Chapter 183, Statutes of 1992; Chapter 184, Statutes of 1992
Chapter 28X, Statutes of 1994; and Chapter 641, Statutes of 1995

Regular Calendar

Executive Director's Report and Next Agenda (information only)

Item 4 Legislation, Budget, Workload

Ms. Higashi reported on pending legislation. Specifically, the Assembly Local Government Committee approved AB 1963; Senate Appropriations Committee approved SB 1855; the Assembly Elections Committee will hear AB 1787-Bowler; and the Assembly Budget Sub-Committee approved the Commission's budget. Detailed information on budget and workload were included in the agenda materials.

Proposed Amendment of Parameters and Guidelines (action)

Item 5 *Pupil Health and Behavioral Exclusions* - CSM-4457
San Diego Unified School District, Requester
Education Code Sections 48213 and 48214
Chapter 668, Statutes of 1978

Ms. Higashi introduced this item.

Jim Cunningham outlined the reasons why the San Diego Unified School District believed the adopted parameters and guidelines are inconsistent with the Commission's statement of decision or the Department of Education's regulations. He requested section V. E. of the parameters and guidelines be amended to omit the language relating to the 'clear and present danger to the life, safety, or health' of others because claimants are entitled to notice provision costs for all exclusions. He also proposed an alternative to omit the phrase "when the pupil's continued presence at school would constitute a clear and present danger to the life, safety, or health of other pupils or school personnel" and insert "when the pupil suffers from any contagious or infectious disease." Carol Berg with the Education Mandated Cost Network supported the claimant.

Member Steinmeier asked Mr. Cunningham to define the diseases that clear and present danger would include. Mr. Cunningham did not respond directly to the question but stated his belief that the Commission needed to make another finding that an infectious or contagious disease is a danger to the life, health, or safety of others. Mr. Cunningham submitted that an exclusion notice must go out as soon as possible with every exclusion and that the statute does not limit notice. Member Steinmeier asked Mr. Cunningham to give an example of something that would not be covered under the current parameters and guidelines. He replied that 99.9 percent of the exclusions may relate to health issues, but that he was trying to avoid arguments in the later stages of claiming.

Members Steinmeier and Cox believed that the current language allowed the claimant more flexibility than the proposed language. Mr. Cunningham continued to disagree.

It was moved by Member Cox, seconded by Member Steinmeier, and carried unanimously to adopt the staff recommendation.

Requests for Review of Claiming Instructions (action)

Item 6 *Pupil Suspension: Parent Classroom Visits* - CSM-4474
CSM-97-CI-01
San Diego Unified School District, Requester
Education Code Section 48900.1
Chapter 1284, Statutes of 1988

Item 7 *Juvenile Court Notices 11* - CSM-4475
CSM-97-CI-02
San Diego Unified School District, Requester
Education Code Section
Chapter 71, Statutes of 1995

Steve Zimmerman of the Commission staff introduced these items. He recommended the Commission deny each of the claimant's requests to review the Controller's claiming instructions because the Commission is not authorized by statute to request the Controller to make the changes the claimant has requested.

Parties were represented as follows: Keith Petersen, Special Counsel, and Carol Berg for the Education Mandated Cost Network; Jim Cunningham for the San Diego Unified School District.

Mr. Cunningham disagreed with staff's interpretation of Government Code section 17571, which he said was contrary to legislative intent. He submitted that taken together, sections 17557, 17558, subdivisions (a) and (b), 17558.5, 17561, subdivision (d), and 17571 show a clear intent by the legislature to require the Commission to review claiming instructions to insure they conform to the parameters and guidelines. He disagreed with staff that the Commission was limited to reviewing only the inclusion or exclusion of a "specific cost item." Mr. Cunningham alleged that staffs interpretation of "specific cost item" is contrary to past Commission practice. Citing both *Scoliosis* and *Proficiency and Basic Skills*, Mr. Cunningham alleged that in its prior review of claiming instructions, the Commission exercised broader authority than staff now recommends. He urged the Commission to review the claiming instructions, but asked that if not, the Commission specify that its finding was based upon a lack of jurisdiction and that it did not address the merits of this claim.

Mr. Petersen, agreed with these requests, and noted his disagreement with the "specific cost item" phrase. He asked the Commission where the claimants should go if the State Controller's claiming instructions do not have the force of law (as do the parameters and guidelines) and the Commission has no jurisdiction over the claiming instructions. His testimony included the following assertions:

- Eight years ago, the Commission did not limit its review of claiming instructions to a "specific cost item."
- Two years ago, in its adoption of parameters and guidelines for *Juvenile Court Notices*, the Commission denied the State Controller's Office (SCO) request to add certain language regarding contractors. The SCO recognized that it could not include the language, so it was asking the Commission to do so.

- The Commission has a statutory duty to review any part of the claiming instructions and make a ruling whether it wants certain things included.

Chairperson Dezember asked if there was any dispute to the language in Government Code section 17571 relating to the authority to review and modify claiming instructions with regard to the inclusion or exclusion of specific cost items, which staff cited as the basis for its recommendation. The claimants responded, as follows:

- The scope of the review of "specific cost item" had never been construed to exclude everything in the claiming instructions but the reimbursable activities. (Mr. Petersen)
- The claiming instructions must match the parameters and guidelines, and if not, the Commission still has jurisdiction under section 17571. (Mr. Petersen)
- This request [before the Commission] relates to specific cost items and is within the scope of the statute. (Dr. Berg and Mr. Cunningham)

Chairperson Dezember disagreed, noting that some of the requests, such as completion of a data block, did not deal with the inclusion or exclusion of a specific cost item. Mr. Petersen explained that the Commission did not request completion of the block in the parameters and guidelines.

In response to Member Beltrami, Mr. Zimmerman said that the *Proficiency and Basic Skills* claim had no parallel with this case because the parameters and guidelines applied for one year only. He said that staff held that adding unit cost language does involve a special cost item.

Member Cox questioned whom the claimants would go to for resolution if the claiming instructions were inadequate to claim that which was set forth in the parameters and guidelines. He disagreed with the Chair's reading of the Government Code and believed the Commission had a duty to be certain the claiming instructions are adequate and not burdensome to carry out the parameters and guidelines. Chairperson Dezember disagreed with Member Cox, stating the Commission needs to insure that its finding of mandated costs in the parameters and guidelines (relating to specific cost items) are included or properly excluded.

Mr. Cunningham reasserted that the Commission had the duty to review claiming instructions within the context of the statutory scheme. Mr. Petersen added that, since the claiming instructions have no force of law, the claimants could ignore the state requirements, the SCO could adjust the payments they disagree with, and the claimants could return to the Commission with an incorrect reduction claim.

The Chair warned that the Government Code does require claimants to file in the manner prescribed by the State Controller's Office. He also said that he did not believe it makes a difference if the Commission has the power to review if it does not have the power to change. So, the Commission's duty is to review the request to determine whether it has the authority to change. So, if the finding is jurisdictional, it is so based upon the facts of the claim—that they do not fall within the inclusion or exclusion of a specific cost item. He said the request did not fall within this limitation.

Member Steinmeier questioned what a local agency would do if indirect costs were not covered under the claiming instructions. Member Chivaro noted that, if it were incorrectly reduced, the Commission would be the recourse. Mr. Petersen clarified that this was not always true. Besides incorrect reductions and the courts, Member Steinmeier questioned what other remedies were available to claimants. Mr. Gary D. Hori, Legal Counsel to the Commission, replied negotiating with the SCO, the Commission and the court were possible avenues.

Member Beltrami asked for an example of when the Commission could modify claiming instructions. Ms. Higashi referenced Mr. Petersen's earlier examples. However, she explained that, in that case, the Commission is authorized to adopt provisions in the parameters and guidelines for unit costs, so that request could also have been in the form of an amendment to the parameters and guidelines if it had been an existing mandate.

Ms. Higashi noted that the parties at staffs parameters and guidelines workshops have begun to address these issues. Dr. Berg added that the reason for these workshops is because the SCO was changing the claiming instructions without relation to the parameters and guidelines. The workshops were an effort to standardize them so claimants did not have to request reviews every time claiming instructions were issued. She added that, in her experience since 1984, the Commission has never said they did not have the authority or duty to review claiming instructions; the Commission has been the claimants' resource. Mr. Cunningham questioned the legal significance of the parmeters and guidelines if the claiming instructions did not have to match them.

Member Beltrami questioned the SCO's rights. Dr. Berg explained they could request documentation for any alleged cost. Mr. Petersen noted the absence of the SCO in this and other discussions.

Member Sherwood said that the claimant's request did not tie well with the Commission's authority to modify the instructions. Dr. Berg noted that specific cost items were undefined in the Commission's regulations. Member Sherwood recognized the importance of the issue and expressed his concern that portions of the request may not be details the Commission should address, especially given the current backlog. Dr. Berg said the boilerplate might help matters.

In response to Member Beltrami, Chairperson Dezember said that representation from the SCO (besides Member Chivaro) could possibly be helpful. The Chair clarified with Ms. Higashi that if the Commission were to follow staffs recommendation, it would be based on the finding that the specifics of the claimant's request in these two items did not constitute matters for which the Commission has authority to modify. He was not sure that the SCO could respond to this jurisdictional and factual finding. He explained that he could not deal with past decisions, and further that the Commission does not have precedential decisions. The Chair wanted to be sure the Commission operated within the scope of the law.

Member Steinmeier noted two issues: 1) what are the specifics of this particular request and 2) exactly what does the Commission mean by "specific cost items?" Member Patton was concerned that the Commission may be changing how it reviewed claiming instructions in the past, and that the Commission should provide some consistency so the claimants would know what to bring before it.

Upon suggestion of the Chair and agreement of the members, these items were postponed for further consideration. First, the Commission will review the request to modify the claiming instructions and then issue a determination based upon the Commission's jurisdiction with the fact situation and that finding. Ms. Higashi noted that a revised staff report would be prepared for the June hearing.

[A brief recess was taken.]

<u>Undisputed Test Claim: Staff Analysis and Proposed Statement of Decision (action)</u>

Item 8 *School Accountability Report Cards* - 97-TC-21
Sweetwater Union High School District and
Bakersfield City School District, Co-Claimants
Chapter 918, Statutes of 1997 et al.

Mr. David E. Scribner of the Commission staff introduced this item.

The following witnesses were sworn: Larry Hendee with the Sweetwater Union High School District; Jim Cunningham, interested party with the San Diego Unified School District; Carol Berg with the Education Mandated Cost Network; and Wayne Stapley and Dale Russell with the Bakersfield City School District.

The Chair clarified that the claim was essentially undisputed, though the claimants would be addressing one particular issue with the decision.

Mr. Hendee submitted that school districts would not have taken any action had the governor not signed the bill at issue, which implied at the very least that there was an impending mandate, and so districts believe that they should be able to recover their costs from October 12, the day the bill was signed, rather than January 1, the operative date of the bill.

Mr. Cunningham disagreed with staffs citation of Government Code section 17565. He submitted that the law became law when the Governor signed it, on October 12, 1997, and to his knowledge, no school district was performing these activities prior to this date. He argued that staff's interpretation would conflict with section 17514, which defines costs mandated by the state to include increased costs resulting from a statute or executive order. Mr. Cunningham said that districts had to do certain things, thus incurring some start-up costs, to prepare to be in compliance with the law on January 1. He requested the Commission adopt the proposed statement of decision, after changing the references to January 1, 1998, to October 12, 1997. Dr. Berg and Mr. Stapley agreed.

Member Steinmeier questioned the consequences of a district not being ready on January 1. Mr. Cunningham explained that the task was quite time consuming and that if a district waited too long, it would eventually be out of compliance. In response to the Chair, Dr. Berg said that there was not an implementation period stated in the statute, though there were rules and regulations issued by the Department of Education. Dr. Russell confirmed the testimony, explaining that his district must begin collecting information from the beginning of the year and sometimes the prior year so that it can have its report cards ready for timely and appropriate presentation.

In response to Member Cox, Dr. Russell said that the district had done advance planning for other situations, some of which never occurred. However, if a law is signed into place the district steps up the planning to make sure it is prepared. Again in response to Member Cox, Dr. Russell said that if the law were to be vetoed, the district would have done the work for nothing. Member Cox submitted that this is because some things districts must do, such as planning and preparation, are just the cost of doing business. Member Cox noted the difficulty with clarifying which preparation costs in advance of effective dates would be allowable.

Mr. Jim Apps with the Department of Finance noted that, because the agenda described this item as undisputed, they were not prepared to dispute it. However, the Department did dispute the notion that costs incurred prior to the effective date of the bill are reimbursable.

Member Beltrami commented that the implications of this decision could be profound. The Chair agreed, but said that it would be unusual in any context for one to assume a statute becomes law the day the governor signs it, when by its own terms it becomes effective another date. He explained that traditionally in California, laws without an urgency clause become effective the January after the governor signs them—they are not laws until they are effective. Though he recognized the districts' laudable efforts to comply, he did not see how the Commission could find otherwise, particularly

because the statute does not contain penalties or demand full compliance by January 1. Ms. Higashi added that the last sentence of the legislation references section 17580 and states that "the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution."

Chairperson Dezember said, aside from the cost of doing business, districts may want to gauge how much to prepare when a statute is in process before it becomes effective because the Commission is not empowered to grant a claim prior to the effective date of the statute.

Member Steinmeier noted that though she would vote for the staff recommendation, districts were reasonable to assume the activities would be added since there already was a school accountability report card. However, she agreed that the Commission could not rule in the districts' favor and therefore warned them not to start too soon in the future. Mr. Cunningham understood this to mean the Commission would rather districts be out of compliance than reimburse them for the costs. Members Cox and Steinmeier disagreed. Member Cox explained that the Commission does not have the ability to grant expenses before the law becomes effective. He suggested the districts' best pursuit would be the Legislature. Mr. Cunningham restated his disagreement with the application of the code section, alleging that it was a misapplication of the law by staff.

On the motion of Member Cox, and second by Member Patton, the staff recommendation was adopted unanimously.

Disputed Test Claims (action)

Item 9 *Caregiver's Affidavits* - CSM-4497
Tustin Unified School District, Claimant
Education Code Section 48204(d)
Family Code Section 6550
Family Code Section 6552
Chapter 98, Statutes of 1994

David Scribner presented this item.

Parties were represented as follows: Brad Lantz with the Tustin Unified School District; Jim Cunningham with the San Diego Unified School District; Carol Berg with the Education Mandated Cost Network; and Cindy Chan with the Department of Finance. Mr. Lantz and Ms. Chan were sworn in.

Based on the amended staff analysis, Mr. Lantz said he had no dispute. Mr. Cunningham agreed, and requested the Commission approve staffs recommendation.

Ms. Chan reported that the Department of Finance (DOF) disagrees with two of staff's recommendations. First, the one-time activity of preparing and adopting policies, procedures, and forms is not required by the legislation. According to DOF, the caregiver affidavits actually simplify the administrative duties of districts, which could lead to a lower level of service regarding establishment of residency procedures. The CDE management advisory and affidavit forms are self-explanatory and should not result in additional policies, procedures, and forms by districts, Adoption is therefore discretionary and not reimbursable.

Mr. Lantz explained his district's experience with the legislation, and noted that a number of procedures and regulations were affected by this legislation. Member Steinmeier added that the intent of the legislation differed from what happened in reality—it has resulted in more complications

for districts due to fraud and investigations. She believed the Commission should adopt the staff analysis. She stated that the Commission could not clear up the loopholes so the districts should go to the legislature, because the law is quite costly to implement.

Member Cox moved to adopt the staff recommendation. Member Steinmeier seconded the motion,

Secondly, Ms. Chan explained that DOF does not agree that there are any costs associated with the continuing activity of performing administrative tasks associated with enrollment and transfer of students. DOF submits that any administrative costs associated with caregiver affidavits are already funded as pupil administrative services within the "base revenue limit".

Member Beltrami recognized that the legislation had actually expanded the work of districts. Mr. Lantz explained that although the law authorizes the caregiver to enroll the student in school, that person cannot effectively become the person authorizing the student in normal day-to-day school operations. Member Beltrami agreed with Member Steinmeier that districts need to go to the legislature.

On a roll call vote, the staff recommendation was unanimously adopted.

Item **10** *Physical Performance Tests* - 96-365-01
San Diego Unified School District, Claimant
Education Code Section 60800
Chapter 975, Statutes of 1995
California Department of Education
Memorandum dated February 16, 1996

David Scribner presented this item.

Parties were represented as follows: Jim Cunningham with the San Diego Unified School District; Carol Berg with the Education Mandated Cost Network; and Robin Baker with the Department of Finance. Ms. Baker was sworn in.

Mr. Cunningham disagreed with counsel's interpretation of the Supreme Court holdings in the *County of Los Angeles* and the *City of Sacramento* cases. Though he agreed with counsel's conclusion, it was for different reasons. He noted that his position on the measurement date issue was **part** of the record. He added that, even if the 1974 date was applied, the current test was substantially different from the prior performance physical fitness testing. Mr. Cunningham also disagreed with staff's recommendation to deny costs related to activities carried out by teachers during the normal classroom day; he submitted that no cost accounting principle recognizes this fixed environment or normal workday exception to the rule. He claimed that the Commission's decision in *Emergency Procedures* has no precedential value, and provides no evidence to support the fixed environment exception. Mr. Cunningham requested the Cornmission include in its decision a provision that the claimant is entitled to the costs for time taken by teachers to perform the tasks necessary to carry out this mandate.

Member Cox noted that, under true cost accounting, if claimants received such credit (reimbursement) for these activities, they would be crediting some other account—districts cannot bill twice for the same activity. He asked which account districts have credited. Mr. Cunningham replied that districts have sacrificed the ability to direct their own teachers' time; districts have had to give up some other activity, and that is the credit.

Chairperson Dezember agreed with Member Cox that usually a cost associated with a redirection is the cost associated with filling in from what you redirected away from, and he has not seen that in this case. Though the teachers' activities may be mandated, there is no incurred cost to fill in behind what the teacher had been doing. Mr. Cunningham replied that the district either has to give up an activity or add additional staff.

Member Beltrami questioned what the claimant did with the savings during the one-year suspension of this program. Mr. Cunningham believed the district voluntarily did some physical fitness testing. Dr. Berg replied that districts did not request the suspension, rather, it was somewhat of an accident in that the testing became a victim of a major repeal.

Ms. Baker, representing the Department of Finance, submitted that repeal of the statute for this program was inadvertent: districts did not stop the program, the Department of Finance did not withdraw any funding to districts, and the Department of Education's regulations remained the same for that year.

Chairperson Dezember questioned the differences between the prior program and the reinstated program. Ms. Baker relied that, superficially, it is the same law.

Keith Petersen was sworn in to testify. Regarding the double-billing issue, Mr. Petersen held that in January 1991, the Commission's executive director issued a memo stating that the Commission shall, on a case by case basis, continue to find reimbursable costs for redirected staff time. He submitted that this applies very well to every scenario except for the classroom. Mr. Petersen claimed that about one year later, the Commission created a fictitious but effective rule that the classroom was a fixed environment. He said that the content of staff analysis does not constitute recognized cost accounting, governmental or otherwise. Mr. Petersen found it ironic that the Commission asserted its jurisdiction on an earlier item was limited to activities, which teachers are not. Rather, a teacher is a cost accounting element.

The Chair did not want to lose sight of the question of increased costs to the claimant. Mr. Petersen replied that, if that is the test, there never will be mandated reimbursement. Chairperson Dezember noted the significant amount of mandate reimbursement in the last decade. Mr. Petersen believed then, that that was not the test. The Chair understood his position, but did not agree.

Member Steinmeier asked if districts would have had additional costs if they had added onto the school day, or paid or gave a stipend to someone other than the teacher to do the testing. Mr. Petersen claimed that this was the solution on *Emergency Procedures* and Mr. Cunningham noted that, as a result, many districts are hiring consultants.

Dr. Berg argued that the increased costs are quite obvious. She claimed that this type of activity extends the professional day for teachers and puts the burden on districts for increasing salary schedules. Member Beltrami asked if the districts reduced salaries for the suspended year. Dr. Berg replied that it would have been easy, had other mandates not been imposed. In response to Member Beltrami's statement that "It always seems to go up, never seems to go down," Mr. Petersen cited the Trice Harvey bill and submitted that if costs savings exist, the state has the power to capture those costs, which they did not.

Member Sherwood disagreed with the Department of Finance's 'legislative accident' theory. He asserted that the legislature did require a new program, though he does not see an increased dollar cost. Member Sherwood moved for adoption of the staff recommendation. Member Chivaro seconded the motion. On a roll call vote, the motion passed unanimously.

[Chairperson Dezember recused himself and Member Sherwood assumed the role as chair. A brief recess was taken.]

Item 11 Special Education: Consolidated Test Claim of Riverside County Superintendent of Schools, et al., (CSM-3986) *Pre-School Transportation Programs for Ages 3, 4, and 5, Not Requiring Intensive Services (Not-RIS)*
North Region SELPA, Supplemental Claimant
Education Code Sections 56441.12 and 56448
Chapter 311, Statutes of 1987
Chapter 184, Statutes of 1990
Chapter 1061, Statutes of 1992

Gary Hori introduced this item.

Parties were represented as follows: Joseph Mullender with the Long Beach Unified School District; Diana McDonough with the Supplemental Claimant North Region SELPA and the Education Mandated Cost Network; Carol Berg with the Education Mandated Cost Network; and Kyungah Suk and Dan Stone with the Attorney General's Office for the Department of Finance.

Ms. McDonough distinguished this claim from the Long Beach claim and made clear that, though Long Beach was present today, the two claims are not the same. She submitted that California complied with the IDEA by offering services to severely handicapped preschool children ages 3 to 4 years, 9 months. But, in 1987, California added an additional item—it chose to begin providing services to the 'Not-RIS' students.

Mr. Mullender outlined the history of the Long Beach claim [which ended in a 3-3 vote at the Commission's January 28, 1998 hearing]. He then stated his position on the three issues that he claimed staff raised: equal protection, the ages 3 to 5 and 18 to 21 exceptions, and the carrot and the stick argument.

Ms. Suk reported that the Department of Finance basically agrees with staff's analysis. She submitted that: 1) If state law has provided special education for preschool-aged children requiring intensive services, California did not have an option to discontinue those services and fall under the federal exception. Thus, California, pursuant to the federal statute, had to comply and continue to provide preschool education; 2) The (federal) Office of Special Education Program's letter to Neveldine (New York) said that, despite the fact the special education is not provided to preschool-aged children who did not require special education, if the state provides special education, it must provide it to all children aged 3 to 5 that require special education; and 3) If the state violates or fails to comply with section 1412, there is a penalty of not just losing the preschool funds, but losing all federal funding for the entire special education program.

Mr. Stone added that, with respect to the period from 1980 through 1987, the claimants' point that the state fully complied with the IDEA by having only limited coverage is immaterial because federal law changed when section 99457 was promulgated in 1986. He questioned looking at this time period when the federal requirements specifically changed. Mr. Stone submitted that it is clear in the congressional background for section 99457 that the federal government did not think the states' response to the original legislation was adequate in service to these populations.

Mr. Hori agreed with Mr. Stone and Ms. McDonough that this particular claim does not address the period from 1980 through 1987. He urged the Commission to focus on this claim, which is about what California did in response to the 1975 and 1986 congressional amendments.

Chairperson Sherwood's asked about a related desegregation issue. Mr. Hori explained that, in that situation, the Department of Education promulgated regulations that exceeded federal requirements.

In response to Member Beltrami, Ms. McDonough replied that the claimant believes in this case "there is a small carrot, and there is a small stick." Though she admitted there was a small financial consequence for not complying, she did not agree that it was the same situation as that in *Sacramento II*.

Mr. Stone noted that no states have declined to comply, which he claimed to be strong evidence that the incentives and sanctions provided under federal legislation are significant. The Chair questioned if the sanctions could actually be larger, to which Ms. Suk replied that they could. She explained that they were dealing with preschool incentive grants under section 99457, with preschool funds from the regulation IDEA program and with the potential of losing all federal special education grant money.

Ms. McDonough noted that there are consequences for not meeting the preschool grant requirements. The state is ineligible for the preschool grant; the state is ineligible for funds under IDEA for children aged 3 through 5; and, the state will not receive certain other grants for children ages 3 through 5. However, the state will not be found out of compliance with the IDEA in general and lose its total IDEA funding; it will only lose IDEA funding for students aged 3 through 5.

Though she recognized the separation, Member Steinmeier said that this case had the same underlying issue—whether or not it was a federal mandate or voluntary on the part of the state. She reluctantly ruled against the districts because she believed it was federally required.

Mr. Hori noted that the IDEA has a massive "stick" in that districts would loose all other federal funds if they did not comply. The Chair recognized that this was also Ms. Suk's point. Ms. McDonough did "not disagree."

Member Patton moved to adopt the staff recommendation. Member Steinmeier seconded the motion. The Commission deadlocked in a 3-3 vote, with Members Patton, Sherwood, and Steinmeier voting "Aye" and Members Beltrami, Chivaro, and Cox voting "No."

Chairperson Sherwood recognized that this was the last of the 19 Special Education issues, and he did not see reason to continue or rehear this matter. He directed staff to begin the statement of decision process. In response to the Chair, Mr. Hori said that, although the Commission did not reach an affirmative decision on two issues, after the adoption of the statement of decision, the parties would have exhausted their administrative remedy and could pursue judicial action. Chairperson Sherwood asked Mr. Hori to proceed with the decision as quickly as possible and to work closely with the claimants, which may take several meetings. Mr. Hori and Ms. Higashi noted that after today's meeting, the parties could begin the scheduling. The Chair thanked all parties, and apologized for combining the two separate issues at one time.

Adjournment

There being no further business, Chairperson Sherwood adjourned the meeting at 12:53 p.m.

Paula Higashi
Paula Higashi
Executive Director

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BEFORE THE

COMMISSION ON STATE MANDATES

STATE'OF CALIFORNIA

IN RE TEST CLAIM ON:	NO. 97-TC-21
Education Code Sections 33126, 35256, 35256.1, 35258, 41409 and 41409.3 as added by Chapter 918, Statutes of 1997, et al. And filed on December 31, 1997; By Bakersfield City School District and Sweetwater Union High School District, Co-Claimants.	*School Accountability Report Cards* STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5, ARTICLE 7. Adopted on April 23, 1998

STATEMENT OF DECISION

The attached Statement of Decision is hereby adopted by the Commission on State Mandates on April 23, 1998.

Date: May 26, 1998

PAULA HIGASHI
Executive Director

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BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAIM ON:	NO. 97-TC-21
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STATEMENT OF DECISION

The Commission on State Mandates (Commission) on April 23, 1998, heard this test claim during a regularly scheduled hearing. Mr. Wayne Stapley and Dr. Dale Russell appeared for the Bakersfield City School District, Mr. Lawrence Hendee appeared for Sweetwater Union High School District, Mr. James A. Cunningham appeared for San Diego Unified School District, Dr. Carol Berg appeared for Education Mandated Cost Network, and Mr. James Apps appeared for the Department of Finance.

At the hearing, evidence both oral and documentary was introduced, the test claim was submitted, and the vote was taken.

The law applicable to the Commission's determination of a test claim is Government Code section 17500 et seq. and section 6, article XIII B of the California Constitution and related case law.

The Commission, by a vote of 7-0 approved this test claim.

Issue

> Do the provisions of the test claim legislation on school accountability report cards, impose a new program or higher level of service upon school districts within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514?

Prior Law

School accountability report cards were added to the Education Code on November 8, 1988, when California voters approved Proposition 98. Among other things, Proposition 98 added sections 33126 and 35256 to the Education Code. Section 33126 sets forth the following requirements:

- the Superintendent of Public Instruction is to prepare a model school accountability report card to be adopted by the Board of Education as the statewide model by March 1, 1989; and
- the model shall include, but is not limited to, assessment of thirteen school elements.

Section 35256 sets forth the following requirements:

- the school accountability report card shall include, but is not limited to, the conditions listed in section 33126;
- the governing board of each school district shall, triennially, compare the school district's card to the model; and
- the school district shall prepare and issue school accountability report cards for each school in the school district.

Test Claim Legislation

Chapter 1463, Statutes of 1989, added sections 35256.1 and 41409.3 to the Education Code. Together, these sections require school districts to add information on salaries paid to teachers, school site principals, and school district superintendents to the district's school accountability report card. In addition, these sections require school districts to include information pertaining to certain statewide salary averages and percentages of salaries to total school budget in the district's report card.

Chapter 759, Statutes of 1992, amended Education Code section 41409 to require the Superintendent of Public Instruction to report the statewide salary information based upon a comparison of total expenditures rather than total school budget. This information is to be provided by the Superintendent of Public Instruction to school districts for inclusion in their school accountability report cards.

Chapter 1031, Statutes of 1993, added subsection (14) to Education Code section 33126. Subsection (14) requires school districts to report "the degree to which pupils are prepared to enter the work force."

Chapter 824, Statutes of 1994, added subsections (15) and (16) to Education Code section 33216. Subsection (15) requires school districts to report "[t]he total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per year required by state law, separately stated for each grade level.'' Subsection (16) requires school districts to report "[t]he total number of minimum days, . . . , in the school year."

Chapter 912, Statutes of 1997, made numerous amendments to Education Code section 33126. Under Chapter 912, Statutes of 1997, school districts are now required to include the following information in their school accountability report cards:

- results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including pupil achievement by grade level as measured by the statewide assessment (§ 33126, subd. (b)(1));
- for schools with high school seniors, the average verbal and math Scholastic Assessment Test scores to the extent such scores are provided to the school and the average percentage of high school seniors taking the exam for the most recent three-year period (§ 33126, subd. (b)(1));
- the one-year dropout rate for the schoolsite over the most recent three-year period (§ 33126, subd, (b)(2));
- the distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1-3, inclusive, participating in the Class Size Reduction Program for the most recent three-year period (§ 33126, subd. (b)(4));
- the total number of the school's credentialed teachers, the number of teachers relying on emergency credentials, and the number of teachers working without credentials for the most recent three-year period (§ 33126, subd. (b)(5));
- any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period (§ 33126, subd. (b)(5));
- the annual number of schooldays dedicated to staff development for the most recent three-year period (§ 33126, subd. (b)(10)); and
- the suspension and expulsion rates for the most recent three-year period (§ 33126, subd. (b)(11)).

Chapter 918, Statutes of 1997, added section 35258 to the Education Code. Section 35258 requires those school districts that are connected to the Internet to make their school accountability report card available on the Internet and to update the information annually.

Commission Findings

In order for a statute, which is the subject of a test claim, to impose a reimbursable state mandated program, the statutory language (1) must direct or obligate an activity or task upon local governmental entities, and (2) the required activity or task must be new or it must create an increased or higher level of service over the former required level of service. To determine if a required activity is new or imposes a higher level of service, a comparison must be undertaken between the test claim legislation and the legal requirements in effect immediately prior to the enactment of the test claim legislation.[1] Finally, the newly required activity or increased level of service must be state mandated.[2]

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[1] Mr. James A. Cunningham testified that the Claimant disagrees with this interpretation of the *Lucia Mar* holding. Mr. Cunningham stated that although the same conclusion can be reached, the Claimant does not agree with the analysis or interpretation of the case law in this decision.

[2] *County of Los Angeles* v. *State of California* (1987) 43 Cal.3d 46, 56; *Carmel Valley Fire Protection Dist.* v. *State of California* (1987) 190 Cal.App.3d 521, 537; *Lucia Mar Unified School Dist.* v. *Honig* (1988) 44 Cal.3d 830, 835.

The Commission found that the thirteen elements that are found in Proposition 98 are not reimbursable, because those activities fell under the exception in Government Code section 17556, subdivision (f).[3]

The Commission found that Chapter 1463, Statutes of 1989, added sections 35256.1 and 41409.3 to the Education Code requiring school districts to add information on salaries paid to teachers, school site principals, and school district superintendents to the district's school accountability report card. In addition, the Commission found these sections require school districts to include information on certain statewide salary averages and percentages of salaries to total school budget in the district's report card.

The Commission found that Chapter 759, Statutes of 1992, amended Education Code section 41409 to require school districts to include statewide salary information which is provided to school districts by the Superintendent of Public Instruction for inclusion in their school accountability report cards.

The Commission found that Chapter 1031, Statutes of 1993, added subsection (14) to Education Code section 33126 which requires school districts to report "the degree to which pupils are prepared to enter the work force."

The Commission found that Chapter 824, Statutes of 1994, added subsections (15) and (16) to Education Code section 33216. Subsection (15) requires school districts to report "[t]he total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per year required by state law, separately stated for each grade level." Subsection (16) requires school districts to report "[t]he total number of minimum days, . . . , in the school year."

The Commission found that Chapter 912, Statutes of 1997, amended Education Code section 33126 to require school districts to include the following information in their school accountability report cards:

- results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including pupil achievement by grade level as measured by the statewide assessment (§ 33126, subd. (b)(1));[4]
- for schools with high school seniors, the average verbal and math Scholastic Assessment Test scores to the extent such scores are provided to the school and the average percentage of high school seniors taking the exam for the most recent three-year period (§ 33126, subd. (b)(1));
- the one-year dropout rate for the schoolsite over the most recent three-year period (§ 33126, subd. (b)(2));

[3] Government Code section **17756.** Findings. reads, "The commission shall not find costs mandated by the state, . . . , in any claim submitted by a local agency or school district, if, after a hearing, the commission finds that: . . . (f) The statute or executive order imposed duties that were expressly included in a ballot measure approved by the voters in a statewide election."

[4] All section references are to the Education Code unless otherwise stated.

- the distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1-3, inclusive, participating in the Class Size Reduction Program for the most recent three-year period (§ 33126 subd. (b)(4));
- the total number of the school's credentialed teachers, the number of teachers relying on emergency credentials, and the number of teachers working without credentials for the most recent three-year period (§ 33126, subd. (b)(5));
- any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period (§ 33126, subd. (b)(5));
- the annual number of schooldays dedicated to staff development for the most recent three-year period (§ 33126, subd. (b)(10)); and
- the suspension and expulsion rates for the most recent three-year period (§ 33126, subd. (b)(11)).

The Commission found that Chapter 918, Statutes of 1997, added section 35258 to the Education Code requiring those school districts that are connected to the Internet to make their school accountability report card available on the Internet and to update the information annually.

The Commission found costs incurred by a school district before the operative date of a statute are not reimbursable. The Commission found that the operative date for the 1997 statutes is January 1, 1998, not October 12, 1997, the date the legislation was signed by the Governor.[5] Therefore, the Commission found reimbursement for the 1997 statutes begins on January 1, 1998.[6]

Conclusion

The Commission concludes that Chapter 1463, Statutes of 1989 (adding Education Code sections 35256.1 and 41409.3), Chapter 759, Statutes of 1992 (amending Education Code section 41409), Chapter 1031, Statutes of 1993 (adding subsection 14 to Education Code section 33126), Chapter 824, Statutes of 1994 (adding subsections 15 and 16 to Education Code section 33126), Chapter 912, Statutes of 1997 (amending Education Code section 33126), and Chapter 918, Statutes of 1997 (adding Education Code section 35258), impose a new program or higher level of service upon local school districts and therefore are reimbursable under section 6, article XIII B of the California Constitution and Government Code section 17514.

The Commission finds the following to be state mandated activities and therefore, reimbursable under section 6, article XIII B of the California Constitution and Government Code section

[5] The Commission found Government Code section 17565 applies to the present test claim. Government Code section 17565 states "If a local agency or a school district, at its option has been incurring costs which are subsequently mandated by the state, the state shall reimburse the local agency or school district for those costs incurred after the operative date of the mandate."

[6] The claimants did not agree with this finding. Mr. Lawrence Hendee and Mr. James **A.** Cunningham testified that the reimbursement period for these items should begin on October 12, 1997, the date the Governor signed the bill into law. Claimants contended that school districts implemented these activities upon signing of the bill by the Governor and therefore, should be reimbursed from that date.

17514. Reimbursement would include direct and indirect costs to compile, analyze, and report the specific information listed below in a school accountability report card.

The Commission concludes that reimbursement for inclusion of the following information in the school accountability report card begins on July 1, 1996:

- Salaries paid to schoolteachers, school site principals, and school district superintendents.
- Statewide salary averages and percentages of salaries to total expenditures in the district's school accountability report card.
- "The degree to which pupils are prepared to enter the work force."
- "The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per year required by state law, separately stated for each grade level."
- "The total number of minimum days, . . . , in the school year."
- Salary information provided by the Superintendent of Public Instruction.

The Commission concludes that reimbursement for inclusion of the following information in a school accountability report card begins on January 1, 1998:

- Results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including pupil achievement by grade level as measured by the statewide assessment.
- The average verbal and math Scholastic Assessment Test (SAT) scores for schools with high school seniors to the extent such scores are provided to the school and the average percentage of high school seniors taking the exam for the most recent three-year period.
- The one-year dropout rate for the schoolsite over the most recent three-year period.
- The distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades **1-3,** inclusive, participating in the Class Size Reduction Program for the most recent three-year period.
- The total number of the school's credentialed teachers, the number of teachers relying on emergency credentials, and the number of teachers working without credentials for the most recent three-year period.
- Any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period.
- The annual number of schooldays dedicated to staff development for the most recent three-year period.
- The suspension and expulsion rates for the most recent three-year period.

The Commission concludes that reimbursement for posting and annually updating school accountability report cards on the Internet, if a school district is connected to the Internet, begins on January 1, 1998.

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NOTICE AND AGENDA

COMMISSION ON STATE MANDATES

Public Hearing
State Capitol, Room 437
Sacramento, California

June 25, 1998

9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. PROPOSED CONSENT CALENDAR (Items 1 and 2 below.)

A. APPROVAL OF MINUTES (action)

Item 1 Hearing of May 28, 1998

B. FINDING OF DISPUTED TEST CLAIMS (action)

Item 2 *Seriously Emotionally Disturbed (SED) Pupils: Out-of state Mental Health Services* – CSM - 97-TC-05
County of Los Angeles, Claimant
Government Code Section 7576
Chapter 1747, Statutes of 1984
Chapter 1274, Statutes of 1985
Chapter 654, Statutes of 1996, and Title 2, Division 9
Chapter 1 of California Code **of** Regulations
Department of Mental Health Information Notice No.: 86-29

III. ADOPTION OF PROPOSED STATEMENTS OF DECISION ON TEST CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, Article 7 (action)

*Note: Oral or written testimony offered by any person shall be under oath or affirmation. **All** witnesses will be sworn at the beginning of the hearing. (Cal. Code Regs., tit. 2, § 1187.5.)*

Item 3 *Sentencing: Prior Felony Convictions (Three Strikes)* – CSM - 4503
County of Los Angeles, Claimant
Penal Code Section 667, Subdivisions (a) to (j)
Chapter 12, Statutes of 1994

Item 4 *Sexually Violent Predators* – CSM - 4509
County of Los Angeles, Claimant
Welfare and Institutions Code Sections 6250 and 6600 et seq.
Chapter 762, Statutes of 1995
Chapter 763, Statutes of 1995
Chapter **4,** Statutes of 1996

NEW FILINGS

5/11/98	97-4257-1-09	Bakersfield City School District	IRC: *Open Meetings Act*, Chapter 641, Statutes of 1986
5/12/98	97-TC-24	San Diego Unified School District	Test Claim: *Annual Parent Notification - Staff Development*, Chapter 929, Statutes of 1997, Ed. Code, § 48980
5/13/98	97-4257-1-10	Palmdale School District	IRC: *Open Meetings Act*, Chapter 641, Statutes of 1986
5/13/98	97-4257-1-11	Fullerton Jt. Union High School District	IRC: *Open Meetings Act*, Chapter 641, Statutes of 1986
5/18/98	97-4257-1-12	San Carlos Unified School District	IRC: *Open Meetings Act*, Chapter 641, Statutes of 1986
5/20/98	97-4257-1-13	Saddleback Valley Unified School District 1995/96	IRC: *Open Meetings Act*, Chapter 641, Statutes of 1986
5/20/98	97-4257-1-14	Saddleback Valley Unified School District 1996197	IRC: *Open Meetings Act*, Chapter 641, Statutes of 1986
5/21/98	97-4257-1-15	Grossmont Unified School District	IRC: *Open Meetings Act*, Chapter 641, Statutes of 1986
5/29/98	97-4257-1-16	City of Santa Clarita	IRC: *Open Meetings Act*, Chapter 641, Statutes of 1986
6/1/98	97-4257-1-17	Antelope Valley Union High School District	IRC: *Open Meetings Act*, Chapter 641, Statutes of 1986
06/02/98	97-4257-1-18	Las Lomitas School District	IRC: *Open Meetings Act*, Chapter 641, Statutes of 1986
06/02/98	97-4257-1-19	Menlo Park City School District	IRC: *Open Meetings Act*, Chapter 641, Statutes of 1986
06/04/98	97-4257-1-20	Soledad Unified School District	IRC: *Open Meetings Act*, Chapter 641, Statutes of 1986
06/05/98	97-4257-1-21	Riverside Unified School District	IRC: *Open Meetings Act*, Chapter 641, Statutes of 1986
6/09/98	97-TC-25	City of Palos Verdes Estates	Test Claim: *Health Benefits for Survivors of Peace Officers and Firefighters*, Chapter 1120, Statutes of 1996. and Chanter 193. Statutes of 1993.

Item 5 *Physical Performance Tests* - CSM - 96-365-01
San Diego Unified School District, Claimant
Education Code Section 60800
Chapter 975, Statutes of 1995
California Department of Education
Memorandum dated February 16, 1996

IV. HEARINGS AND DECISIONS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8 (action)

A. REQUESTS FOR REVIEW OF CLAIMING INSTRUCTIONS

Item 6 *Pupil Suspension: Parent Classroom Visits* - (CSM - 4474)
CSM - 97-CI-01
San Diego Unified School District, Requester
Education Code Section 48900.1
Chapter 1284, Statutes of 1988
Chapter 213, Statutes of 1989

Item 7 *Juvenile Court Notices II* (CSM - 4475)
CSM - 97-CI-02
San Diego Unified School District, Requester
Welfare and Institutions Code Section 827
Chapter 1423, Statutes of 1984
Chapter 1019, Statutes of 1994
Chapter 71, Statutes of 1995

B. ADOPTION OF PROPOSED PARAMETERS AND GUIDELINES

Item 8 *School Accountability Report Cards* - CSM - 97-TC-21
Sweetwater Union High School District and
Bakersfield City School District, Co-Claimants
Education Code Sections 33126, 35256, 35256.1, 35258, and 41409.3
Chapter 1463, Statutes of 1989
Chapter 759, Statutes of 1992
Chapter 1031, Statutes of 1993
Chapter 824, Statutes of 1994
Chapter 912, Statutes of 1997
Chapter 918, Statutes of 1997

C. ADOPTION OF AMENDED PARAMETERS AND GUIDELINES

Item 9 *Consolidation of Parameters and Guidelines:*

Collective Bargaining
Government Code Section 3540 et seq.
Chapter 961, Statutes of 1975 et al

-and-

Collective Bargaining Agreement Disclosure - CSM - 97-TC-08
Alameda County Office of Education, Claimant
Government Code Section 3547.5
Chapter 1213, Statutes of 1991

Item 10 *Consolidation of Parameters and Guidelines:*

Pupil Suspensions from School - CSM - 4456
San Diego Unified School District, Claimant
Education Code section 48911, Subdivisions (b) and (e)
Chapter 965, Statutes of 1977, Chapter 668, Statutes of 1978, Chapter 73, Statutes of 1980, Chapter 498, Statutes of 1983, Chapter 856, Statutes of 1985, and Chapter 134, Statutes of 1987

Pupil Expulsions from School - CSM - 4455
San Diego Unified School District, Claimant
Education Code Sections 48915, Subdivisions (a) and (b), 48915.1, 48915.2, 48916 and 48918
Chapter 1253, Statutes of 1975, Chapter 965, Statutes of 1977, Chapter 668, Statutes of 1978, Chapter 318, Statutes of 1982, Chapter 498, Statutes of 1983, Chapter 622, Statutes of 1984, Chapter 942, Statutes of 1987, Chapter 1231, Statutes of 1990, Chapter 152, Statutes of 1992, Chapter 1255, Statutes of 1993, Chapter 1256, Statutes of 1993, Chapter 1257, Statutes of 1993, Chapter 146, Statutes of 1994

Pupil Expulsion Appeals - CSM - 4463
San Diego Unified School District and San Diego County Office of Education, Co-Claimants
Education Code Sections 48919,48921-48924
Chapter 1253, Statutes of 1975, Chapter 965, Statutes of 1977, Chapter 668, Statutes of 1978, and Chapter 498, Statutes of 1983

V. SCHEDULING: HEARING CALENDARS AND AGENDA ITEMS

Item 11
A. Proposed Changes to the 1998 Hearing Calendar and Agenda Items to be Scheduled (action)
B. Proposed 1999 Hearing Calendar (action)
C. Proposed Time Limits (discussion)

VI. EXECUTIVE DIRECTOR'S REPORT (information only)

Item 12 Legislation, Budget, Workload, Strategic Plan, Sunset Review,of Regulations

ADJOURNMENT

NOTICE AND AGENDA

COMMISSION ON STATE MANDATES

PUBLIC WORKSHOP: SUNSET REVIEW OF REGULATIONS

State Capitol, Room **437**
Sacramento, California

June 25, 1998.

Time: Upon Adjournment of Commission Hearing to 3:00 P.M.
(A lunch break will be scheduled.)

- Introduction to the Sunset Review Process
- Sunset Review of Regulations (Copies of the regulations will be provided at the workshop.)

ARTICLE 5. OTHER CLAIMS

§ 1185. Incorrect Reduction Claim Filing.

§ 1185.01. Review of Incorrect Reduction Claims.

§ 1185.1. Reinstatement of Costs.

§ 1185.2. Review of State Controller's Claiming Instructions.

§ 1185.3. Amendments to Parameters and Guidelines.

ARTICLE 7. HEARINGS AND DECISIONS. (tentative)

§ 1187. Scheduling the Hearing on a Test Claim

§ 1187.1 Notice of Hearing.

§ 1187.2. Assignment to Hearing panels/Hearing Officers.

§ 1187.3. Objection to Hearing Panel, Hearing Officer or Commission Member.

§ 1187.4. Pre-Hearing Conference.

§ 1187.5 Evidence Submitted to the Commission.

§ 1187.6. Conduct of Hearing.

§ 1187.7 Witnesses and Subpoenas.

§ 1187.8. Representation at Hearing.

§ 1187.9. Continuance of Hearings and Further Hearings.

§ 1188. Oral and Written Arguments.

§ 1188.1. Decision; Action on Proposed Decision.

§ 1188.2. Form of Decision.

§ 1188.3. Withdrawal of Claims and Requests.

Hearing Date: June 25, 1998
File Number: 97-TC-21
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ITEM # 8

Proposed Parameters and Guidelines

Undisputed Test Claim

Education Code Sections 33126, 35256,
35256.1, 35258, 41409 and 41409.3
Chapter 918, Statutes of 1997 et al.

School Accountability Report Cards

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Letter from Keith Petersen, Interested Party
Dated May 29, 1998 0029

Wearing Date: June 25, 1998
File Number: 97-TC-21

ITEM # 8

STAFF ANALYSIS

Proposed Parameters and Guidelines

Education Code Sections 33126, 35256,
35256.1, 35258, 41409 and 41409.3

Chapter 1463, Statutes of 1989
Chapter 759, Statutes of 1992
Chapter 1031, Statutes of 1993
Chapter 824, Statutes of 1994
Chapter 912, Statutes of 1997
Chapter 918, Statutes of 1997

School Accountability Report Cards

Executive Summary

Test Claim

On April 23, 1998, the Commission on State Mandates approved this test claim and determined that school districts would be reimbursed for costs to compile, analyze, and report specified information in a school accountability report card and for posting and annually updating school accountability report cards on the Internet, as specified. (See Exhibit A.)

Claimants' Proposed Parameters and Guidelines, As Amended by Staff

On May 4, 1998, the claimants submitted Proposed Parameters and Guidelines, (See Exhibit B.) Staff has reviewed this submittal and proposes minor amendments to the following sections:

Section I. Summary of the Mandate
Section III. Period of Reimbursement
Section IV. Reimbursable Activities
Section V. Claim Preparation

The most substantive amendments are to include descriptions of possible source documents to be maintained by claimants. Staff has modified text originally proposed by the State Controller's Office during the Commission staff's workshops on parameters and guidelines. Additionally, staff added a new section VII in order to obtain summary claim information directly from claimants. The Commission previously adopted this provision.

See pages five through nine for Claimant's Proposed Parameters and Guidelines, as amended by Staff.

Interested Party Comments

On May 26, 1998, Mr. Keith Petersen, Interested Party, requested that Claimant's Proposed Parameters and Guidelines be amended to include the following reimbursable activities, required under Education Code section 33126, subdivision (c), as added by Chapter 912, Statutes of 1997:

> "(3) Providing a copy of the school accountability report card to each pupil's parent or guardian;
>
> **(4)** Making administrators and teachers available to answer any questions regarding the school accountability report card." (See Exhibit C.)

Staff notes that the original test claim did not allege any reimbursable activities pursuant to subdivision (c), and the Commission's Statement of Decision makes no finding concerning subdivision (c). Therefore, staff finds that the new activities proposed by Mr. Petersen are inconsistent with the Statement of Decision and cannot be added to the Parameters and Guidelines for this test claim.

Moreover, Education Code section 35256, subdivision (c) states, as follows:

> "The Governing Board of each school district shall annually issue a School Accountability Report Card for each school in the school district, publicize such reports, and notify parents or guardians of students that a copy will be provided upon request."
>
> (Added by Initiative Measure (Proposition 98), approved by the electors, November 8, 1988.)

Claimants and interested parties may wish to consider filing a test claim on Education Code section 33126, subdivision (c), as added by Chapter 912, Statutes of 1997.

Recommendation

Therefore, staff recommends that the Commission adopt the Claimants' Proposed Parameters and Guidelines, as amended by Commission staff. (See following pages.)

Hearing: June 25, 1998
File:CSM 97-TC-21
Document Date: June 15, 1998

CLAIMANTS' PROPOSED PARAMETERS AND GUIDELINES AS AMENDED BY COMMISSION STAFF - June 15, 1998

Chapter 918, Statutes of 1997
Chapter 912, Statutes of 1997
Chapter 824, Statutes of 1994
Chapter 1031, Statutes of 1993
Chapter 759, Statutes of 1992
Chapter 1463, Statutes of 1989
Education Code Section 33126
Education Code Section 35256
Education Code Section 35256.1
Education Code Section 35258
Education Code Section 41409
Education Code Section 41409.3

School Accountability Report Cards

I. SUMMARY OF THE MANDATE

Proposition 98, an initiative measure approved by the California voters, required each school in each school district to develop and issue a school accountability report cards. Proposition 98 set forth thirteen items that were to be included in the school accountability report cards. Statutes adopted after the approval of Proposition 98 added new subjects to be included in the school accountability report card. The Commission on State Mandates, in its Statement of Decision adopted at the April ~~22~~, 23, 1998 hearing, determined that the requirements in these statutes impose a new programs or higher levels of service upon school districts, within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514.

II. 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.

III. PERIOD OF REIMBURSEMENT

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed by the claimants ~~claimant(s)~~ on December 31, 1997. Therefore, all costs incurred on or after July 1, 1996, for Chapters 824/1994, 1031/1993, 759/1992, and 1463~~1~~/1989 are eligible for reimbursement, and, all costs incurred on or after January 1, 1998, for Chapters 912/1997 and 918/1997 are eligible for reimbursement, pursuant to these parameters and guidelines.

Actual costs for one fiscal year should be included in each reimbursement 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 years' costs shall be submitted within 120 days of issuance of the claiming instructions by the State Controller.

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

IV. REIMBURSABLE ACTIVITIES

The direct and indirect costs of labor, materials and supplies, contracted services, fixed assets, ~~and~~ travel, and training incurred for the following mandate components are ~~reimbursable~~ eligible for reimbursement:

Component 1 - Compilation, Analysis, and Reporting of Data

~~1. Activities related to the to the~~ The collection and updating of data, preparation of analyses, and the preparation of the provisions in the school accountability report cards (excluding the original thirteen provisions of Proposition 98) can be claimed.[1] ~~; and,~~

---

[1] For the period beginning July 1, 1996 ~~through December 31, 1997~~, the required data and analyses includes the reporting of the following:

1. The degree to which pupils are prepared to enter the workforce;
2. The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the'instructional minutes per school year required by state law, separately stated for each grade level;
3. The total number of minimum days, as specified in Education Code sections 46112, 46113,46117, and 46141, in the school year;
4. The beginning, median, and highest salary paid to teachers in the district, as reflected in the district's salary scale;
5. The average salary for schoolsite principals in the district;
6. The salary of the district superintendent;
7. Based upon the state summary information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Education Code section 41409, the statewide average salary for the appropriate size and type of district for the following:
   a. beginning, mid-range, and highest salary paid to teachers;
   b. school site principals; and
   c. district superintendents;
8. The statewide average of the percentage of school district expenditures allocated for the salaries of administrative personnel for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of section 41409 of the Education Code;
9. The percentage allocated under the district's corresponding fiscal year expenditure for the salaries of administrative personnel, as defined in Education Code sections 1200, 1300, 1700, 1800, and 2200 of the California School Accounting Manual published by the State Department of Education;
10. The statewide average of the percentage of school district expenditures allocated for the salaries of teachers for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction, pursuant to ~~of~~ subdivision (a) of Section 41409 of the Education Code; and,
11. The percentage expended under the district's corresponding fiscal budget for the salaries of teachers, as defined in Section 1100 of the California School Accounting Manual published by the State Department of Education.

Component 2. Internet Posting

~~2. Activities related to the~~ Annual posting of school accountability report cards on the Internet can be claimed by those school districts that are connected to the Internet.[2]

V. CLAIM PREPARATION

Each reimbursement claim ~~for reimbursement~~ for costs incurred to comply with this mandate must be timely filed and set forth a listing of each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified ~~allocated~~ according to the two components of reimbursable activity described in Section IV of this document.

Supporting Documentation

Claimed costs should be supported by the following information:

A. Direct Costs

Direct costs are defined as costs that can be ~~specifically~~ traced to specific goods, services, units, programs, activities, or functions.

1. Employee Salaries and Benefits

Identify the employee(s) and/or show the classification of the employee(s) involved. Describe the mandated functions performed by each employee and specify the time devoted to each function by each employee, productive hourly rate and the related fringe benefits. The average number of hours devoted to each. function can be claimed if supported by a documented time study.

Reimbursement for personal services includes compensation for salaries, wages, and employee fringe benefits. Employee fringe benefits include regular compensation paid

---

For the period beginning January 1, 1998, the required data and analyses includes the reporting of the eleven items above plus the following:

1. Results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including the pupil achievement by grade level as measured by the statewide assessment developed by the state pursuant to chapter 5 (commencing with section 60600) and chapter 6 (commencing with section 60800) of part 33 of the Education Code;
2. The average verbal and math Scholastic Assessment Test scores of high school seniors to the extent such scores are provided to the school and the average percentage of seniors taking that exam for the most recent three-year period;
3. The one-year dropout rate listed in the California Basic Education Data System for the schoolsite over the most recent three-year period;
4. The distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1 to 3, inclusive, participating in the Class Size Reduction Program established pursuant to chapter 6.10 (commencing with section 52120) of part 28 of the Education Code, using California Basic Education Data System information for the most recent three-year period;
5. The total number of the school's credentialed teachers, the number of teachers relying upon emergency credentials and the number of teachers working without credentials for the most recent three-year period;
6. Any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period;
7. The annual number of schooldays dedicated to staff development for the most recent three-year period; and,
8. The suspension and expulsion rates for the most recent three-year period.

[2] For the period beginning January 1, 1998.

and employer's contribution for social security, pension plans, insurance, and worker's compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities performed by the employee ~~which the~~

Source documents may include, but are not limited to, time sheets, payroll records, cancelled payroll warrants, organization charts, duty statements, pay rate schedules, and other documents evidencing employee salaries and benefits expenses claimed for reimbursement.

2. Materials and Supplies

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

Source documents may include, but are not limited to, general and subsidiary ledgers, invoices, purchase orders, receipts, cancelled warrants, inventory records, and other documents evidencing materials and supplies expenses claimed for reimbursement.

3. Contracted Services

Provide 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, if applicable, show the inclusive dates when services were performed, and itemize all costs for those services. For fixed price contracts list only the activities performed, the dates services were performed, and the contract price. ~~Attach a copy of the contract to the claim.~~

Source documents may include, but are not limited to, general and subsidiary ledgers, contracts, invoices, canceled warrants, and other documents evidencing contracted services expenses claimed for reimbursement.

4. Fixed Assets

List the purchase price paid for equipment and other fixed assets acquired for this mandate. Purchase price includes taxes, delivery costs, and installation costs. If the equipment or other capital asset is used for purposes other than this mandate, only the pro rata purchase price can be claimed.

Source documents may include, but are not limited to, invoices, receipts, purchase orders, and other documents evidencing fixed asset expenses claimed for reimbursement.

5. Travel

Travel expenses~~, including without limitation,~~ ~~for~~ mileage, transportation, ~~meals,~~ per diem, lodging, parking, and other employee entitlements are reimbursable ~~telephone can be claimed~~ in accordance with the rules of the local school district ~~procedures~~. Provide the name(s) of the person(s) traveling, purpose of the travel, inclusive dates and time of travel, destination(s), and travel expenses.

Source documents may include, but are not limited to, employee travel expense claims,. receipts, and other documents evidencine travel expenses claimed for reimbursement.

6. Training

The cost for training for activities specified in Section IV can be claimed. Identify the employee(s) by name and job classification. Provide the name of the training session, the dates attended and the location. Reimbursement costs include, but are not limited to, salaries and benefits of personnel conducting or attending the training, registration fees, and travel expenses.

Source documents may include, but are not limited to, registration forms, receipts, and other documents evidencing: training; expenses claimed for reimbursement.

B. Indirect Costs

1. School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.
2. County offices of education must use the ~~I~~J- 580 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the Sate Department of Education.

VI. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets to show evidence of ~~and~~ the validity of costs. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim was filed or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of the initial payment of the claim. These documents must be made available to the State Controller's Office on request.

VII. DATA FOR DEVELOPMENT OF THE STATEWIDE COST ESTIMATE

The State Controller is directed to include in her claiming instructions the request for claimants to send an additional copy of the completed test claim specific form for each of the initial years' reimbursement claims by mail or facsimile to the Commission on State Mandates, 1300 I Street, Suite 950, Sacramento, CA 95814. Facsimile Number: (916) 445-0278. Although providing; this information to the Commission on State Mandates is not a condition of reimbursement, claimants are encouraged to provide this information to enable the Commission to develop a statewide cost estimate.

~~VII.~~ VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this mandate must be deducted from the costs claimed. In addition, reimbursement for this mandate received 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.

~~VIII~~. IX. REQUIRED CERTIFICATION

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

EXHIBIT A

STATEMENT OF DECISION

BEFORE THE

COMMISSION ON STATE MANDATES

STATE'OF CALIFORNIA

IN RE TEST CLAIM ON:	NO, 97-TC-21
Education Code Sections 33126, 35256, 35256.1, 35258, 41409 and 41409.3 as added by Chapter 918, Statutes of 1997, et al. And filed on December 31, 1997; By Bakersfield City School District and Sweetwater Union High School District, Co-Claimants.	*School Accountability Report Cards* STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5, ARTICLE 7. Adopted on April 23, 1998

STATEMENT OF DECISION

The attached Statement of Decision is hereby adopted by the Commission on State Mandates on April 23, 1998.

Date: May 26, 1998

Paula Higashi

PAULA HIGASHI
Executive Director

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BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAIM ON:	NO. 97-TC-21
Education Code Sections 33126, 35256, 35256.1, 35258, 41409 and 41409.3 as added by Chapter 918, Statutes of 1997, et al. And filed on December 31, 1997; By Bakersfield City School District and Sweetwater Union High School District, Co-Claimants.	*School Accountability Report Curds* STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5, ARTICLE 7. Adopted on April 23, 1998

STATEMENT OF DECISION

The Commission on State Mandates (Commission) on April 23, 1998, heard this test claim during a regularly scheduled hearing. Mr. Wayne Stapley and Dr. Dale Russell appeared for the Bakersfield City School District, Mr. Lawrence Hendee appeared for Sweetwater Union High School District, Mr. James A. Cunningham appeared for San Diego Unified School District, Dr. Carol Berg appeared for Education Mandated Cost Network, and Mr. James Apps appeared for the Department of Finance.

At the hearing, evidence both oral and documentary was introduced, the test claim was submitted, and the vote was taken.

The law applicable to the Commission's determination of a test claim is Government Code section 17500 et seq. and section 6, article XIII B of the California Constitution and related case law.

The Commission, by a vote of 7-0 approved this test claim,

Issue

> Do the provisions of the test claim legislation on school accountability report cards, impose a new program or higher level of service upon school districts within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514?

Prior Law

School accountability report cards were added to the Education Code on November 8, 1988, when California voters approved Proposition 98. Among other things, Proposition 98 added sections 33126 and 35256 to the Education Code. Section 33126 sets forth the following requirements:

- the Superintendent of Public Instruction is to prepare a model school accountability report card to be adopted by the Board of Education as the statewide model by March 1, 1989; and
- the model shall include, but is not limited to, assessment of thirteen school elements.

Section 35256 sets forth the following requirements:

- the school accountability report card shall include, but is not limited to, the conditions listed in section 33126;
- the governing board of each school district shall, triennially, compare the school district's card to the model; and
- the school district shall prepare and issue school accountability report cards for each school in the school district.

Test Claim Legislation

Chapter 1463, Statutes of 1989, added sections 35256.1 and 41409.3 to the Education Code, Together, these sections require school districts to add information on salaries paid to teachers, school site principals, and school district superintendents to the district's school accountability report card, In addition, these sections require school districts to include information pertaining to certain statewide salary averages and percentages of salaries to total school budget in the district's report card.

Chapter 759, Statutes of 1992, amended Education Code section 41409 to require the Superintendent of Public Instruction to report the statewide salary information based upon a comparison of total expenditures rather than total school budget. This information is to be provided by the Superintendent of Public Instruction to school districts for inclusion in their school accountability report cards.

Chapter 1031, Statutes of 1993, added subsection (14) to Education Code section 33126, Subsection (14) requires school districts to report "the degree to which pupils are prepared to enter the work force."

Chapter 824, Statutes of 1994, added subsections (15) and (16) to Education Code section 33216. Subsection (15) requires school districts to report "[t]he total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per year required by state law, separately stated for each grade level," Subsection (16) requires school districts to report "[t]he total number of minimum days, . . . , in the school year."

Chapter 912, Statutes of 1997, made numerous amendments to Education Code section 33126. Under Chapter 912, Statutes of 1997, school districts are now required to include the following information in their school accountability report cards:

- results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including pupil achievement by grade level as measured by the statewide assessment (§ 33126, subd. (b)(1));
- for schools with high school seniors, the average verbal and math Scholastic Assessment Test scores to the extent such scores are provided to the school and the average percentage of high school seniors taking the exam for the most recent three-year period (Q33126, subd. (b)(1));
- the one-year dropout rate for the schoolsite over the most recent three-year period (§ 33126, subd, (b)(2));
- the distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1-3, inclusive, participating in the Class Size Reduction Program for the most recent three-year period (§ 33126, subd. (b)(4));
- the total number of the school's credentialed teachers, the number of teachers relying on emergency credentials, and the number of teachers working without credentials for the most recent three-year period (Q33126, subd. (b)(5));
- any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period (Q33126, subd. (b)(5));
- the annual number of schooldays dedicated to staff development for the most recent .three-year period (§ 33126, subd. (b)(10)); and
- the suspension and expulsion rates for the most recent three-year period (§ 33126, subd, (b)(11)).

Chapter 918, Statutes of 1997, added section 35258 to the Education Code. Section 35258 requires those school districts that are connected to the Internet to make their school accountability report card available on the Internet and to update the information annually.

Commission Findings

In order for a statute, which is, the subject of a test claim, to impose a reimbursable state mandated program, the statutory language (1) must direct or obligate an activity or task upon local governmental entities, and (2) the required activity or task must be new or it must create an increased or higher level of service over the former required level of service. To determine if a required activity is new or imposes a higher level of service, a comparison must be undertaken between the test claim legislation and the legal requirements in effect immediately prior to the enactment of the test claim legislation,[1] Finally, the newly required activity or increased level of service must be state mandated.'

[1] Mr. James A. Cunningham testified that the Claimant disagrees with this interpretation of the *Lucia Mar* holding. Mr. Cunningham stated that although the same conclusion can be reached, the Claimant does not agree with the analysis or interpretation of the case law in this decision.

[2] *County of Los Angeles* v. *State of California* (1987) 43 Cal.3d 46, 56; *Carmel Valley Fire Protection Dist.* v. *State of California* (1987) 190 Cal.App.3d 521, 537; *Lucia Mar Unified School Dist.* v. *Honig* (1988) 44 Cal.3d 830, 835.

The Commission found that the thirteen elements that are found in Proposition 98 are not reimbursable, because those activities fell under the exception in Government Code section 17556, subdivision (f).[3]

The Commission found that Chapter 1463, Statutes of 1989, added sections 35256.1 and 41409.3 to the Education Code requiring school districts to add information on salaries paid to teachers, school site principals, and school district superintendents to the district's school accountability report card. In addition, the Commission found these sections require school districts to include information on certain statewide salary averages and percentages of salaries to total school budget in the district's report card.

The Commission found that Chapter 759, Statutes of 1992, amended Education Code section 41409 to require school districts to include statewide salary information which is provided to school districts by the Superintendent of Public Instruction for inclusion in their school accountability report cards.

The Commission found that Chapter 1031, Statutes of 1993, added subsection (14) to Education Code section 33126 which requires school districts to report "the degree to which pupils are prepared to enter the work force."

The Commission found that Chapter 824, Statutes of 1994, added subsections (15) and (16) to Education Code section 33216. Subsection (15) requires school districts to report "[t]he total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per year required by state law, separately stated for each grade level." Subsection (16) requires school districts to report "[t]he total number of minimum days, . . . , in the school year."

The Commission found that Chapter 912, Statutes of 1997, amended Education Code section 33126 to require school districts to include the following information in their school accountability report cards:

- results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including pupil achievement by grade level as measured by the statewide assessment (§ 33126, subd. (b)(1));[4]
- for schools with high school seniors, the average verbal and math Scholastic Assessment Test scores to the extent such scores are provided to the school and the average percentage of high school seniors taking the exam for the most recent three-year period (§ 33126, subd. (b)(1));
- the one-year dropout rate for the schoolsite over the most recent three-year period (§ 33126, subd. (b)(2));

[3] Government Code section 17756. Findings. reads, "The commission shall not find costs mandated by the state, . . . , in any claim submitted by a local agency or school district, if, after a hearing, the commission finds that: . . . (f) The statute or executive order imposed duties that were expressly included in a ballot measure approved by the voters in a statewide election."

[4] All section references are to the Education Code unless otherwise stated.

- the distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1-3, inclusive, participating in the Class Size Reduction Program for the most recent three-year period (§ 33126 subd. (b)(4));
- the total number of the school's credentialed teachers, the number of teachers relying on emergency credentials, and the number of teachers working without credentials for the most recent three-year period (§ 33126, subd. (b)(5));
- any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period (§ 33126, subd. (b)(5));
- the annual number of schooldays dedicated to staff development for the most recent three-year period (§ 33126, subd. (b)(10)); and
- the suspension and expulsion rates for the most recent three-year period (§ 33126, subd. (b)(11)).

The Commission found that Chapter 918, Statutes of 1997, added section 35258 to the Education Code requiring those school districts that are connected to the Internet to make their school'accountability report card available on the Internet and to update the information annually.

The Commission found costs incurred by a school district before the operative date of a statute are not reimbursable, The Commission found that the operative date for the 1997 statutes is January 1, 1998, not October 12, 1997, the date the legislation was signed by the Governor.[5] Therefore, the Commission found reimbursement for the 1997 statutes begins on January 1, 1998.[6]

Conclusion

The Commission concludes that Chapter 1463, Statutes of 1989 (adding Education Code sections 35256.1 and 41409.3), Chapter 759, Statutes of 1992 (amending Education Code section 41409), Chapter 1031, Statutes of 1993 (adding subsection 14 to Education Code section 33126), Chapter 824, Statutes of 1994 (adding subsections 15 and 16 to Education Code section 33126), Chapter 912, Statutes of 1997 (mending Education Code section 33126), and Chapter 918, Statutes of 1997 (adding Education Code section 35258), impose a new program or higher level of service upon local school districts and therefore are reimbursable under section 6, article XIII B of the California Constitution and Government Code section 17514.

The Commission finds the following to be state mandated activities and therefore, reimbursable under section 6, article XIII B of the California Constitution and Government Code section

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[5] The Commission found Government Code section 17565 applies to the present test claim. Government Code section 17565 states "If a local agency or a school district, at its option has been incurring costs which are subsequently mandated by the state, the state shall reimburse the local agency or school'district for those costs incurred after the operative date of the mandate."

[6] The claimants did not agree with this finding. Mr. Lawrence Hendee and Mr. James A. Cunningham testified that the reimbursement period for these items should begin on October 12, 1997, the date the Governor signed the bill into law. Claimants contended that school districts implemented these activities upon signing of the bill by the Governor and therefore, should be reimbursed from that date.

17514. Reimbursement would include direct and indirect costs to compile, analyze, and report the specific information listed below in a school accountability report card.

The Commission concludes that reimbursement for inclusion of the following information in the school accountability report card begins on July 1, 1996:

- Salaries paid to schoolteachers, school site principals, and school district superintendents,
- Statewide salary averages and percentages of salaries to total expenditures in the district's school accountability report card.
- "The degree to which pupils are prepared to enter the work force."
- "The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per year required by state law, separately stated for each grade level,"
- "The total number of minimum days, . . . , in the school year."
- Salary information provided by the Superintendent of Public Instruction.

The Commission concludes that reimbursement for inclusion of the following information in a school accountability report card begins on January 1, 1998:

- Results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including pupil achievement by grade level as measured by the statewide assessment.
- The average verbal and math Scholastic Assessment Test (SAT) scores for schools with high school seniors to the extent such scores are provided to the school and the average percentage of high school seniors taking the exam for the most recent three-year period.
- The one-year dropout rate for the schoolsite over the most recent three-year period.
- The distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1-3, inclusive, participating in the Class Size Reduction Program for the most recent three-year period.
- The total number of the school's credentialed teachers, the number of teachers relying on emergency credentials, and the number of teachers working without credentials for the most recent three-year period,
- Any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period.
- The annual number of schooldays dedicated to staff development for the most recent three-year period.
- The suspension and expulsion rates for the most recent three-year period,

The Commission 'concludes that reimbursement for posting and annually updating school accountability report cards on the Internet, if a school district is connected to the Internet, begins on January 1, 1998.

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EXHIBIT B

CLAIMANT'S PROPOSED PARAMETERS AND GUIDELINES

SWEETWATER UNION HIGH SCHOOL DISTRICT

DMSION OF FISCAL SERVICES
1130 FIFTH AVENUE
CHULA VISTA, CA 91911-2896
(619) 585-6177

MAY 8 1998
COMMISSION ON
STATE MANDATES

May 4, 1998

Paula Higashi Executive Director
Commission on State Mandates
1300 I Street Suite 950
Sacramento CA 95814

Dear Ms. Higashi,

RE: Test Claim of Sweetwater Union High School District and Bakersfield City School District
Chapter 918, Statutes of 1997 et al.
School Accountability Report Cards

Pursuant to the action of the Commission on State Mandates on April 23, 1998, Agenda Item # 8, you will find enclosed the original and three (3) copies of the proposed Parameters and Guidelines for the School Accountability Report Cards,

Please take the necessary action to place the Parameters and Guidelines on the Commissions agenda as soon as possible,

Contact persons for each school district remain:

Lawrence L. Hendee, Coordinator/Mandated Costs
Sweetwater Union High School District
1130 Fifth Avenue
Chula Vista CA 91911-2896

Wayne Stapley, Director/Financial Services
Bakersfield City Elementary School District
1300 Baker Street
Bakersfield CA 93305-4399

Please forward all correspondence to both parties.

Sincerely,

Lawrence L. Hendee
Coordinator Mandated Costs

c: Diana Halpenny, Chair, Education Mandated Cost Network
Keith Peterson, Special Counsel, Education Mandated Cost Network
Dr. Carol Berg, School Services of California
James Cunningham, San Diego City Schools

CSM 97-TC-21
PROPOSED PARAMETERS AND GUIDELINES

Chapter 918, Statutes of 1997
Chapter 912, Statutes of 1997
Chapter 824, Statutes of 1994
Chapter 1031, Statutes of 1993
Chapter 759, Statutes of 1992
Chapter 1463, Statutes of 1989
Education Code Section 33126
Education Code Section 35256
Education Code Section 35256.1
Education Code Section 35258
Education Code Section 41409.3

School Accountability Report Cards

I. SUMMARY OF THE MANDATE

Proposition 98, an initiative measure approved by the California voters, required each school in each school district to develop and issue a school accountability report cards. Proposition 98 set forth thirteen items that were to be included in the school accountability report cards. Statutes adopted after the approval of Proposition 98 added new subjects to be included in the school accountability report card. The Commission on State Mandates, in its Statement of Decision adopted at the April 22, 1998, determined that the requirements in these statutes impose new programs or higher levels of service, within the meaning of section 6, article XIII B of the California Constitution.

II. 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.

III. PERIOD OF REIMBURSEMENT

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed by the claimant(s) on December 31, 1997, Therefore, all costs incurred on or after July 1, 1996, for Chapters 824/94, 1031/93, 759/92, and 14631/89 are eligible for reimbursement, and, all costs incurred on or after January 1, 1998, for Chapters 912/97 and 918/97 are eligible for reimbursement, pursuant to these parameters and guidelines.

Actual costs *for* one fiscal year should be included in each reimbursement 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 years' costs shall be submitted within 120 days of issuance of the claiming instructions by the State Controller.

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

IV. REIMBURSABLE ACTIVITIES

The direct and indirect costs of labor, materials and supplies, contracted services, fixed assets, and travel incurred for the following mandate components are reimbursable:

1. Activities related to the to the collection and updating of data, preparation of analyses, and the preparation of the provisions in the school accountability report cards (excluding the original thirteen provisions of Proposition 98) can be claimed[1]; and,

---

[1] For the period duly 1, 1996 through December 31, 1997, the required data and analyses includes the reporting of the following:

1. The degree to which pupils are prepared to enter the workforce;
2. The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level;
3. The total number of minimum days, as specified in Education Code sections 46112, 46113, 46117, and 46141, in the school year;
4. The beginning, median, and highest salary paid to teachers in the district, as reflected in the district's salary scale;
5. The average salary for schoolsite principals in the district;
6. The salary of the district superintendent;
7. Based upon the state *summary* information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Education Code section 41409, the statewide average salary for the appropriate size and type of district for the following:
   a. beginning, mid-range, and highest salary paid to teachers;
   b. school site principals; and
   c. district superintendents;
8. The statewide average of the percentage of school district expenditures allocated for the salaries of administrative personnel for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of section 41409 of the Education Code;
9. The percentage allocated under the district's corresponding fiscal year expenditure for the salaries of administrative personnel, as defined in Education Code sections 1200, 1300, 1700, 1800, and 2200 of the California School Accounting Manual published by the State Department of Education;
10. The statewide average of the percentage of school district expenditures allocated for the salaries of teachers for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction, pursuant of subdivision (a) of Section 41409 of the Education Code; and,
11. The percentage expended under the district's corresponding fiscal budget for the salaries of teachers, as defined in Section 1100 of the California School, Accounting Manual published by the State Department of Education.

For the period beginning January 1, 1998, the required data and analyses includes the reporting of the eleven items above plus the following:

1. Results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including the pupil achievement by grade level as measured by the statewide assessment developed by the state pursuant to chapter 5 (commencing with section 60600) and chapter 6 (commencing with section 60800) of part 33 of the Education Code;
2. The average verbal and math Scholastic Assessment Test scores of high school seniors to the extent such scores are provided to the school and the average percentage of seniors taking that exam for the most recent three-year period;

2. Activities related to the annual posting of school accountability report cards on the Internet can be claimed by those school districts that are connected to the Internet.

V. CLAIM PREPARATION

Each claim for reimbursement for costs incurred to comply with this mandate must be timely filed and set forth a listing of each cost element for which reimbursement is claimed under this mandate. Claimed costs must be allocated according to the two components of reimbursable activity described in Section V.

A. DIRECT COSTS

Direct costs are defined as costs that can be specifically traced to specific goods, services, units, programs, activities, or functions.

1. Employee Salaries and Benefits

Identify the employee(s) and/or show the classification of the employee(s) involved. Describe the mandated functions performed by each employee and specify the time devoted to each function by each employee, productive hourly rate and the related fringe benefits. The average number of hours devoted to each function can be claimed if supported by a documented time study.

Reimbursement for personal services includes compensation for salaries, wages, and employee fringe benefits. Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g. annual leave, sick leave) and employer's contribution for social security, pension plans, insurance, and worker's compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities which the employee performs.

2. Materials and Supplies

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

---

3. The one-year dropout rate listed in the California Basic Education Data System for the schoolsite over the most recent three-year period;
4. The distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades I to 3, inclusive, participating in the Class Size Reduction Program established pursuant to chapter 6.10 (commencing with section 52120) of part 28 of the Education Code, using California Basic Education Data System information for the most recent three-year period;
5. The total number of the school's credential teachers, the number of teachers relying upon emergency credentials and the number of teachers working without credentials for the most recent three-year period;
6. Any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period;
7. The annual number of schooldays dedicated to staff development for the most recent three-year period; and,
8. The suspension and expulsion rates for the most recent three-year period.

3. Contracted Services

Provide 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, if applicable, show the inclusive dates when services were performed, and itemize all costs for those services. For fixed price contracts list only the activities performed, the dates services were performed and the contract price. Attach a copy of the contract to the claim.

4. Fixed Assets

List the purchase price paid for equipment and other fixed assets acquired for this mandate. Purchase price includes taxes, delivery costs, and installation costs. If the equipment or other capital asset is used for purposes other than this mandate, only the pro rata purchase price can be claimed.

5. Travel

Travel expenses, including without limitation, mileage, transportation, meals, per diem, lodging, parking, and telephone can be claimed in accordance with school district procedures. Provide the name(s) of the person(s) traveling, purpose of the travel, inclusive dates and time of travel, destination(s), and travel expenses.

6. Training

The cost for training for activities specified in Section IV can be claimed. Identify the employee(s) by name and job classification. Provide the name of the training session, the dates attended and the location. Reimbursement costs include, but are not limited to, salaries and benefits of personnel conducting or attending the training, , registration fees, and travel expenses.

B. Indirect Cost

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

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

VI. SUPPORTING DATA

For auditing purposes, all cost claimed must be traceable to source documents and/or worksheets to show evidence and the validity of costs. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim was filed or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of the initial payment of the claim. These documents must be made available to the State Controller's Office on request.

VII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences 'as a direct result of this mandate must be deducted from the costs claimed. In addition, reimbursement for this mandate received 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.

VIII. REQUIRED CERTIFICATION

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

EXHIBIT C

LETTER FROM KEITH PETERSEN, INTERESTED PARTY

SixTen and Associates
Mandate Reimbursement Services

KEITH B. PETERSEN, MPA, JD., President
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

Telephone: (619) 514-8605
Fax: (619) 514-8645
E-Mail: Kbpsixten@aol.com

RECEIVED
JUN 1 1998
COMMISSION ON STATE MANDATES

May 29, 1998

Paula Higashi, Executive Director
Commission on State Mandates
1300 I Street, Suite 950
Sacramento, CA 95814

Re: C.S.M.# 97-TC-21
Test Claim of Sweetwater UHSD
and Bakersfield City Elementary SD
Chapter 918, Statutes of 1997, et al.
School Accountability Report Cards

I am responding as an interested party to the claimants' proposed parameters and guidelines for School Accountability Report Card distributed by the Commission in conjunction with the Statement of Decision transmitted on May 26, 1998. I have provided a copy of this letter to the persons listed on the Commission's mailing list as updated April 24, 1998.

The parameters and guidelines as proposed by the claimants require the following additions:

"IV. REIMBURSABLE ACTIVITIES

0 0 0

(3) *Providing a copy of the school accountability reporf card to each pupil's parent or guardian.*

(4) *Making administrafors and teachers available to answer any questions regarding fhe school accountability report card."*

These additional activities are required to be enumerated in the parameters and guidelines

as a result of Section 33126, subdivision (c), as added by Chapter 912/97:

> "(c) It is the intent of the Legislature that schools make a concerted effort to notify parents of the purpose of the school accountability report cards, as described in this section, and ensure that all parents receive a copy of the report card; to ensure that the report cards are easy to read and understandable by parents; and to ensure that administrators and teachers are available to answer any questions regarding the report cards."

Sincerely,

Keith B. Petersen

PROOF OF SERVICE

RE: CSM.# 97-TC-21
Chapter 918, Statutes of 1997
School Accountability Report Cards

I, the undersigned, declare as follows:

I am employed in the County of San Diego, State of California. I am 18 years of age or older and am not a party to the entitled cause(s). My business address is 5252 Balboa Avenue, Suite 807, San Diego, CA 92117.

On May 29, 1998, I served the attached response of SixTen and Associates, on behalf of the claimant Alameda County Office of Education, to the parties on the attached CSM Mailing List for 97-TC-21, as updated April 24, 1998 for this claim that was provided by the Commission on State Mandates, by placing a true copy thereof to the Commission and other state agencies and persons in the United States Mail at San Diego, California, with first-class postage thereon fully prepaid.

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 May 29, 1998 at San Diego, California.

Sergio Perez

GIRARD & VINSON
ATTORNEYS AT LAW

Item 8
Late Filing

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Sally Jensen Ducchcr

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FACSIMILE TRANSMISSION

TO: Paula Higashi FAX: (916) 445-0278

FROM: Paul C. Minney, Esq.

REGARDING: Comments Regarding Proposed Parameters and Guidelines -- School Accountability Report Cards

DATE: June 24, 1998 TIME: 4:00 p.m.

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 9

COMMENTS:

ORIGINAL TO FOLLOW BY MAIL: YES X NO ____

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IF YOU HAVE NOT RECEIVED THE TOTAL NUMBER OF PAGES INDICATED ABOVE, PLEASE CALL (925) 746.7660

Attorneys Committed To Professional Excellence

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OF COUNSEL
Sally Jensen Dutcher

June 24, 1998

Via Facsimile and First Class Mail
(916)445-0278

Paula Higashi, Executive Director
Commission on State Mandates
1300 "I" Street, Suite 950
Sacramento, CA 95814

Re: Comments Regarding Proposed Parameters and Guidelines
School Accountability Report Cards/CSM No.: 97-TC-21

Dear Paula:

On behalf of Mandated Cost System, Inc., I submit the following comments regarding the proposed Parameters and Guidelines as analyzed and amended by staff on June 18, 1998. I apologize for the delay in submitting these comments, however, your letter to test claimant dated May 26, 1998 requested all interested parties delay in filing comments until the staff had completed its analysis and recommendations. I did not receive a copy of the staff's analysis and recommendation until June 18, 1998.

My primary concern with the proposed Parameters and Guidelines is the lack of specificity regarding the five issues listed below:

ISSUES:

1. What does it mean to be "connected to the Internet"? Does a school district have to have a dedicated access or will a dial-up account be considered "connected to the Internet"?

2. At what point does a school district become connected to the Internet? Is a school district connected to the Internet if an individual school site is connected to the Internet?

3. If a school district is not currently connected to the Internet, but subsequently becomes connected to the Internet, must it comply with the mandate of Education Code section 35258?

Attorneys Committed To Professional Excellence

To: *Paula Higashi*
Re: *School Accountability Report Curds*
Page: 2

4. For those school districts connecting to the Internet *after* July 1, *1998 are* the *costs* of complying with Education Code section 35258 reimbursable mandated costs?

5. Must a school post its School Accountability Report Card on its own computer server?

CONCLUSIONS:

1. Any "access" to the Internet would be considered "connected to the Internet." Most school districts, with the exception of possibly Los Angeles Unified School District, are not large enough to bypass an Internet Service Provider (ISP) and actually become an integral part of the Internet. A school district with a dedicated access or a school district with a did-up account will be considered connected to the Internet.

2. A school district becomes connected to the Internet anytime one or more of its sites or administrative office has access to the Internet.

3. School districts who subsequently become connected to the Internet after July 1, 1998 must comply with the mandate of Education Code section 35255,

4. The costs of complying with Education Code section 35258 are reimbursable mandated costs to those school districts connecting to the Internet after July 1, 1998,

5. A school district is not required to post its School Accountability Report Card on its own computer server, A school district can post its School Accountability Report Card in a number of different ways (e.g., using its own server to create a website, design a website to be posted on, an Internet Service Provider's website or some other third party's server, purchase hardware and software and design its own website or FTP site, etc.).

In order to avoid confusion in the claiming process, Mandate Cost System, Inc. recommends the following revisions and/or amendments to the proposed Parameters and Guidelines:

"Component 2. Internet Posting

For the period beginning January 1, 1998, annual posting[1] of school accountability report cards on the Internet can be claimed by those

[1] *A school district can "post" its School Accountability Report Cards on the Internet in a number of different ways (e.g., using its own server to create a website, or it can design a website to be posted on an Internet Service Provider's website or some other third party's server, or it can purchase hardware and software and design its own website or FTP sire, etc.).*

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school districts that are connected to the Internet,"[2]

ANALYSIS:

1. SUMMARY OF THE MANDATE

Chapter 918, Statutes of 1997 (AB 568) added section 35253 to the Education Coda which states in pertinent part:

> "On or before July 1, 1998, each school district that is connected to the Internet shall make .the information contained in the School Accountability Report Card developed pursuant to section 35256 accessible on the Internet. The School Accountability Report Card information shall be updated annually." (Emphasis added)

The Commission on State Mandates, at its April 23, 1998 meeting, adopted a Statement of Decision finding a reimbursable mandate in Chapter 918, statutes of 1997. The Statement of Decision states in pertinent part:

> "The Commission concludes that reimbursement for posting and annually updated School Accountability Report Cards on the Internet, if the school district is connect to the Internet, begins on January 1, 1998." (Emphasis added}

The test claimant has proposed the following parameters and guidelines for the reimbursable activities of Chapter 918, Statutes 1997:

> "The direct and indirect costs of labor, materials and supplies, contracted services, fixed assets, travel, and training incurred for the following mandate components are eligible for reimbursement
>
> * * *
>
> Component 2. Internet Posting

[2] *The expression "connected:to the Internet" means any access to the Internet (e.g., ISDN, dial-up accounts, dedicated access, etc.) by any one or more of a school district's school sites or administrative sites.*

> Annual posting of school accountability report cards on the Internet can be claimed by those school districts that are connected to the Internet,"

II. ***ANY*** ACCESS **TO** THE INTERNET WILL BE CONSIDERED "CONNECTED **TO** THE INTERNET"

Chapter 918, Statutes of 1997 does not define what is meant by "connected to the Internet." **As** used in the context of this legislation **this** expression is arguably ambiguous because no one but first tier Internet Service Providers are technically "connected to the Internet." Moreover, temporary connections to the Internet can be made in a number of different ways, Some school districts have simple ISP (Internet Service Provider) dial-up access accounts to the Internet **which** allow them to connect to the Internet though **a** modem and a phone line. ***Or*** some school districts may have a single site (typically an administrative site) that has a high speed connection to the Internet which provides access to the Internet for other school sites through a wide area network (WAN). Further still, some school districts may have administrative sites and/or school sites where certain administrators alone have Internet access in individual stand alone computers. But in all these arrangements no one is technically "connected" to the Internet other than during the time they are currently dialed into and connected to **the** Internet.

In order to determine what is meant by the term "connected" to the Internet, the courts will turn to the common law and codified maxims of statutory construction as outlined below.

Statutory Interpretation:

The fundamental task of statutory construction is to ascertain legislative intent so as to effectuate the purpose of the **law,** (Code of Civil Procedure section 1559; People v. Cruz, **(1996)** 13 Cal. App. 4th 764, 774-775, 55 Cal. Rptr. **2d** 117). In order to determine legislative intent, courts begin by examining the language of the statute and reviewing any explicit legislative intent. When statutory language **was** clear and unambiguous, there is no need for construction and a court should not indulge in it, **A** statutory phrase **is clear** and unambiguous if the meaning assigned to it is not in conflict **with** other language in the same act (Dubins **v.** Regency of University of California **(1994)** 25 Cal. **App.** 4th 77, 83, **30** Cal. Rptr. **2d** 336). The unambiguous language must be given its plain meaning, and rules of statutory construction are applied only if there is ambiguity or conflict in the statute's provisions or if a literal interpretation would bad to **an** absurd consequence. (Droeger v. Friedman, Sloan, and Ross, (1991) **54** Cal. 3d 26, 38, 238 Cal. Rptr. ***584).***

Words in a statute should, unless otherwise clearly indicated, be given their **usual,** ordinary, common sense meaning (Walnut Creek Manor v. **Fair** Employment and Housing

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Commission, (1991) 54 Cal. 3d *245,268, 284* Cal. Rptr. 718). In according words their usual, ordinary, and common sense meaning the purpose for which this statute was adopted should be kept in mind. (Hamilton v. State Board of Education, (1981) 117 Cal. App. 3d 132, 141,172 Cal. Rptr. 748) When a word of common usage has more than one meaning, the one which will best attain the purposes of the statute should be adopted, even though the ordinary meaning of the word is thereby enlarged or restricted. (Sierra Club v. Hayward, (1981) 28 Cal. 3d 840, 860, 861 Note 12, 171 Cal. Rptr. 619).

In this case, the courts will turn to standard dictionary definitions to determine the commonly understood meaning of the word. (Citation to Muscolino v. Superior Court, 172 Cal. App. 2d 525, 341p2d733) Webster's Ninth New Collegiate Dictionary defines "connected" as follows:

> "Connected *ad!* (1712) 1:joined or linked together,.."

Black's Law Dictionary (6th Edition) defines "connected" as:

> "Connected. Joined; united by junction, by an intervening substance or medium, by dependents ox relation, or by order in a *series."*

Using the above definitions of the word "connected" it becomes apparent that school districts should be considered connected to the Internet if it has a method of "joining or linking" itself to the Internet. Typically, Internet connections are made via telephone lines or dedicated lines with higher speed access to the Internet such as ISDN, T-1 or T-3. In order to be "comected" (or joined) through *the* Internet, the school district would need to have *access* to one of these types of connectivity dong with the appropriate hardware and software to make the connection to the Internet. As such, the school district8 should be considered "connected to the Internet" if it has access to the Internet through hardware and software located in the school district. This interpretation is consistent with the legislative intent as indicated in Chapter 918, Statutes of 1997 wherein the legislature indicates as follows:

> "The legislature finds and declares that, although our state has embraced technology and creating a revolution of growth, our schools have not kept pace with this technological revolution, Access to information through the use of technology has become an integral and crucial part in the decision making process of government, industry, end the home, However, our schools do not facilitate access to information through one of the most available information technology mediums, the Internet.

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> It is the intent of the legislature to improve the access of parents and community to school based information."

To narrowly interpret the expression "connected to the Internet" as limited to a school district with a first tier connection to the Internet (which I am unaware of any school district in the State of California who has such a connection to the Internet) would be to exclude almost every school district in the State from the requirements of Chapter 918, Statutes of 1997. This would be highly inconsistent with the intent of the legislature to provide access to information over the Internet for parents.

III. A SCHOOL DISTRICT IS CONNECTED TO THE INTERNET IF ANY ONE OR MORE OF ITS SITES HAS ACCESS TO THE INTERNET

The term "school district" is not defined in Chapter 918, Statutes of 1997. As we are all aware, school districts are comprised of many school district sires as well as single or multiple administrative sites, Some school districts provide centralized access to the Internet through its administrative site (typically large school districts with larger resources can afford this type of access) while the smaller school districts provide Internet access through its each individual sites including the administrative site (typically by way of dial-up modem accounts). The only interpretation of "school district" consistent with the legislative intent as stated above, would be to conclude chat any access by any school site or administrative site would be deemed a "school district" connection to the Internet. To Limit the interpretation of "school district" to only centralized accessed by the administrative site would be to exclude eighty (80%) percent or more of the school districts in the state which currently have access through the school sites -- which is arguably the most important place to have access to the Internet if we are going to educate our pupils in new technology.

IV. SCHOOL DISTRICTS WHO SUBSEQUENTLY BECOME CONNECTED TO THE INTERNET AFTER JULY 1, 1998 MUST COMPLY WITH THE MANDATE OF EDUCATION CODE SECTION 35258

Chapter 918, Statutes of 1997 added Education Code section 35358 which states:

> On or before July 1, 1998, each school district that is *connected to the* Internet shall make the information contained in the School Accountability Report Card developed pursuant to section 35256 accessible on *the* Internet. The School Accountability Report Card information shall be updated annually."

The mandate contained in Education Code section 35258 triggers an obligation by school

districts that are currently "connected to the Internet" to provide access to the School Accountability Report Cards over the Internet by July 1, 1998. There is nothing in this statute however which eliminates the obligation or diminishes the responsibility of school districts after July 1, 1998 to comply with its requirements. Indeed, the last provision of section 35258 requires schools with access to the Internet to annually update their School Accountability Report Card information. As such, a school district gaining connectivity to the Internet after July 1, 1998 would still be required to comply the requirement of posting its School Accountability Report Cards developed pursuant lo section 35256 over the Internet.

We recognize, however, that the costs for gathering the proper technology (hardware and software, expertise, etc.) to gain access or connectivity to the Internet would not be claimable under this program It would only be those costs associated with posting the School Accountability Report Card after the district had gained access to the Internet that would be claimable.

V. SCHOOL DISTRICTS MAY POST THEIR SCHOOL ACCOUNTABILITY REPORT CARDS IN ANY FASHION

The legislation requires the districts with a connection to the Internet to provide accessibility to their School Accountability Report Cards over the Internet. It does not specify how access to this information must be obtained As mast of you are aware, access to information over the Internet can be achieved through the graphical interface of the world wide web or through a file transfer protocol format (FTP). As such, a school district can make its School Accountability Report Card accessible over the Internet either by posting it to a website or to a FTP site. In addition, there is nothing in Education Code section 35258 which requires a school district to maintain the site to which it posts the information. As such, school districts have a number of options in determining how best to post this information. For example, it could purchase hardware, software, and consulting expertise to develop and design its own website and post the information on a server owned by the district, Or, in the alternative, it could hire an outside consultant to develop its website to post its School Accountability Report Card and establish this website on the third party server such as the Internet Service Provider or some other company. In the latter case, the school district would be incurring costs for Internet website design and reoccurring costs for posting its website and the School Accountability Report Card information on the Internet.

With the foregoing in mind I strongly urge the Commission to modify the Parameters and Guidelines to include the additional explanatory notes that I have suggested herein. This will avoid substantial confusion during the claiming process and would hopefully prevent the filing of any incorrect reduction claims that could be filed under this program.

GIRARD & VINSON ATTORNEYS AT LAW

To: *Paula Higashi*
Re: *School Accountability Report Curds*
Page: *8*

Please do not hesitate to contact me with any questions or comments you may have regarding this information. Thank you for your time and consideration.

Very truly yours,

GIRARD & VINSON

Paul C. Minney
Attorney at Law

PCM/hsd

GIRARD & VINSON
ATTORNEYS AT LAW

CSM/SB# and Claim Title: 97-TC-21 Claim of Sweetwater UHSD and Bakersfield City Elementary SD
Government Code Sec. 35258
Chapter 918, Statutes of 1997

Issue: School Accountability Report Cards

PROOF OF SERVICE

I am employed in the County of Contra Costa, State of California. I am over the age of 18 and not aparty to the within action; my business address is 1676 North California Blvd., Suite 450, Walnut Creek, California 94596.

On the date indicated below I served the following documents:

1. Comments Regarding Proposed Parameters and Guidelines
School Accountability Report Cards -- CSM No.: 97-TC-21

on all parties in said action as addressed below by causing a true and correct copy thereof to be:

[XX] **BY FACSIMILE (TELECOPIER)** - I personally sent to the addressee's telecopier number a true and correct copy of the above described document(s) and verified transmission, Thereafter, I placed a true copy in a sealed envelope with first class postage affixed and mailed to the addressee(s) below. *[California Rules of Court,* Rule 20041

[ ] **BY MAIL** - I placed in a sealed envelope with postage thereon fully prepaid, to be placed in the United States mail at Walnut Creek, California. [*California Code of Civil Procedure,* §§1013 and 1013(a), et seq.]

[ ] BY **CERTIFIED MAIL** - I placed in a sealed envelope with postage thereon fully prepaid, return receipt requested, in the United States mail at Walnut Creek, California

[ ] **BY OVERNIGHT MAIL** - Fully prepaid to the person and the address indicated below,

Please see attached 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 June 24, 1998, at Walnut Creek California.

Holly S. DeBellis
HOLLY S. DEBELLIS

MAKING LIST

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JUL 2 1998
COMMISSION ON
STATE MANDATES

ORIGINAL

PUBLIC HEARING

COMMISSION ON STATE MANDATES

--000--

TIME: 9:30 a.m.

DATE: Thursday, June 25, 1998

PLACE: Commission on State Mandates
State Capitol, Room 437
Sacramento, California

--000--

REPORTER'S TRANSCRIPT OF PROCEEDINGS

--000--

Reported By: DANIEL P. FELDHAUS
CSR #6949, RDR, CRR

A P P E A R A N C E S

COMMISSIONERS PRESENT

ROBIN J. DEZEMBER, Chairperson
Representative for CRAIG L. BROWN, Director
State Department of Finance

ALBERT P. "AL" BELTRAMI
Public Member

RICHARD CHIVARO
Representative for KATHLEEN CONNELL
State Controller's Office

NANCY PATTON,
Representative for PAUL MINER, Director
State Office of Planning and Research

BILL SHERWOOD
Representative for MATTHEW FONG
State Treasurer's Office

JOA" **E. STEINMEIER**
School Board Member
Arcadia Unified School District

COMMISSION STAFF PRESENT

PAULA HIGASHI, Executive Director

GARY D. HORI, Legal Counsel

PIPER RODRIAN

CAMILLE SHELTON, Staff Counsel

ALSO PRESENT

Appearing Re Aqenda Item 5:

JAMES A. CUNNINGHAM, Legislative Mandate Specialist
San Diego City Schools
Education Center
4100 Normal Street, Room 3159
San Diego, CA 92103-2682

A P P E A R A N C E S

Appearing Re Agenda Item 5: *continued*

For Education Mandated Cost Network:

CAROL A. BERG, Ph.D.
Executive Vice-president
School Services of California, Inc.
1121 L Street, Suite 1060
Sacramento, CA 95814

JAMES APPS
Department of Finance
915 L Street, Eighth Floor
Sacramento, CA 95814

Appearing Re Agenda Item 8:

For Education Mandated Cost Network:

KEITH B. PETERSEN, MPA, J.D.
SixTen and Associates
5252 Balboa Avenue, Suite 807
San Diego, CA 92117
- and -
CAROL A. BERG, Ph.D.
Executive Vice-president
School Services of California, Inc.
1121 L Street, Suite 1060
Sacramento, CA 95814

JAMES A. CUNNINGHAM, Legislative Mandate Specialist
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LAWRENCE HENDEE
Sweetwater Union High School District
1130 Fifth Avenue
Chula Vista, CA 91910

Appearing Re Agenda Item 11:

ALLAN BURDICK, Director
California State Association of Counties
4320 Auburn Boulevard, Suite 2000
Sacramento, CA 95841

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B. Adoption of Proposed Parameters and Guidelines

Item 8 School Accountability Report Cards
CSM-97-TC-21
Sweetwater Union High School District and Bakersfield City School District
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C. Adoption of Amended Parameters and Guidelines

Item 9 Consolidation of Parameters and Guidelines:

Collective Bargaining; and

Collective Bargaining Agreement Disclosure, CSM-97-TC-08
Alameda County Office of Education
Postponed until July hearing

Item 10 Consolidation of Parameters and Guidelines:

Pupil Suspensions from School
CSM-4456
San Diego Unified School District

Pupil Expulsions from School
CSM-4455
San Diego Unified School District

Pupil Expulsion Appeals
CSM-4463
San Diego Unified School District
San Diego County
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V. Scheduling: Hearing Calendars and Agenda Items

Item 11 41

A. Proposed Changes to the 1998 Hearing Calendar and Agenda Items to be Scheduled

B. Proposed 1999 Hearing Calendar

C. Proposed Time Limits

1 MS. BERG: Discussion?
2 MS. HIGASHI: -- possible discussion and
3 action.
4 MR. DEZEMBER: It is in there?
5 MS. HIGASHI: Yes.
6 MR. DEZEMBER: I haven't read the revised item
7 11, so maybe --
8 MS. HIGASHI: The changes are minimal.
9 MR. DEZEMBER: Okay.
10 MS. HIGASHI: It's because you haven't read the
11 staff analysis yet. You don't know where it is on the
12 list.
13 MS. STEINMEIER: Okay. That's fine.
14 MR. DEZEMBER: Okay. So I'll --
15 MS. HIGASHI: But there is an agenda item.
16 MR. DEZEMBER: -- I'll repeat myself when we
17 get to item 11.
18 MS. BERG: Great.
19 MR. CUNNINGHAM: Thank you.
20 MS. BERG: Thank you very much.
21 MS. HIGASHI: The next item is item 8.
22 MR. DEZEMBER: Excuse me. What's that number?
23 MS. STEINMEIER: 8.
24 MR. DEZEMBER: Item --
25 MS. HIGASHI: Item 8.
26 MR. DEZEMBER: -- 8.
27 MS. STEINMEIER: You shouldn't even have left.
28 MS. HIGASHI: Item 8 consists of the proposed

1 parameters and guidelines for the "School Accountability
2 Report Cards" test claim.
3 The Commission approved this test claim and
4 determined that school districts would be reimbursed for
5 costs to compile, analyze, and report specified
6 information in the school accountability report card and
7 for posting and annually updating the report card on the
8 Internet.
9 Staff reviewed claimants' submittal and proposes
10 minor amendments to sections 1, 3, 4 and 5 of the
11 proposed parameters and guidelines.
12 Mr. Keith Petersen, interested party, requested that
13 claimants' proposal be amended to add reimbursable
14 activities arising from implementation of Education Code
15 section 33126, subdivision C. The original test claim
16 did not address this subdivision, nor did the Statement
17 of Decision make a mandate finding on this provision.
18 Therefore, staff finds that these new activities would be
19 inconsistent with the Statement of Decision and cannot be
20 added to the P's and G's.
21 Yesterday Mr. Paul Minney, interested party,
22 proposed an amendment to section 4, "Reimbursable
23 Activities," page 7, component 2. This amendment
24 addresses, according to Mr. Minney, the ambiguity of the
25 requirement for school districts that are connected to
26 the Internet, to make the school accountability report
27 card data available on the Internet.
28 Since this proposal was received late yesterday and

1 just received by the claimants and interested parties
2 this morning, we weren't sure exactly how you would want
3 to proceed on this item.
4 I think for purposes of our discussion today, that
5 the claimants should speak to the issue of the proposed
6 P's and G's that are before you, and we can determine if
7 it would be better to proceed or to postpone action.
8 So will the parties please state their names, for
9 the record?
10 MR. PETERSEN: Keith Peterson, in my capacity
11 as special counsel to the Education Mandated Cost
12 Network.
13 MR. CUNNINGHAM: Jim Cunningham with San Diego
14 Unified School District, interested party.
15 MS. BERG: Dr. Carol Berg, Education Mandated
16 Cost Network, consultant.
17 MR. HENDEE: Lawrence Hendee, Sweetwater Union
18 High School District.
19 MR. DEZEMBER: Okay, and who would like to go
20 first?
21 Mr. Petersen?
22 MR. PETERSEN: Well, I was going to address my
23 concerns to the language regarding the source
24 documentation that's been added by staff. I don't have a
25 Bates page; I'm working off of a fax, but on pages 8 and
26 9 of the parameters and guidelines, to each of the claim
27 preparation items, they've added a long sentence that
28 reads: "Source documents may include, but are not

1 limited to, time sheets, payroll records, canceled
2 payroll warrants, organization charts, duty statements,
3 pay rate schedules, and other documents evidencing
4 employee salaries and benefits expenses claimed for
5 reimbursement."
6 This language was a bit of a surprise to me -- and I
7 believe to all of us -- that it was included in these
8 parameters and guidelines by staff. This language was
9 rejected by the Commission three years ago in the matter
10 of the original parameters and guidelines for "Juvenile
11 Court Notices."
12 At that time it was a recommendation of the State
13 Controller's office to put that language in; and after
14 substantial discussion, this -- this Commission rejected
15 that language.
16 And the other reason it's a surprise, as you may or
17 may not know, there is a boilerplate project going on
18 right now with interested parties to avoid these types of
19 surprises and changes, and that project has not come to
20 an end yet. And it was my understanding -- perhaps it
21 was just my hope -- that these types of significant
22 changes would not be made until the boilerplate project
23 had been completed. This is Commission staff's third
24 attempt to have a boilerplate project, and I was hoping
25 this one would be concluded.
26 So my request today is that this language be
27 eliminated because it was specifically eliminated by a
28 prior Commission voting on the same language; and that it

be held over for consideration, the boilerplate project, where we, "bean counters," can spend more time on it.

MR. DEZEMBER: Do we know why that language was rejected by the former Commission, what the rationale was? Okay.

MR. CUNNINGHAM: Just looking back at the transcripts, I believe that the reason was, that it wasn't necessary; and that the locals are not -- or shouldn't be in the position where they have to create new types of documents in order to claim reimbursement.

Typically, what we do is, we'll just use whatever --

MR. PETERSEN: Especially retroactively.

MR. CUNNINGHAM: Yes, especially retroactively. What we tend to do is to use whatever ordinary business records we have, and to use those as a -- as the basis for the claim. One of the draw-backs of defining specific documents for reimbursement that we may not ordinarily collect, is that those costs then become of creating those documents and collecting them, become reimbursable under the mandate reimbursement process. So, in fact, what you may be doing, is increasing the cost of another mandate by imposing specific document requirements.

The other thing is, is that an auditor's mentality, a lot of times, they'll look at this laundry list -- and the lawyers may understand the words but not limit it to -- gut the auditors tend not to. And if they don't find your record on that list, they tend to reject it,

1 even though it may be a perfectly valid record, and it
2 may show that you had the cost.
3 MR. PETERSEN: But it's not on the list.
4 MR. CUNNINGHAM: But it's not on the list so,
5 therefore, it can't be an acceptable record.
6 Those are all the reasons that we thought that the
7 language that you've traditionally used, which is in the
8 supporting data section -- which is section 6 on these
9 parameters and guidelines -- is probably all you need to
10 do and probably all you should do to define source
11 documents, and that is to say that any cost claim must be
12 traceable back to source documents, and that the local
13 jurisdiction determine what those source documents should
14 be.
15 The State Controller's office in its audit
16 responsibility can certainly review those; and if they
17 determine that those particular records are not -- don't
18 support your claim, that's fine.
19 MR. PETERSEN: That's the --
20 MR. CUNNINGHAM: And that's a discussion
21 that -- that's an audit function, and we don't argue
22 that. But we don't think you should be in the business
23 of trying to define what we should keep, particularly
24 when we're -- we may not have those particular records
25 going back years.
26 Thanks.
27 MR. DEZEMBER: Any questions or comments from
28 the Commissioners?

MR. CHIVARO: Well, yeah, I have a comment. I don't necessarily --

MR. DEZEMBER: Mr. Chivaro?

MR. CHIVARO: -- buy into those arguments. I don't think it's a surprise to the locals that they have to maintain source documents. I don't think this is in any way limiting language, but I may be -- I may agree that it's surplusage. I mean, I think there is an understanding that source documents are required.

The auditors have some flexibility when they're out into the field to accept the one type of document over another; and, you know, for that reason, I see the surplusage.

MR. DEZEMBER: Paula, did you want it respond?

MS. HIGASHI: I was just going to respond as to why we included the language.

The language -- the language that was a little -- that was more restrictive was proposed by the State Controller's staff during our P's and G's workshop; and that language did not have the words "but are not limited to." So we believed, from a staff perspective, that if we were receiving incorrect reduction claims in the office, based on the question -- many of the claims were reduced allegedly because of inadequate documentation, that we would be doing a service by providing some notice -- earlier notice -- as to what source documents might include.

This is certainly not a requirement imposed upon

1 claimants, but it's providing more notice by including
2 these words in the P's and G's.
3 The other issue that comes up, too, I suspect once
4 we get to the "Incorrect Reduction Claims," is the
5 question of which source documents are appropriate. And
6 that's -- you know, as Mr. Chivaro's pointed out, that's
7 one issue that the auditors would be resolving with the
8 claimant.
9 So we saw this language as being language that could
10 be added, that was not viewed as being restrictive; but
11 merely as providing greater notice to the claimants in
12 their process of seeking reimbursement. And we discussed
13 it at great length, and we all had different opinions;
14 and I feel comfortable recommending it.
15 MR. PETERSEN: I'd like to respond. Let me --
16 MR. DEZEMBER: Yes. Let me ask another
17 question first.
18 About the -- Mr. Petersen's statement about working
19 toward some common boilerplate language, that would be
20 generally covered, where are we on that?
21 MS. HIGASHI: We need to have one more wrap-up
22 session, and we had proposed to have it in July.
23 What we -- what we had been doing is, we had been
24 working on the project, to incorporate as many of the
25 changes as we go through the P's and G's process.
26 MR. DEZEMBER: Okay. If we were to adopt this
27 language, would it be your understanding that our
28 intention is to be helpful? Okay.

MS. HIGASHI: That was our purpose from the staff perspective of recommending it.

MR. DEZEMBER: And that's the way I read it. I thought it was an inclusive list; but having said that, when we hear from the people to whom we would be sending it and they're saying it would not be helpful, I'm wondering if we ought to do that.

MS. HIGASHI: And I was not part of the debate --

MR. SHERWOOD: We were trying to be helpful, and in reality, evidently we're not at this time.

MR. DEZEMBER: Yeah.

MS. HIGASHI: And I would have to say, I was not at the debate when this issue came up before, so I can't --

MR. CHIVARO: And, again --

MS. HIGASHI: -- claim any --

MR. CHIVARO: -- I guess you'd have to ask helpful to who? I mean, as long as the claimants have been out there, you know, for over the number of years and the number of audits they've been subjected to, I think there is an understanding -- unless I'm wrong -- that source documents are required.

MR. PETERSEN: That's my experience, yes.

MR. CUNNINGHAM: And, yeah, we've -- we've addressed that typically in section 6, which says you have to keep source documents; but we don't define what those are. We leave that to the local to define.

1 MR. BELTRAMI: Well, it isn't defined here; is
2 it?
3 MR. CUNNINGHAM: It's in the --
4 MR. BELTRAMI: It says "may," first of all.
5 MR. CHIVARO: Right.
6 MR. BELTRAMI: And it's "not limited to." I
7 mean, this is just a list that says, "Here's some of the
8 things that might be included." You may come up with a
9 district that has totally different source documents.
10 MR. CUNNINGHAM: Agreed. But by including
11 this, Mr. Beltrami, I think what we're doing is we're
12 creating the opportunity for an argument to say, Well,
13 your document isn't on that list."
14 MR. BELTRAMI: Well, again, I'm -- you know, I
15 think the operative word is "may," and "not limited to,"
16 rather than --
17 MR. CUNNINGHAM: I understand that, but we have
18 those conversations --
19 MR. BELTRAMI: -- saying, you have to have an
20 organization chart, you know. I mean --
21 MS. STEINMEIER: The problem with creating
22 this --
23 MR. CUNNINGHAM: Ours is on a chalkboard.
24 Yeah.
25 MS. STEINMEIER: -- is sometimes it does
26 become limiting. I think that's what I'm hearing
27 everybody saying. And if that's not helpful, then at
28 least at this point it's probably premature to include

1 it. That doesn't mean that we might not find a meeting
2 of the minds, but it doesn't sound like we have it today.
3 MR. PETERSEN: We have a school accounting
4 manual that tells us the documentations create -- excuse
5 me -- documents to create and maintain in the period of
6 years.
7 MR. BELTRAMI: Why don't you put that in there,
8 based on the school accounting document?
9 MR. SHERWOOD: Some schools probably don't have
10 that document. Some schools probably don't have that
11 document.
12 MS. STEINMEIER: Not the current one yet. They
13 don't have the current one yet. I think that's the
14 problem.
15 MS. HIGASHI: That's a different issue.
16 MS. STEINMEIER: That's an issue for another
17 day. We don't want to --
18 MS. HIGASHI: An issue for another day.
19 MS. STEINMEIER: Mr. Chivaro, I have a question
20 for you.
21 MR. CHIVARO: Yeah.
22 MS. STEINMEIER: The Controller's Office,
23 though, in creating the claiming instructions, when
24 they're working on all that, they may come up with
25 suggested lists of documents that auditors would be
26 looking for; correct?
27 MR. CHIVARO: I don't know that they put that
28 in the claiming instructions --

MS. STEINMEIER: They don't.

MR. CHIVARO: -- but --

MR. PETERSEN: This sentence is.

MR. CHIVARO: Oh, yeah. Well --

MS. PATTON: The source document.

MR. SHERWOOD: The source document.

MS. STEINMEIER: But specifically, what kinds of documents could be used to --

MR. CHIVARO: Yeah, we don't limit it to a particular type, is my understanding.

MR. CUNNINGHAM: Actually, your language is a little more restrictive. You say, "required source documents."

MR. CHIVARO: Well, we do require source documents.

MR. CUNNINGHAM: But then you go into this laundry list -- a similar laundry list, so --

MR. CHIVARO: But I think it's -- like I said, I think there is an understanding that they have to have some source documents. From time to time, we may quibble over whether one is sufficient over another, but --

MR. PETERSEN: And since the Controller's claim instructions aren't legally enforceable, that's not a problem for us.

MS. STEINMEIER: Good point.

MR. CHIVARO: Not for long.

MR. BELTRAMI: But let me ask -- let me ask the school representatives, are there any school districts

1 that don't keep time sheets, payroll records, canceled
2 payroll warrants, organization charts, payroll schedules,
3 other documents evidencing employees' salaries and
4 benefit expenses?
5 MR. CUNNINGHAM: For a particular mandate, you
6 may not --
7 MR. CHIVARO: I think you need those just to do
8 business, I hope.
9 MR. CUNNINGHAM: For a particular mandate, you
10 may not have a time sheet. There may be somebody who's
11 dedicated to perform a particular function that all they
12 do is something that's mandated, and so you would just
13 claim all of their time.
14 MR. PETERSEN: They don't punch a time clock.
15 MR. CUNNINGHAM: They don't punch a time clock.
16 The teachers don't punch time clocks, if they have
17 some --
18 MR. BELTRAMI: No, but you fill out payroll
19 statements. I mean, you have to pay them on some basis,
20 I hope.
21 MR. CUNNINGHAM: Yes. And I don't --
22 MR. BELTRAMI: Yeah.
23 MR. CUNNINGHAM: -- and I don't think it's an
24 issue of how much we pay them. It's how much time are we
25 spending, and that's what I think this is directed
26 towards.
27 MR. PETERSEN: Yeah.
28 MR. CHIVARO: Are they teachers -- the

1 categories of teachers subject to the Fair Labor
2 Standards Act, where you have salaried employees as
3 opposed to hourly employees?
4 MR. PETERSEN: They're paid as you're on state
5 payroll on a negative basis. If you take sick leave,
6 it's subtracted as opposed to --
7 MR. CHIVARO: So under that circumstance, they
8 would not necessarily be required to account for every
9 moment of the day.
10 MR. BELTRAMI: It's an exception basis.
11 MR. PETERSEN: Yes.
12 MR. BELTRAMI: Yeah. Uh-huh.
13 MR. DEZEMBER: What's the pleasure of the
14 Commission on this particular issue? Do you want to
15 decide these one at a time? I think we have four issues
16 here.
17 MS. HIGASHI: There is, the source documents
18 issue is one issue; the other issue is the section before
19 that, which is Roman numeral four --
20 MR. DEZEMBER: On the Internet?
21 MS. HIGASHI: -- "Reimbursable Activities,"
22 page 7, at the top of the page. The description of
23 reimbursable activity is, "The annual posting of school
24 accountability report cards on the Internet can be
25 claimed by those school districts that are connected to
26 the Internet."
27 MR. DEZEMBER: Okay.
28 MS. HIGASHI: And this is the one which we

received the late filing on; and 1 believe the claimant may wish to speak to that issue.

MR. DEZEMBER: Okay, who would like to address this issue of the Internet?

MR. HENDEE: I'll start it off.

MR. DEZEMBER: Okay.

MR. HENDEE: The Internet -- connection to the Internet is, in our interpretation -- the claimant's interpretation -- a non-issue. The reason that is a non-issue is that you have to go through certain steps in order to become connected. And if you're doing that, you know it; if you aren't, you also know it.

And we also believe that it is a local control issue to determine whether or not you're connected. And what was presented in the letter that came in, were a lot of additional additions to parameters and guidelines, again, attempting to prescribe what connection to the Internet is. And a concern that we have with that, -- again, the claimant -- is that today's definition of what "connection to the Internet" is, is not necessarily going to be what tomorrow's is. We all know that technology is moving very quickly, and things are changing very quickly.

MR. CUNNINGHAM: Jim Cunningham.

I think this language just uses the language that comes right out of the statute. It just says that you shall post the SARCs to the Internet, if you're connected to the Internet.

I'm not sure we're in the position to try to define what the Legislature meant by that. I would propose no change.

MR. PETERSEN: It was considered already; hasn't it?

MR. CHIVARO: That's the nature of the late filing.

MR. DEZEMBER: Well, I don't know because it's such a late filing, that I haven't been able to read it.

MS. STEINMEIER: Literally it was put on our desks.

MR. CHIVARO: Not only late filed, but late received.

MS. STEINMEIER: Late -- yeah, both.

MR. DEZEMBER: Yes. I saw it only when I came in this morning, so I honestly do not know what's in it.

MS. STEINMEIER: Mr. Chairman, I'd like to propose that we continue this, since we do have a lot of questions and we haven't had time to consider this last piece.

On the statements that were added, I would like to consider holding off and not doing that until we get some kind of an agreement with our interested parties, because I think it's a little premature to be adding things, until we get to that final hearing that Paula has referred to.

But generally, I think -- I want to move that we postpone this one and --

MR. CHIVARO: I'll second it.

MS. STEINMEIER: -- reconsider it.

MR. DEZEMBER: Okay, it's been moved and seconded that we postpone the proposed P's and G's from item 8.

Any discussion -- any further discussion or questions?

I would like to say one thing before we take a vote. This is a responsible Commission; and we are loathe to move to move ahead with information such as this that's valuable, but it is very inconsiderate to file something so late that we haven't even had a chance to read it before we start the meeting, upon which this item is scheduled. So I don't know exactly what we can do about that.

MR. PETERSEN: Well, the party's not here, sir, so --

MS. BERG: You're preaching to the choir, Mr. Chairman.

MR. DEZEMBER: This is a public forum. I want to make that statement very clearly, because sometimes you're tempted to disregard it and go ahead. Those who had a chance to read it in a cursory fashion, indicated to me that there were important arguments in here that we should consider.

Having said that, please call the roll.

MS. HIGASHI: Mr. Chivaro?

MR. CHIVARO: Aye.

MS. HIGASHI: Ms. Patton?

MS. PATTON: Aye.

MS. HIGASHI: Mr. Sherwood?

MR. SHERWOOD: Aye.

MS. HIGASHI: Ms. Steinmeier?

MS. STEINMEIER: Aye.

MS. HIGASHI: Mr. Beltrami?

MR. BELTRAMI: Aye.

MS. HIGASHI: Mr. Dezember?

MR. DEZEMBER: Aye.

MS. HIGASHI: Okay.

MR. DEZEMBER: Okay.

Thank you very much.

MS. BERG: Thank you.

MS. HIGASHI: This brings us to item 11. Item 11.

MR. DEZEMBER: Item 11.

MS. HIGASHI: Item 11 --

MR. DEZEMBER: I thought this item was fairly innocuous. Maybe not.

MS. HIGASHI: Nothing on today's schedule is. That was what I told every -- even though the binder appears to be thin, there's a lot here.

Item 11 consists of matters concerning scheduling agenda items before the Commission. Chairperson Dezember had asked me earlier this year to see what -- to actually try to put together a schedule that would take him through the rest of the year, since this Commission has

REPORTER'S CERTIFICATE

I hereby certify that the foregoing proceedings were reported by me at the time and place therein named; that the proceedings were reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings, nor in any way interested in the outcome of the cause named in said matter.

In witness whereof, I have hereunto set my hand this 29th day of June, 1997.

Daniel P. Feldhaus

DANIEL P. FELDHAUS
CSR #6949, RDR, CRR

MINUTES
COMMISSION ON STATE MANDATES
Thursday, June 25, 1998
9:30 a.m.
Commission on State Mandates
State Capitol
Room 437
Sacramento, California

Present: Chairperson Robin Dezember
Representative of the Director of the Department of Finance
Member Bill Sherwood
Representative of the State Treasurer
Member Richard Chivaro
Representative of the State Controller
Member Nancy Patton
Representative of the Director of the Office of Planning and Research
Member Albert Beltrami
Public Member
Member Joann Steinmeier
Representative of School Boards

Absent: Member Dave Cox
Representative of County Boards of Supervisors

Roll Call

There being a quorum present, Chairperson Dezember called the meeting to order at 9:30 a.m. Paula Higashi, Executive Director to the Comrnission, announced that Items 1, 6, 7, 9, and 10 had been postponed.

Consent Calendar

The following consent calendar was adopted unanimously upon the motion of Member Sherwood and second by Member Steinmeier:

Finding of Disputed Test Claim (action)

Item 2 *Seriously Emotionally Disturbed (SED) Pupils: Out-of-State Mental Health Services* – CSM - 97-TC-05
County of Los Angeles, Claimant
Government Code Section 7576
Chapter **1747,** Statutes of 1984
Chapter 1274, Statutes of 1985
Chapter 654, Statutes of 1996, and Title 2, Division 9
Chapter 1 of California Code of Regulations
Department of Mental Health Information Notice No.: 86-29

Adoption of Proposed Statements of Decision. Pursuant to California Code of Regulations, Title 2, Chapter 2.5, Article 7 (action)

Item 3 *Sentencing: Prior Felony Convictions (Three Strikes)* – CSM - 4503
County of Los Angeles, Claimant
Penal Code Section 667, Subdivisions (a) to (j)
Chapter 12, Statutes of 1994

Item **4** *Sexually Violent Predators* – CSM - 4509
County of Los Angeles, Claimant
Welfare and Institutions Code Sections 6250 and 6600 et seq.
Chapter 762, Statutes of 1995
Chapter 763, Statutes of 1995
Chapter 4, Statutes of 1996

Regular Calendar

Adoption of Proposed Statement of Decision, Pursuant to California Code of Regulations, Title 2, Chapter 2.5. Article 7

Item **5** *Physical Performance Tests* – CSM - 96-365-01
San Diego Unified School District, Claimant
Education Code Section 60800
Chapter 975, Statutes of 1995
California Department of Education
Memorandum dated February 16, 1996

Ms. Higashi introduced this item.

Jim Cunningham with the San Diego Unified School District, requested the following:

- On page 9, footnote 6, the third sentence of the third paragraph, to delete the sentence (regarding the measurement date issue) or to reopen the matter for further testimony.
- On page 10, the first sentence of the first full paragraph, to delete the sentence (regarding the Commission's finding that a citation was "misleading").

Carol Berg, with the Education Mandated Cost Network, saw a danger in this type of decision being precedential-setting with the Commission, where a footnote with staff analysis and commentary is changed, perhaps inadvertently, into a Commission decision.

All agreed to clarify that the argument regarding the measurement date issue in footnote 6 was that of the Department of Finance, rather than a Commission finding. Member Steinmeier assured Mr. Cunningham that the Commission would address the measurement date issue soon.

Regarding the second sentence in question, Chairperson Dezember and Member Steinmeier did not see the impact the phrase had on the ultimate decision. The Chair deferred to legal counsel or the executive director. In response, Gary Hori, Legal Counsel to the Commission, explained that, at the hearing, the Chair and Members **Cox** and Steinmeier had questioned this. At that time, the Chair had said that, when the Commission is dealing with cost accounting and rendering a legal decision, it could be going on the wrong path. The notion of costs and redirection of efforts to save the increased costs was not found to be pertinent by the Commission.

The Chair recognized the difference between the Commission being "not persuaded" and the Commission finding something to be "misleading." Member Chivaro favored accurately writing the sentence to reflect the Commission's decision. After much discussion, the Members agreed to strike the words "found this definition to be misleading," and replace it with "However, the Commission was not persuaded by this argument." Mr. Cunningham concurred.

Member Beltrami moved to insert the words "However, the Department of Finance argues" into the third paragraph of footnote 6. Member Sherwood seconded the motion. Jim Apps, representing the Department of Finance, did not object.

Ms. Higashi repeated the two proposed modifications (outlined above). Member Beltrami agreed that his motion was for the staff recommendation, with these two edits. On a roll call vote, the motion passed unanimously.

The Chair began a discussion regarding the measurement date issue. Ms. Higashi noted that the issue would arise in Item 11. The discussion was therefore continued.

Adoption of Proposed Parameters and Guidelines

Item 8 *School Accountability Report Cards* - CSM - 97-TC-21
Sweetwater Union High School District and
Bakersfield City School District, Co-Claimants
Education Code Sections 33126, 35256, 35256.1, 35258, and 41409.3
Chapter 1463, Statutes of 1989
Chapter 759, Statutes of 1992
Chapter 1031, Statutes of 1993
Chapter 824, Statutes of 1994
Chapter 912, Statutes of 1997
Chapter 918, Statutes of 1997

Ms. Higashi introduced this item. She said that, for purposes of discussion today, claimants should speak to the issue of the proposed parameters and guidelines, and it could then be determined if it would be best to proceed or postpone action.

Parties were represented as follows: Keith Petersen, as special counsel to the Education Mandated Cost Network; Jim Cunningham with the San Diego Unified School District; Carol Berg with the Education Mandated Cost Network; and, Lawrence Hendee with the Sweetwater Union High School District.

Issue 1: Language Regarding Source Documents

Mr. Petersen submitted that, three years ago in the original parameters and guidelines for *Juvenile Court Notices,* the Commission rejected the State Controller's Office recommendation to insert language regarding "source documents'' into the parameters and guidelines. Further, he had hoped to avoid making significant changes to the parameters and guidelines until the workshops on boilerplate language were completed. He requested deletion of the "source document" language.

Mr. Cunningham noted several drawbacks of defining specific source documents. He submitted that the traditional language in section 6 of the subject parameters and guidelines was sufficient. Mr. Cunningham preferred, "Any cost claim must be traceable back to source documents." He added that the local jurisdiction determines what those source documents should be, and that the State Controller's Office, in its audit responsibility, can review those claims and determine if the

submitted records support the claim. Mr. Cunningham said that the Commission should not be in the business of trying to define source documents.

Member Chivaro disagreed that the language was limiting, rather, it may be "surplussage." Ms. Higashi explained that staff believed, due to the number of incorrect reduction claims received that are based on inadequate documentation, that it would assist claimants by providing earlier notice as to what source documents might include. The issue of which documents are appropriate would be for the auditors to resolve with the claimant. In response to the Chair, she added that the parameters and guidelines workshops should be concluded in July.

Chairperson Dezember understood the language to be helpful, but was concerned that the claimants, for whom the language is intended to help, did not agree.

Member Chivaro noted that there is an understanding among claimants that source documents are required. Mr. Petersen agreed. Mr. Cunningham added that the section ***6*** language reminds claimants that source documents are required without defining which ones.

Member Beltrami noted the words "may" and "not limited to" in the proposed language. Member Steinmeier recognized that the language has the potential to become limiting. If it is not helpful, it may be premature to include it. Mr. Petersen added that the school accounting manual tells districts which documents to create and maintain. Ms. Higashi noted that this was a different issue. Considerable discussion ensued.

Chairperson Dezember called for the next issue.

Issue 2: Annual Posting of School Accountability Report Cards on the Internet

Mr. Hendee explained the content of his late filing regarding this issue. He disagreed with defining what a "connection to the Internet" is because technology changes quickly and this definition could soon be outdated.

Mr. Cunningham submitted that this language is derived from the statute and that he was not in the position to define what the Legislature meant. He proposed no change.

The Members noted that they had received the filing so late that they had not even been able to read it. Member Steinmeier proposed continuing the item. Regarding the source documents addition, she preferred holding off until an agreement was reached with interested parties and the workshops were concluded. She moved to postpone the item. Member Sherwood seconded. The Chair added that this is a responsible Commission that did not wish to move ahead without considering valuable information, but that it was inconsiderate to file something so late that the Members could not even read it. On a roll call vote, the motion passed unanimously.

Scheduling: Hearing Calendars and Agenda Items

Item 11 **A.** Proposed Changes to the 1998 Hearing Calendar and Agenda Items to be Scheduled (action)
B. Proposed 1999 Hearing Calendar (action)
C. Proposed Time Limits (discussion)

Ms. Higashi noted that the measurement date issue (mentioned earlier by the Chair) is properly part of the record on the *School Site Councils* test claim, which is scheduled for hearing in July.

Due to scheduling conflicts among Commission Members and parties, the following changes were made to the 1998 calendar:

- The October 22 hearing date was changed to Thursday, October 29.
- The November 19 hearing date was changed to Monday, November 30.

Ms. Higashi noted that the list of items proposed and their scheduled dates are all tentative, based on workload and comments received. The 1999 schedule and recommendation reflects meetings on the last Thursday of every month as well as a proposal for staff to begin developing an orientation for new Commission members. Ms. Higashi recommended approval, as modified.

On the motion of Member Beltrami and second by Member Steinmeier, the Commission unanimously approved the staff recommendation.

Ms. Higashi noted that the next issue, regarding time limits for speakers, was for discussion only,

Chairperson Dezember thought it appropriate to issue a guideline to advise speakers about desired time limits on presentations. Unlike a regulation or order, a published guideline could be excepted by a Member or by the circumstances of a particular case. He'referenced Ms. Higashi's memorandum, which includes 20-minute time limits (total, not per speaker) for claimant's testimony and opposition testimony and 10 minutes for interested party testimony during the test claim hearing. The memo also suggests reducing the limits with respect to the hearing of parameters and guidelines.

Member Beltrami questioned the necessity for such a guideline, noting that he had never experienced a problem. He was concerned a guideline would have a "chilling" effect, and that speakers might believe they needed to use the entire time. He definitely opposed making this a formal statement or regulation.

Member Steinmeier did not oppose a guideline, noting that school board people are accustomed to time limits. She added that the Chair always has the prerogative to extend the limit. She then deferred to the rest of the Commission.

In response, the Chair said that he did not wish to be more restrictive than ordinary, but only to indicate to speakers what that restriction might look like. He noted that some substantial claims were approaching which are significantly briefed in advance. Like appellate court hearings, with a 15-minute limit, Chairperson Dezember thought it would be beneficial to at least advise speakers that the Commission desired a similar limit. He added that whether the limits were enforced would depend on the given case.

Member Chivaro mentioned that time limits could be advantageous because they encourage parties to submit written documentation so the Commission is aware of the issues in advance of the hearing. The purpose of the hearing, then, is to allow parties to answer questions or summarize their written argument.

Member Beltrami suggested encouraging summaries of the written material as well.

Member Patton did not want the limits in the regulations, but did not oppose issuing a guideline.

Allan Burdick with the California State Association of Counties believed time limits were unnecessary. He asked whether interruptions or questions would be considered part of the speaker's time, or if the limit only pertained to opening presentations.

Carol Berg, with the Education Mandated Cost Network, thought the guidelines were probably appropriate, but noted that in her experience with the Commission (since 1984), this has not been an

issue. She also believed that a rule or regulation would have a chilling effect, and noted that one reason the Commission was created was to give the general public an opportunity to have a hearing. She hoped the process did not become so legalistic as to hinder discussion of topics not submitted in writing in advance (especially with the 10-day requirement). Ms. Berg said that she is not trained to submit a brief, and instead hoped that the hearing process was a time to talk to the Members in a rather informal setting.

In response, Member Sherwood said that he was initially hesitant, but now realizes that the time may be expanded in certain situations. He added that putting time limits into guidelines at least gives some framework and understanding of what the Commission is trying to do (which, is to be as efficient as possible). Member Sherwood supports the guideline, and understands that it is not concrete.

Jim Cunningham with the San Diego Unified School District was also concerned about the chilling effect. Secondly, he said that several claims are very complex and would undoubtedly require more than 20 minutes. He disagreed with the comparison of the Commission to a school board or an appellate court. If anything, he added, it should be a "trial of first impression."

Chairperson Dezember repeated Member Chivaro's comments that, on complex issues, the Commission needs to see the material in writing in advance. He felt the Commission is very responsible in granting extensions when necessary.

Mr. Cunningham replied that there have been several times when issues have not been resolved through the arguments. He added that he may not see the staff report in time to submit written arguments ten days in advance, and that he shares the Commission's interest in moving things along. Mr. Cunningham submitted that there are times when it is appropriate for the Commission to open up testimony to try to get the issues resolved.

Member Chivaro did not believe the intent would be to preclude a claimant from asking for additional time to present a complex claim, when necessary. The Chair agreed. Ms. Higashi reminded the Commission that the item was for discussion only in order to get a sense of the Members' positions on the issue. The Chair believed they had, and called for the next item.

Executive Director's Report and Next Agenda (information only)

Item 12 Legislation, Budget, Workload, Strategic Plan, Sunset Review of Regulations

Ms. Higashi reported the following:

- AB 1963 (CSAC Legislation) will be heard by the Senate Local Government Committee on July 1, 1998. Amendments are expected. Copies of proposed amendments will be distributed to the Members.
- The Local Claims Bill has been referred to the Assembly Budget Committee, awaiting amendments (which includes the mandates and the deficiency appropriation).
- The Commission's Budget passed Conference Committee and includes an additional appropriation of $109,000 for the SB-1033 process, travel and per diem for the new members, and $99,000 for an additional management position.
- The Commission's workload spreadsheet is included in the agenda binders. Staff is currently developing a database to simplify the process of updating information and making it available. Staff hopes to have the database by fall, and the information on the web by the end of the year.

- Staff is updating the strategic plan, and will submit it to the Governor's Office by the end of the fiscal year. Most revisions are to completion dates for goals and objectives.
- Immediately following today's hearing, staff will begin its first Sunset Review Workshop, focusing on Articles 5 and 7 of the Commission's Regulations. Staff distributed the materials to the members, staff, and interested parties who will participate in the workshop.

Adjournment

Chairperson Dezember commended staff for its work. There being no further business, he adjourned the meeting at 10:43 a.m.

Paula Higashi
Executive Director

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NOTICE AND AGENDA

COMMISSION ON STATE MANDATES

Public Meeting and Hearing
State Capitol, Room 437
Sacramento, California
August 20, 1998

9:30 a.m. - Closed Executive Session

10:00 a.m. - Public Meeting & Hearing

I. CALL TO ORDER AND ROLL CALL

11. CLOSED EXECUTIVE SESSION

Closed Executive Session authorized by Government Code section 17526, subdivision (a), to consider the selection and appointment of the Administrative Advisor II (C.E.A. - Chief Counsel to the Commission) pursuant to Government Code sections 17529 and 19889 et seq.

Report from Closed Executive Session

III. APPROVAL OF MINUTES (action)

Item 1 July 23, 1998

IV. HEARINGS AND DECISIONS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7

A. TEST CLAIM (action)

Item 2 *American Government Course Document Requirement*
CSM-97-TC-02 a.k.a. (97-258-01)
San Diego Unified School District, Co-Claimant
Sweetwater Union High School District, Co-Claimant
Education Code Section 51230
Chapter 778, Statutes of 1996

V. HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8.

A. ADOPTION OF PROPOSED AND AMENDED PARAMETERS AND GUIDELINES (action)

Item 3 *Two-Way Traffic Signal Communication* - CSM - 4504
County of Los Angeles, Claimant
Vehicle Code Section 21401
Chapter 1297, Statutes of 1994

Item 4 *Domestic Violence Arrest Policies and Standards* – CSM–96-362-02
County of Los Angeles, Claimant
Penal Code Section 13701
Chapter 246, Statutes of 1995

Item 5 *School Accountability Report Cards* – CSM–97-TC-21
Sweetwater Unified High School District & Bakersfield Unified School District, Co-Claimants Education Code Sections 33126, 35256, 35256.1, 35258, 41409 and 41409.3
Chapter 918, Statutes of 1997 et al.

Item 6 *Caregiver Affidavits to Establish Residence for School Attendance*
CSM-4497
Tustin Unified School District & San Diego Unified School District, Co-Claimants
Education Code Section 48204, Subdivision (d)
Family Code Sections 6550 and 6552
Chapter 98, Statutes of 1994

Item 7 Consolidation and Adoption:
Pupil Suspensions from School – CSM - 4456
San Diego Unified School District, Claimant
Education Code Section 48911, Subdivisions (b) and (e)
Chapter 965, Statutes of 1977, Chapter 668, Statutes of 1978, Chapter 73, Statutes of 1980, Chapter 498, Statutes of 1983, Chapter 856, Statutes of 1985, Chapter 134, Statutes of 1987 -

Pupil Expulsions from School – CSM - 4455
San Diego Unified School District, Claimant
Education Code Sections 48915, Subdivisions (a) and (b), 48915.1, 48915.2, 48916 and 48918
Chapter 1253, Statutes of 1975, Chapter 965, Statutes of 1977, Chapter 668, Statutes of 1978, Chapter 318, Statutes of 1982, Chapter 498, Statutes of 1983, Chapter 622, Statutes of 1984, Chapter 942, Statutes of 1987, Chapter 1231, Statutes of 1990, Chapter 152, Statutes of 1992, Chapter 1255, Statutes of 1993, Chapter 1256, Statutes of 1993, Chapter 1257, Statutes of 1993, Chapter 146, Statutes of 1994

Pupil Expulsion Appeals – CSM - 4463
San Diego Unified School District and San Diego County Office of Education, Co-Claimants
Education Code Sections 48919, 48921-48924
Chapter 1253, Statutes of 1975, Chapter 965, Statutes of 1977, Chapter 668, Statutes of 1978, Chapter 498, Statutes of 1983

Item 8 Consolidation and Adoption:
Collective Bargaining
Government Code Section 3540 et seq.
Chapter 961, Statutes of 1975 et al

-and-

Collective Bargaining Agreement Disclosure - CSM - 97-TC-08
Alameda County Office of Education, Claimant
Government Code Section 3547.5
Chapter 1213, Statutes of 1991
(Tentative)

VI. EXECUTIVE DIRECTOR'S REPORT

Item 9 A. Legislation (action)

B. Staff Proposal to Address Incorrect Reduction Claims (action)

ADJOURNMENT

****

NOTICE OF PUBLIC HEARING

THURSDAY, AUGUST 20, 1998

1:30 P.M.

COMMISSION ON STATE MANDATES
CONFERENCE ROOM
1300 I STREET, SUITE 950
SACRAMENTO, CALIFORNIA

Public comment on Proposed Amendments to California Code of Regulations,
Title 2, Chapter 2.5, Article 6.5. Applications for a Finding of Significant Financial Distress,
Sections 1186.51-1186.73

NOTICE AND AGENDA

COMMISSION ON STATE MANDATES

PUBLIC WORKSHOP: SUNSET REVIEW OF REGULATIONS

State Capitol, Room 437
Sacramento, California

August 20, 1998

Time: Upon Adjournment of regular hearing

- Sunset Review of Regulations (Copies of the Regulations will be provided at the workshop.)

ARTICLE 2. COMMISSION MEETINGS

§ 1182. Quorum.
§ 1182.1. Notice and Agenda.
§ 1182.2. Meetings,
§ 1182.3. Permanent Record.
§ 1182.5 Teleconference.

ARTICLE 3. TEST CLAIMS

§ 1183. Test Claim Filing.
§ 1183.01. Timelines.
§ 1183.02. Review of Test Claim.
§ 1183.03. Claimant's Rebuttal.
§ 1183.04. Informal Conference.
§ 1183.05. Claimant's Motion to Consolidate or Sever Test Claims.
§ 1183.06. Executive Director's Authority to Consolidate Test Claims.
§ 1183.07. Review of Completed Test Claim and Preparation of Staff Analysis.
§ 1183.1. Submission of Proposed Parameters and Guidelines.
§ 1183.11. Review of Proposed Parameters and Guidelines; Submission of Comments,
§ 1183.12. Adoption of Parameters and Guidelines.
§ 1183.2 Amendments to Parameters and Guidelines,
§ 1183.3 Statewide Cost Estimate.

ARTICLE 4. MANDATES RECOGNIZED BY THE LEGISLATURE.

§ 1184, Filing Requests for Reimbursement,
§ 1184.1. Statewide Cost Estimate.
§ 1184.2 Certification of Statewide Cost Estimate.

ARTICLE 4.5 STATE MANDATES APPORTIONMENT SYSTEM.

§ 1184.5. Definitions: State Mandates Apportionment System.
§ 1184.6. Request for Inclusion.
§ 1184.7. Adoption of Finding for Request for Inclusion.
§ 1184.8. Request for Removal.
§ 1184.9. Adoption of Finding for Request for Removal.
§ 1184.10. Reviewing an Apportionment or Base Year Entitlement.
§ 1184.11. Adjustment to Apportionment.

Hearing Date: **August** 20, 1998
File Number: 97-TC-21
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ITEM # 5

Proposed Parameters and Guidelines

Test Claim

Education Code Sections 33126, 35256,
35256.1, 35258, 41409, and 41409.3
Chapter 918, Statutes of 1997 et al.

School Accountability Report Cards

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Exhibit E
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Memorandum from Paige Vorhies, State Controller's Office
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Dated August 4, 1998 (received August 10, 1998) 0143

Hearing Dote: **August** 20, 1998
File Number: **97-TC-21**

ITEM # 5

STAFF ANALYSIS - Dated: August 10, 1998

Proposed Parameters and Guidelines

Education Code Sections 33126,35256,
35256.1, 35258,41409, and 41409.3

Chapter 1463, Statutes of 1989
Chapter 759, Statutes of 1992
Chapter 1031, Statutes of 1993
Chapter 824, Statutes of 1994
Chapter 912, Statutes of 1997
Chapter 918, Statutes of 1997

School Accountability Report Cards

Executive Summary

Summary of the Mandate

On April 23, 1998, the Commission on State Mandates determined that the test claim statutes imposed a reimbursable state mandated program upon school districts. The test claim statutes require school districts to compile, analyze, and report specified information in a school accountability report card. The test claim statutes also require school districts, as specified, to post and annually update school accountability report cards on the Internet by July 1, 1998. This was an undisputed test claim.

Background

On May 5, 1998, claimants submitted Proposed Parameters and Guidelines. This item was presented to the Commission for adoption at the June 25, 1998 hearing. However, no action was taken because on June 24, 1998, Mr. Paul Minney, Girard & Vinson requested amendments to the Proposed Parameters and Guidelines. Claimants and interested parties testified and urged adoption of staff's proposal with the deletion of text describing source documents. The Commission continued this matter, pending receipt of comments and further staff analysis of the issues raised in the late filing regarding posting school accountability report cards on the Internet.

On July 2, 1998, claimant Sweetwater Union High School District urged the adoption of the June 25, 1998 proposal. On July 8, 1998, the State Controller's Office requested a pre-hearing conference to request further clarifying amendments. On July 23, 1998, Commission staff held a pre-hearing conference to address these concerns.

Written Comments Submitted by Mr. Keith Petersen, Interested Party

On May 26, 1998, Mr. Keith Petersen, Interested Party, requested that Claimant's Proposed Parameters and Guidelines be amended to include the following reimbursable activities, required under Education Code section 33126, subdivision (c), as added by Chapter 912, Statutes of 1997:

> "(3) Providing a copy of the school accountability report card to each pupil's parent or guardian;
>
> "(4) Making administrators and teachers available to answer any questions regarding the school accountability report card." (See Exhibit C.)

Staff notes that the original test claim did not allege any reimbursable activities pursuant to subdivision (c), and the Commission's Statement of Decision makes no finding concerning subdivision (c). Therefore, staff finds that the new activities proposed by Mr. Petersen are inconsistent with the Statement of Decision and cannot be added to the Parameters and Guidelines for this test claim.

Moreover, Education Code section 35256, subdivision (c) states, as follows:

> "The Governing Board of each school district shall annually issue a School Accountability Report Card for each school in the school district, publicize such reports, and notify parents or guardians of students that a copy will be provided upon request."
>
> (Added by Initiative Measure (Proposition 98), approved by the electors, November 8, 1988.)

Claimants and interested parties may wish to consider filing a test claim on Education Code section 33126, subdivision (c), as added by Chapter 912, Statutes of 1997.

Written Comments Filed by Mr. Paul Minney, Girard and Vinson

On June 24, 1998, the Commission received a letter from Mr. Paul Minney, Girard and Vinson, representing Mandated Cost Systems, Inc. (MCS). Mr. Minney requests clarifying amendments to Section IV. Component 2. Internet Posting. The proposed amendments are based on the following contentions:

> "1. Any "access" to the Internet would be considered "connected to the Internet." Most school districts are not large enough to bypass an Internet Service Provider (ISP) and actually become an integral part of the Internet. A school district with a dedicated access or a school district with a dial-up account will be considered connected to the Internet.
>
> "2. ...
>
> "3. School districts who subsequently become connected to the Internet after July 1, 1998 must comply with the mandate of Education Code section 35258.
>
> "4. The costs of complying with Education Code section 35258 are reimbursable mandated costs to those school districts connecting to the Internet after July 1, 1998.
>
> "5. A school district is not required to post its School Accountability Report Card on its own computer server. A school district can post its School Accountability Report Card in a number of different ways (e.g., using its own server to create a web site, design a web site to be posted on an Internet Service Provider's web site or some other third party's server, purchase hardware and software and design its own web site or FTP site, etc.)"

Written Comments Presented by State Controller's Office

At the pre-hearing conference, the State Controller's Office requested more specificity in Section IV. Specifically, SCO staff made the following comments:

- The Ps and Gs should distinguish between information contained on the original Proposition 98 school accountability report card (SARC) and the new requirements imposed by the test claim legislation.
- Reimbursement should be limited to new or incremental activities of collection, analysis, preparation, and updating the SARC annually.
- Costs of software specifically purchased to convert the SARC to a file format capable of being posted on the Internet are eligible for reimbursement under "Materials and Supplies."
- Costs of other software, limited to a pro rata portion of newly purchased software used to prepare the SARC, are eligible for reimbursement under "Materials and Supplies."
- Fixed assets are not required by this mandate.
- Reimbursement for Component 2 should be limited to those districts who had a connection to a web site for posting school district information on or before July 1, 1998.
- Reimbursable activities should include costs to convert the report card to a format capable of being posted on a web site and the cost of electronic media storage space for maintaining the report card on the web site.
- Non-reimbursable activities should include "costs of building a web site or contracts for access to a web site for posting the School Accountability Report Card."

Staff Analysis

Section IV. - Reimbursable Activities

Component 1. Compilation, Analysis and Reporting of Data

The State Controller's OfFice (SCO) suggests the Ps and Gs should distinguish between information contained on the *original Proposition 98 school accountability report card* (SARC) and the *new requirements imposed by the test claim legislation.* The June *25,* 1998 version of the Proposed Parameters and Guidelines referenced the new subjects in footnotes. To address the SCO's concerns, staff has modified Component 1 by moving the text from the footnotes into Component 1.

The test claim legislation added new subject areas to the school accountability report card. Since the new subject areas are listed in Section IV, Component 1, staff submits that it is unnecessary to further limit reimbursement.

The SCO also suggests that reimbursement should be limited to new or incremental activities of collection, analysis, preparation, and updating the SARC annually.

Component 2. Internet Posting

Issue 2: Does a school district become connected to the Internet anytime one or more of its sites or the administrative office has access to the Internet?

The test claim statute applies to " ... *each school district that is connected to the Internet."*

The first step in interpretation of a statute is to look at the words of the statute and give them their plain and ordinary meaning. Where the words of the statute are clear, adding or altering the words to accomplish a purpose that does not appear on the face of the statute or from its legislative history is prohibited. Additionally, statutes must be given a reasonable and common sense construction, rather than a construction that will lead to absurd results.'

Courts often look to the dictionary to obtain the plain and ordinary meaning of the words used in a statute.[2] Thus, with the aid of the dictionary, Mr. Minney offers the following definitions:

Webster's Ninth New Collegiate Dictionary defines "connected" as follows:

"Connected *adj* (1712) **1.**Joined or linked together..."

Black's Law Dictionary (6th Edition) defines "connected" as:

"Connected. Joined; united by junction, by an intervening substance or medium, by dependents or relation, or by order in a series."

Thus, these definitions make it apparent that a school district computer that is *joined or linked to the Internet* is "connected" for purposes of the test claim statute. Staff agrees with Mr. Minney's conclusion that a school district is connected to the Internet if any one or more of its sites has access to the Internet through dedicated Internet access or a dial-up account for one computer at one school.

School district access to the Internet is fairly common. In October 1997, the California Department of Education (CDE) reported that 870 of 1052 California school districts have at least one school with a minimum of one classroom using one computer with Internet access.

To clarify district eligibility for reimbursement, the following sentence is added to Component 2:

"**A** school district is connected to the Internet if one or more of its sites or the administrative office has a dedicated line or a dial-up account to the Internet."

Issue 2. Does the test claim statute limit implementation to those districts who had a connection to a web site on or before July 1, 1998?

The State Controller's Office (SCO) suggests that reimbursement for Component 2 be limited to those districts who had a connection to a web site for posting school district information on or before July 1, 1998.

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[1] *Lungren v. Deukmejian* (1988) 45 Cal.3d 727, 735; *Santa Margarita Water District* v. *Kathleen Connell, as State Controller* (1997) 59 Cal.App.4th 382; *Burden* v. *Snowden* (1992) 2 Cal.4th 556,562; *People* v. *King* (1993) 5 Cal.4th 59.

[2] *Hoyga* v. *Superior Court* (1977) 75 Cal.App.3d 122, 133; Cal Jur (3rd Ed.) Vol. 58, "Statutes", § 102.

Staff disagrees. Education Code section 35258 states that "On or before July 1, 1998, each school district that is connected to the Internet shall make the information contained in the School Accountability Report Card (SARC) developed'pursuant to Section 35256 accessible on the Internet...." The express language of the statute contains no limiting language tying the mandate to the existence of a web site, nor does it specify how school districts shall make the information accessible on the Internet. Therefore, staff finds that the limitation proposed by the SCO would be inconsistent with the test claim statute.

Issue 3: Should the period of reimbursement be limited to compliance on or before July 1, 1998?

Although the test claim statute provides that school districts shall make the SARC information accessible on the Internet by July 1, 1998, staff agrees with claimants and interested parties that reimbursement extends *beyond* July 1, 1998. The Supreme court has held that where a statute requires an act to be done within or before a specified time, failure to complete the act by the required time may not be imperative. Rather, courts analyze the legislative intent of the statute to determine if the time requirement is mandatory, or merely directory. When determining legislative intent, the terms of the statute construed as a whole, the nature and character of the act, and the consequences that follow the failure to complete the act by the required time are analyzed.[3]

In this case, the test claim statutes require school districts to make specified *SARC* information accessible on the Internet by July 1, 1998. Legislative intent for Chapter 918, Statutes of 1997 indicates that it is the Legislature's intent to improve the access of the parents and community to school based information. The statute does not provide any express penalties for failure to comply by the July 1, 1998, deadline. Therefore, staff submits that school districts are not relieved from performing these activities if they fail to meet the July 1, 1998, deadline.

Issue 4: Should school districts be reimbursed for establishment of a school district web site or individual school web sites?

The State Controller's Office asserts that the mandate applies only to school districts with existing web sites. Therefore, the parameters and guidelines should specify that costs for building a web site are non-reimbursable. Staff disagrees.

According to the Commission's regulations, parameters and guidelines should include "(4) A description of the specific costs and types of costs that are reimbursable, including one-time costs and on-going costs, *and* a *description of the most reasonable methods of complying with the mandate."* (C.C.R. tit. 2, § 1183.1 (a)(4).)

The test claim statute does not limit implementation to districts with web sites.

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[3] *Pulcifer v. County of Alameda* (1946) 29 Cal.2d 258, 262; *Morris v. County of Marin* (1977) 18 Cal.3d 901, 909-910; *Edwards v. Steele* (1979) 25 Cal.3d 406, 410; and *Chrysler Corp. v. New Motor Vehicle Bd.* (1993) 12 Cal.App.4th 621, 629.

The test claim statute requires school districts that *are connected to the Internet* to make specified infomation accessible on the Internet. The most reasonable method of complying with the mandate is to post this information on a web site. If a school district or any of its schools do not have a web site, the test claim statute does not relieve the district of the obligation to post the information. Staff submits that the most reasonable method to comply with the mandate is to first establish a web site for this purpose, then to annually post the information.

The proposed parameters and guidelines provide for one-time costs for establishment of a school district web site and web pages. There is additional language, which states that costs to establish individual school web sites are non-reimbursable.

Issue 5: Does the test claim statute require school districts to purchase fixed assets, i.e., computers?

The State Controller's Office asserts that the mandate does not require the purchase of fixed assets. Staff agrees. However, staff also agrees with claimants that in order to comply with the test claim statute, a district may need to purchase a new computer and monitor.

The proposed parameters and guidelines address claimants concerns and include reimbursement for fixed assets. Section V. Supporting Documentation. Section A. Direct Costs, Item 4. Fixed Assets. The standard language of this section limits reimbursement to purchases made for this mandate and provides that school districts may claim only the pro rata purchase price when equipment is also used for other purposes.

Staff Recommendation

Staff recommends the Commission adopt the Claimants' Proposed Parameters and Guidelines, as amended by Commission staff following the pre-hearing conference with interested parties. (See Exhibit **A.)**

Claimants

Sweetwater Union High School District

Bakersfield City School District

Chronology

5/8/98	Claimants' Proposed Parameters and Guidelines received by Commission
6/1/98	Written Comments submitted by Keith Petersen, SixTen and Associates
6/15/98	Staff Analysis and Proposed Parameters and Guidelines issued by CSM Staff
6/24/98	Written Comments submitted by Paul Minney, Girard & Vinson
6/25/98	Commission hearing.
7/2/98	Written Comments submitted by Sweetwater Union High School District
7/8/98	Request for Pre-hearing Conference submitted by State Controller's Office
7/23/98	Pre-hearing Conference

EXHIBIT A

CLAIMANT'S PROPOSED PARAMETERS AND GUIDELINES, AS MODIFIED BY STAFF FOLLOWING THE PRE-HEARING CONFERENCE ON 7/23/98 - DATED AUGUST 7.1998

Hearing: August 20, 1998
File:CSM 97-TC-21
Document Date: **August 7,** 1998

CLAIMANTS' PROPOSED PARAMETERS AND GUIDELINES
AS AMENDED BY COMMISSION STAFF - August 10,1998

Chapter 918, Statutes of 1997
Chapter 912, Statutes of 1997
Chapter 824, Statutes of 1994
Chapter 1031, Statutes of 1993
Chapter 759, Statutes of 1992
Chapter 1463, Statutes of 1989
Education Code Section 33126
Education Code Section 35256
Education Code Section 35256.1
Education Code Section 35258
Education Code Section 41409
Education Code Section 41409.3

School Accountability Report Cards

I. SUMMARY OF THE MANDATE

Proposition 98, an initiative measure approved by the California voters, required each school in each school district to develop and issue a school accountability report cards. Proposition 98 set forth thirteen items that were to be included in the school accountability report cards. Statutes adopted after the approval of Proposition 98 added new subjects to be included in the school accountability report: card. The Commission on State Mandates, in its Statement of Decision adopted at the April 23, 1998 hearing, determined that the requirements in these statutes impose a new programs or higher levels of service upon school districts, within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514.

II. 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.

III. PERIOD OF REIMBURSEMENT

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed by the claimants on December 31, 1997. Therefore, all costs incurred on or after July 1, 1996, for Chapters 824/1994, 1031/1993, 759/1992, and 1463/1989 are eligible for reimbursement, and, all costs incurred on or after January 1, 1998, for Chapters 912/1997 and 918/1997 are eligible for reimbursement, pursuant to these parameters and guidelines,

Actual costs for one fiscal year should be included in each reimbursement 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 years' costs shall be submitted within 120 days of issuance of the claiming instructions by the State Controller,

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

IV. REIMBURSABLE ACTIVITIES

The direct and indirect costs of labor, materials and supplies, contracted services, fixed assets, travel, and training incurred for compliance with the following mandate components are eligible for reimbursement:

Component 1 - Compilation, Analysis, and Reporting of Data

The collection and updating of data, preparation of analyses, and the preparation of the new mandated provisions added to the school accountability report cards (SARCs), as described below can be claimed, as specified below:

For the period beginning July 1, 1996 the required data and analyses includes the reporting of the following information:

1. The degree to which pupils are prepared to enter the workforce;
2. The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level;
3. The total number of minimum days, as specified in Education Code sections 46112, 46113, 46117, and 46141, in the school year;
4. The beginning, median, and highest salary paid to teachers in the district, as reflected in the district's salary scale;
5. The average salary for schoolsite principals in the district;
6. The salary of the district superintendent;
7. Based upon the state summary information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Education Code section 41409, the statewide average salary for the appropriate size and type of district for the following:
   a. beginning, mid-range, and highest salary paid to teachers;
   b. school site principals; and
   c. district superintendents;
8. The statewide average of the percentage of school district expenditures allocated for the salaries of administrative personnel for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of section 41409 of the Education Code;
9. The percentage allocated under the district's corresponding fiscal year expenditure for the salaries of administrative personnel, as defined in Education Code sections 1200, 1300, 1700, 1800, and 2200 of the California School Accounting Manual published by the State Department of Education;
10. The statewide average of the percentage of school district expenditures allocated for the salaries of teachers for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction, pursuant to subdivision (a) of Section 41409 of the Education Code; and,

11. The percentage of the budget that is expended for the salaries of teachers, as defined in Section 1100 of the California School Accounting Manual published by the State Department of Education.

For the period beginning January 1, 1998, the required data and analyses includes the reporting of the eleven items above plus the following district-wide and site-specific information:

1. Results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including the pupil achievement by grade level as measured by the statewide assessment developed by the state pursuant to chapter 5 (commencing with section 60600) and chapter 6 (commencing with section 60800) of part 33 of the Education Code;
2. The average verbal and math Scholastic Assessment Test scores of high school seniors to the extent such scores are provided to the school and the average percentage of seniors taking that exam for the most recent three-year period;
3. The one-year dropout rate listed in the California Basic Education Data System for the schoolsite over the most recent three-year period;
4. The distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1 to 3, inclusive, participating in the Class Size Reduction Program established pursuant to chapter 6.10 (commencing with section 52120) of part 28 of the Education Code, using California Basic Education Data System information for the most recent three-year period;
5. The total number of the school's credentialed teachers, the number of teachers relying upon emergency credentials, and the number of teachers working without credentials for the most recent three-year period;
6. Any assignment of teachers outside of their subiect area of competence for the first two years of the most recent three-year period;
7. The annual number of schooldavs dedicated to staff development for the most recent three-year period: and,
8. The suspension and expulsion rates for the most recent three-year period.

Component 2 - Annual posting of school accountability report cards on the Internet.

A school district is connected to the Internet if one or more of its schools or the administrative office has a dedicated line or a dial-up account to the Internet. These school districts are eligible for reimbursement, as follows:

A. School districts with district or individual school web sites are eligible to be reimbursed for the following activities in compliance with this mandate:

1. One-time costs to add web pages to the district's or individual schools' web sites to post school accountability report card (SARC) information.
2. Ongoing costs to annually convert the **SARC** information described in Component 1 to formats capable of being posted on the district's web site or on individual school web sites.
3. Ongoing costs to annually post the **SARC** information on the district's web site or on individual school web sites.
4. Ongoing costs to maintain electronic media storage space on the server for the district's web site and individual school sites for posting the **SARC** information.
5. One-time costs to purchase software specifically to convert the **SARC** to a file format capable of being posted on the Internet.
6. One-time costs to purchase other software limited to a pro rata portion of newly purchased software used to prepare the **SARC**.

B. School districts without web sites on January 1, 1998, are eligible to be reimbursed for the following activities in compliance with this mandate:

1. One-time costs to establish one web site for the district to post the **SARC** information described in Component 1.
2. One-time costs to develop and add web pages for posting **SARC** information on specific schools.
3. Ongoing costs to convert the **SARC** information to formats capable of being posted on the district's web site or on individual school web sites.
4. Ongoing costs to annually post **SARC** information on the district's web site or on individual school web sites.
5. Ongoing costs to maintain electronic media storage space on the district's web site and individual school sites for posting the **SARC** information.
6. One-time costs to purchase software specifically to convert the **SARC** to a file format capable of being posted on the Internet.
7. One-time costs to purchase other software, limited to a pro rata portion of newly purchased software used to prepare the **SARC**.

Non-Reimbursable Costs

School districts shall not be reimbursed for Internet connection fees and establishment of web sites for individual schools.

V. CLAIM PREPARATION

Each reimbursement claim for costs incurred to comply with this mandate must be timely filed and set forth a listing of each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified according to the two components of reimbursable activity described in Section IV of this document.

Supporting Documentation

Claimed costs should be supported by the following information:

A. Direct Costs

Direct costs are defined as costs that can be traced to specific goods, services, units, programs, activities, or functions.

1. Employee Salaries and Benefits

Identify the employee(s) and/or show the classification of the employee(s) involved. Describe the mandated functions performed by each employee and specify the time devoted to each function by each employee, productive hourly rate and the related fringe benefits. The average number of hours devoted to each reimbursable activity in these Parameters and Guidelines can be claimed if supported by a documented time study,

Reimbursement for personal services includes compensation for salaries, wages, and employee fringe benefits. Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g. annual leave, sick leave) and employer's contribution for social security, pension plans, insurance, and worker's compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities performed by the employee. ***

2. Materials and Supplies

*** List cost of materials and supplies which have been consumed or expended specifically for the purpose of this mandate. ***The cost of materials and supplies, which is not used exclusively for the mandate is limited to the pro rata portion used to comply with this mandate.

3. Contracted Services

Provide 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, if applicable, show the inclusive dates when services were performed, and itemize all costs for those services. For fixed price contracts list only the activities performed, the dates services were performed, and the contract price. ***

4. Fixed Assets

List the purchase price paid for equipment and other fixed assets acquired for this mandate. Purchase price includes taxes, delivery costs, and installation costs. If the equipment or other capital asset is used for purposes other than this mandate, only the pro rata purchase price can be claimed. ***

5. Travel

Travel expenses for mileage, transportation, per diem, lodging, parking, and other employee entitlements are reimbursable in accordance with the rules of the local school district. Provide the name(s) of the person(s) traveling, purpose of the travel, inclusive dates and time of travel, destination(s), and travel expenses. ***

6. Training

The cost oftraining for activities specified in Section IV can be claimed. Identify the employee(s) by name and job classification. Provide the name of the training session, the dates attended and the location. Reimbursement costs include, but are not limited to, salaries and benefits of personnel conducting or attending the training, registration fees, and travel expenses. ***

B. Indirect Costs

1. School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.
2. County offices of education must use the J- 580 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the Sate Department of Education.

VI. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets to show evidence of the validity of costs. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim was filed or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of the initial payment of the claim. These documents must be made available to the State Controller's Office on request.

VII. DATA FOR DEVELOPMENT OF THE STATEWIDE COST ESTIMATE

The State Controller's claiming instructions shall include a request for claimants to send an additional copy of the completed test claim specific form for each of the initial years' reimbursement claims by mail or facsimile to the Commission on State Mandates, 1300 I Street, Suite 950, Sacramento, CA 95814, Facsimile Number: (916) 445-0278. Although providing this information to the Commission on State Mandates is not a condition of reimbursement, claimants are encouraged to provide this information to enable the Commission to develop a statewide cost estimate.

VIII. OF'FSETTWG SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this mandate must be deducted from the costs claimed. In addition, reimbursement for this mandate received 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.

IX. REQUIRED CERTIFICATION

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.

EXHIBIT B

STATEMENT OF DECISION

BEFORE THE

COMMISSION ON STATE MANDATES

STATE'OF CALIFORNIA

IN RE TEST CLAIM ON: Education Code Sections 33126, 35256, 35256.1, 35258, 41409 and 41409.3 as added by Chapter 918, Statutes of 1997, et al. And filed on December 31, 1997; By Bakersfield City School District and Sweetwater Union High School District, Co-Claimants.	NO. 97-TC-21 *School Accountability Report Cards* STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5, ARTICLE 7. Adopted on April 23, 1998

STATEMENT OF DECISION

The attached Statement of Decision is hereby adopted by the Commission on State Mandates on April 23, 1998.

Date: May 26, 1998

Paula Higashi

PAULA HIGASHI
Executive Director

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BEFORE THE

COMMISSION ON STATE MANDATES

IN RE TEST CLAIM ON:	NO. 97-TC-21
Education Code Sections 33126, 35256, 35256.1, 35258, 41409 and 41409.3 as added by Chapter 918, Statutes of 1997, et al.	*School Accountability Report Cards*
And filed on December 31, 1997;	STATEMENT *OF* DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5, ARTICLE 7.
By Bakersfield City School District and Sweetwater Union High School District Co-Claimants.	Adopted on April 23, 1998

STATEMENT OF DECISION

The Commission on State Mandates (Commission) on April 23, 1998, heard this test claim during a regularly scheduled hearing. Mr. Wayne Stapley and Dr. Dale Russell appeared for the Bakersfield City School District, Mr. Lawrence Hendee appeared for Sweetwater Union High School District, Mr. James A. Cunningham appeared for San Diego Unified School District, Dr. Carol Berg appeared for Education Mandated Cost Network, and Mr. James Apps appeared for the Department of Finance.

At the hearing, evidence both oral and documentary was introduced, the test claim was submitted, and the vote was taken.

The law applicable to the Commission's determination of a test claim is Government Code section 17500 et seq. and section 6, article XIII B of the California Constitution and related case law.

The Commission, by a vote of 7-0 approved this test claim.

Issue

> Do the provisions of the test claim legislation on school accountability report cards, impose a new program or higher level of service upon school districts within the meaning of section 6, article XIII B of the California Constitution and Government Code section 175141

Prior Law

School accountability report cards were added to the Education Code on November 8, 1988, when California voters approved Proposition 98. Among other things, Proposition 98 added sections 33126 and 35256 to the Education Code. Section 33126 sets forth the following requirements:

- the Superintendent of Public Instruction is *to* prepare a model school accountability report card *to* be adopted by the Board of Education as the statewide model by March 1, 1989; and
- the model shall include, but is not limited to, assessment of thirteen school elements.

Section 35256 sets forth the following requirements:

- the school accountability report card shall include, but is not limited to, the conditions listed in section 33126;
- the governing board of each school district shall, triennially, compare the school district's card to the model; and
- the school district shall prepare and issue school accountability report cards for each school in the school district.

Test Claim Legislation

Chapter 1463, Statutes of 1989, added sections 35256.1 and 41409.3 to the Education Code. Together, these sections require school districts to add information on salaries paid to teachers, school site principals, and school district superintendents to the district's school accountability report card. In addition, these sections require school districts to include information pertaining to certain statewide salary averages and percentages of salaries to total school budget in the district's report card.

Chapter 759, Statutes of 1992, amended Education Code section 41409 to require the Superintendent of Public Instruction to report the statewide salary information based upon a comparison of total expenditures rather than total school budget. This information is to be provided by the Superintendent of Public Instruction to school districts for inclusion in their school accountability report cards.

Chapter 1031, Statutes of 1993, added subsection (14) to Education Code section 33126, Subsection (14) requires school districts to report "the degree to which pupils are prepared to enter the work force,"

Chapter 824, Statutes of 1994, added subsections (15) and (16) to Education Code section 33216. Subsection (15) requires school districts to report "[t]he total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per year required by state law, separately stated for each grade level." Subsection (16) requires school districts to report "[t]he total number of minimum days, . . . , in the school year."

Chapter 912, Statutes of 1997, made numerous amendments to Education Code section 33126. Under Chapter 912, Statutes'of 1997, school districts are now required to include the following information in their school accountability report cards:

- results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including pupil achievement by grade level as measured by the statewide assessment (§ 33126, subd, (b)(1));
- for schools with high school seniors, the average verbal and math Scholastic Assessment Test scores to the extent such scores are provided to the school and the average percentage of high school seniors taking the exam for the most recent three-year period (§ 33126, subd. (b)(1));
- the one-year dropout rate for the schoolsite over the most recent three-year period (§ 33126, subd. (b)(2));
- the distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1-3, inclusive, participating in the Class Size Reduction Program for the most recent three-year period (§ 33126, subd. (b)(4));
- the total number of the school's credentialed teachers, the number of teachers relying on emergency credentials, and the number of teachers working without credentials for the most recent three-year period (§ 33126, subd. (b)(5));
- any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period (§ 33126, subd. (b)(5));
- the annual number of schooldays dedicated to staff development for the most recent three-year period (§ 33126, subd. (b)(10)); and
- the suspension and expulsion rates for the most recent three-year period (§ 33126, subd. (b)(11)).

Chapter 918, Statutes of 1997, added section 35258 to the Education Code, Section 35258 requires those school districts that are connected to the Internet to make their school accountability report card available on the Internet and to update the information annually,

Commission Findings

In order for a statute, which is the subject of a test claim, to impose a reimbursable state mandated program, the statutory language (1) must direct or obligate an activity or task upon local governmental entities, and (2) the required activity or task must be new or it must create an increased or higher level of service over the former required level of service, To determine if a required activity is new or imposes a higher level of service, a comparison must be undertaken between the test claim legislation and the legal requirements in effect immediately prior to the enactment of the test claim legislation.[1] Finally, the newly required activity or increased level of service must be state mandated.[2]

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[1] Mr. James A. Cunningham testified that the Claimant disagrees with this interpretation of the *Lucia Mar* holding. Mr. Cunningham stated that although the same conclusion can be reached, the Claimant does not agree with the analysis or interpretation of the case law in this decision,

[2] *County of Los Angeles* v. *Stare of California* (1987) **43** Cal.3d 46, *56; Carmel Valley Fire Protection* ***Dist.*** v. *State of California* (1987) 190 Cal.App.3d 521, *537; Lucia Mar Unified School Dist.* v. *Honig* (1988) **44** Cal.3d 830, *835.*

The Commission found that the thirteen elements that are found in Proposition 98 are not reimbursable, because those activities fell under the exception in Government Code section 17556, subdivision (f).[3]

The Commission found that Chapter 1463, Statutes of 1989, added sections 35256.1 and 41409.3 to the Education Code requiring school districts to add information on salaries paid to teachers, school site principals, and school district superintendents to the district's school accountability report card, In addition, the Commission found these sections require school districts to include information on certain statewide salary averages and percentages of salaries to total school budget in the district's report card.

The Commission found that Chapter 759, Statutes of 1992, amended Education Code section 41409 to require school districts to include statewide salary information which is provided to school districts by the Superintendent of Public Instruction for inclusion in their school accountability report cards,

The Commission found that Chapter 1031, Statutes of 1993, added subsection (14) to Education Code section 33126 which requires school districts to report "the degree to which pupils are prepared to enter the work force."

The Commission found that Chapter 824, Statutes of 1994, added subsections (15) and (16) to Education Code section 33216. Subsection (15) requires school districts to report "[t]he total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per year required by state law, separately stated for each grade level." Subsection (16) requires school districts to report "[t]he total number of minimum days, . . . , in the school year."

The Commission found that Chapter 912, Statutes of 1997, amended Education Code section 33126 to require school districts to include the following information in their school accountability report cards:

- results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including pupil achievement by grade level as measured by the statewide assessment (§ 33126, subd. (b)(1));[4]
- for schools with high school 'seniors,the average verbal and math Scholastic Assessment Test scores to the extent such scores are provided to the school and the average percentage of high school seniors taking the exam for the most recent three-year period (§ 33126, subd. (b)(1));
- the one-year dropout rate for the schoolsite over the most recent three-year period (§ 33126, subd. (b)(2));

Government Code section 17756. Findings, reads, "The commission shall not find costs mandated by the state, , . . , in any claim submitted by a local agency or school district, if, after a hearing, the commission finds that: , . , (f) The statute or executive order imposed duties that were expressly included in a ballot measure approved by the voters in a statewide election."

All section references are to the Education Code unless otherwise stated.

- the distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1-3, inclusive, participating in the Class Size Reduction Program, for the most recent three-year period (§ 33126 subd. (b)(4));
- the total number of the school's credentialed teachers, the number of teachers relying on emergency credentials, and the number of teachers working without credentials for the most recent three-year period (§ 33126, subd. (b)(5));
- any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period (§ 33126, subd. (b)(5));
- the annual number of schooldays dedicated to staff development for the most recent three-year period (§ 33126, subd. (b)(10)); and
- the suspension and expulsion rates for the most recent three-year period (§ 33126, subd, (b)(11)).

The Commission found that Chapter 918, Statutes of 1997, added section 35258 to the Education Code requiring those school districts that are connected to the Internet to make their school'accountability report card available on the Internet and to update the information annually.

The Commission found costs incurred by a school district before the operative date of a statute are not reimbursable. The Commission found that the operative date for the 1997 statutes is January 1, 1998, not October 12, 1997, the date the legislation was signed by the Governor,[5] Therefore, the Cornmission found reimbursement for the 1997 statutes begins on January 1, 1998.[6]

Conclusion

The Commission concludes that Chapter 1463, Statutes of 1989 (adding Education Code sections 35256.1 and 41409.3), Chapter 759, Statutes of 1992 (amending Education Code section 41409), Chapter 1031, Statutes of 1993 (adding subsection 14 to Education Code section 33126), Chapter 824, Statutes of 1994 (adding subsections 15 and 16 to Education Code section 33126), Chapter 912, Statutes of 1997 (amending Education Code section 33126), and Chapter 918, Statutes of 1997 (adding Education Code section 35258), impose a new program or higher level of service upon local school districts and therefore are reimbursable under section 6, article XIII B of the California Constitution and Government Code section 17514.

The Cornmission finds the following to be state mandated activities and therefore, reimbursable under section 6, article XIII B of the California Constitution and Government Code section

[5] The Commission found Government Code section 17565 applies to the present test claim. Government Code section 17565 states "If a local agency or a school district, at its option has been incurring costs which are subsequently mandated by the state, the state shall reimburse the local agency or school'district for those costs incurred after the operative date of the mandate."

[6] The claimants did not agree with this finding. Mr. Lawrence Hendee and Mr. James A. Cunningham testified that the reimbursement period for these items should begin on October 12, 1997, the date the Governor signed the bill into law. Claimants contended that school districts implemented these activities upon signing of the bill by the Governor and therefore, should be reimbursed from that date.

17514. Reimbursement would include direct and indirect costs to compile, analyze, and report the specific information listed below in a school accountability report card,

The Commission concludes that reimbursement for inclusion of the following information in the school accountability report card begins on July 1, 1996:

- Salaries paid to schoolteachers, school site principals, and school district superintendents.
- Statewide salary averages and percentages of salaries to total expenditures in the district's school accountability report card,
- "The degree to which pupils are prepared to enter the work force."
- "The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per year required by state,law, separately stated for each grade level."
- "The total number of minimum days, . . . , in the school year."
- Salary information provided by the Superintendent of Public Instruction.

The Commission concludes that reimbursement for inclusion of the following information in a school accountability report card begins on January 1, 1998:

- Results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including pupil achievement by grade level as measured by the statewide assessment.
- The average verbal and math Scholastic Assessment Test (SAT) scores for schools with high school seniors to the extent such scores are provided to the school and the'average percentage of high school seniors taking the exam for the most recent three-year period,
- The one-year dropout rate for the schoolsite over the most recent three-year period.
- The distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1-3, inclusive, participating in the Class Size Reduction Program for the most recent three-year period,
- The total number of the school's credentialed teachers, the number of teachers relying on emergency credentials, and the number of teachers working without credentials for the most recent three-year period,
- Any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period,
- The annual number of schooldays dedicated to staff development for the most receqt three-year period,
- The suspension and expulsion rates for the most recent three-year period.

The Commission 'concludes that reimbursement for posting and annually updating school accountability report cards on the Internet, if a school district is connected to the Internet, begins on January 1, 1998.

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EXHIBIT C

CLAIMANT'S PROPOSED PARAMETERS AND GUIDELINES

SWEETWATER UNION HIGH SCHOOL DISTRICT

DMSION OF FISCAL SERVICES
113'0 FIFTH AVENUE
CHULA VISTA, CA 9191 1-2896
(619) 585-6177

MAY 8 1998
COMMISSION ON
STATE MANDATES

May 4, 1998

Paula Higashi Executive Director
Commission on State Mandates
1300 I Street Suite 950
Sacramento CA 95814

Dear Ms. Higashi,

RE: Test Claim of Sweetwater Union High School District and Bakersfield City School District
Chapter 918, Statutes of 1997 et al.
School Accountability Report Cards

Pursuant to the action of the Commission on State Mandates on **April 23,** 1998, Agenda Item # 8, you will find enclosed the original and three (3) copies of the proposed Parameters and Guidelines for the School Accountability Report Cards.

Please take the necessary action to place the Parameters and Guidelines on the Commissions agenda as soon as possible.

Contact persons for each school district remain:

Lawrence L, Hendee, Coordinator/Mandated Costs
Sweetwater Union High School District
1130 Fifth Avenue
Chula Vista CA 91911-2896

Wayne Stapley, Director/Financial Services
Bakersfield City Elementary School District
1300 Baker Street
Bakersfield **CA** 93305-4399

Please forward all correspondence to both parties,

Sincerely,

Lawrence L. Hendee
Coordinator Mandated Costs

c: Diana Halpenny, Chair, Education Mandated Cost Network
Keith Peterson, Special Counsel, Education Mandated Cost Network
Dr. Carol Berg, School Services of California
James Cunningham, San Diego City Schools

CSM 97-TC-21
PROPOSED PARAMETERS **AND** GUIDELINES

Chapter 918, Statutes of 1997
Chapter 912, Statutes of 1997
Chapter 824, Statutes of 1994
Chapter 1031, Statutes of 1993
Chapter 759, Statutes of 1992
Chapter 1463, Statutes of 1989
Education Code Section 33126
Education Code Section 35256
Education Code Section 35256.1
Education Code Section 35258
Education Code Section 41409.3

School Accountability Report Cards

I. SUMMARY OF THE MANDATE

Proposition 98, an initiative measure approved by the California voters, required each school in each school district to develop and issue a school accountability report cards, Proposition 98 set forth thirteen items that were to be included in the school accountability report cards. Statutes adopted after the approval of Proposition 98 added new subjects to be included in the school accountability report card. The Commission on State Mandates, in its Statement of Decision adopted at the April 22, 1998, determined that the requirements in these statutes impose new programs or higher levels of service, within the meaning of section 6, article XIII B of the California Constitution,

II. 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.

III. PERIOD OF REIMBURSEMENT

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed by the claimant(s) on December 31, 1997. Therefore, all costs incurred on or after July 1, 1996, for Chapters 824/94, 1031/93, 759/92, and 14631/89 are eligible for reimbursement, and, all costs incurred on or after January 1, 1998, for Chapters 912/97 and 918/97 are eligible for reimbursement, pursuant to these parameters and guidelines.

Actual costs for one fiscal year should be included in each reimbursement 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 years' costs shall be submitted within 120 days of issuance of the claiming instructions by the State Controller.

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

IV. REIMBURSABLE ACTIVITIES

The direct and indirect costs of labor, materials and supplies, contracted services, fixed assets, and travel incurred for the following mandate components are reimbursable:

1. Activities related to the to the collection and updating of data, preparation of analyses, and the preparation of the provisions in the school accountability report cards (excluding the original thirteen provisions of Proposition 98) can be claimed[1]; and,

---

[1] For the period July 1, 1996 through December 31, 1997, the required data and analyses includes the reporting of the following:

1. The degree to which pupils are prepared to enter the workforce;
2. The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level;
3. The total number of minimum days, as specified in Education Code sections 46112, 46113, 46117, and 46141, in the school year;
4. The beginning, median, and highest salary paid to teachers in the district, as reflected in the district's salary scale;
5. The average salary for schoolsite principals in the district;
6. The salary of the district superintendent;
7. Based upon the state summary information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Education Code section 41409, the statewide average salary for the appropriate size and type of district for the following:
   a. beginning, mid-range, and highest salary paid to teachers;
   b. school site principals; and
   c. district superintendents;
8. The statewide average of the percentage of school district expenditures allocated for the salaries of administrative personnel for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of section 41409 of the Education Code;
9. The percentage allocated under the district's corresponding fiscal year expenditure for the salaries of administrative personnel, as defined in Education Code sections 1200, 1300, 1700, 1800, and 2200 of the California School Accounting Manual published by the State Department of Education;
10. The statewide average of the percentage of school district expenditures allocated for the salaries of teachers for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction, pursuant of subdivision (a) of Section 41409 of the Education Code; and,
11. The percentage expended under the district's corresponding fiscal budget for the salaries of teachers, as defined in Section 1100 of the California School, Accounting Manual published by the State Department of Education.

For the period beginning January 1, 1998, the required data and analyses includes the reporting of the eleven items above plus the following:

1. Results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including the pupil achievement by grade level as measured by the statewide assessment developed by the state pursuant to chapter 5 (commencing with section 60600) and chapter 6 (commencing with section 60800) of part 33 of the Education Code;
2. The average verbal and math Scholastic Assessment Test scores of high school seniors to the extent such scores are provided to the school and the average percentage of seniors taking that exam for the most recent three-year period;

2. Activities related to the annual posting of school accountability report cards on the Internet can be claimed by those school districts that are connected to the Internet,

V. CLAIM PREPARATION

Each claim for reimbursement for costs incurred to comply with this mandate must be timely filed and set forth a listing of each cost element for which reimbursement is claimed under this mandate. Claimed costs must be allocated according to the two components of reimbursable activity described in Section V.

A. DIRECT COSTS

Direct costs are defined as costs that can be specifically traced to specific goods, services, units, programs, activities, or functions.

1. Employee Salaries and Benefits

Identify the employee(s) and/or show the classification of the employee(s) involved. Describe the mandated functions performed by each employee and specify the time devoted to each function by each employee, productive hourly rate and the related fringe benefits. The average number of hours devoted to each function can be claimed if supported by a documented time study.

Reimbursement for personal services includes compensation for salaries, wages, and employee fringe benefits, Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g. annual leave, sick Ieave) and employer's contribution for social security, pension plans, insurance, and worker's compensation insurance. Fringe benefits are eligible for reimbursement when dish-ibuted equitably to all job activities which rhe employee performs.

2. Materials and Supplies

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

---

3. The one-year dropout rate listed in the California Basic Education Data System for the schoolsite over the most recent three-year period;
4. The distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1 to 3, inclusive, participating in the Class Size Reduction Program established pursuant to chapter 6.10 (commencing with section 52120) of part 28 of the Education Code, using California Basic Education Data System information for *the* most recent three-year period;
5. The total number of the school's credential teachers, the number of teachers relying upon emergency credentials and the number of teachers working without credentials for the most recent thee-year period;
6, Any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period;
7. The annual number of schooldays dedicated to staff development for the most recent three-year period; and,
8. The suspension and expulsion rates for the most recent three-year period.

3. Contracted Services

Provide 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, if applicable, show the inclusive dates when services were performed, and itemize all costs for those services. For fixed price contracts list only the activities performed, the dates services were performed and the contract price, Attach a copy of the contract to the claim.

4. Fixed Assets

List the purchase price paid for equipment and other fixed assets acquired for this mandate. Purchase price includes taxes, delivery costs, and installation costs, If the equipment or other capital asset is used for purposes other than this mandate, only the pro rata purchase price can be claimed.

5. Travel

Travel expenses, including without limitation, mileage, transportation, meals, per diem, lodging, parking, and telephone can be claimed in accordance with school district procedures. Provide the name(s) of the person(s) traveling, purpose of the travel, inclusive dates and time of travel, destination(s), and travel expenses.

6, Training

The cost for training for activities specified in Section IV can be claimed. Identify the employee(s) by name and job classification. Provide the name of the training session, the dates attended and the location. Reimbursement costs include, but are not limited to, salaries and benefits of personnel conducting or attending the training, , registration fees, and travel expenses,

B. Indirect Cost

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

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

VI. SUPPORTING DATA

Far auditing purposes, all cost claimed must be traceable to source documents and/or worksheets to show evidence and the validity of costs, Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim was filed or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of the initial payment of the claim. These documents must be made available to the State Controller's Office on request.

VII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this mandate must be deducted from the costs claimed. In addition, reimbursement for this mandate received 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.

VIII. REQUIRED CERTIFICATION

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

EXHIBIT D

LETTER FROM KEITH PETERSEN, INTERESTED PARTY

SixTen and Associates
Mandate Reimbursement Services

KEITH B. PETERSEN, MPA, JD, President
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

Telephone: (619) 514-8605
Fax: (619) 514-8645
E-Mail: Kbpsixten @aol.com

RECEIVED
JUN 1 1998
COMMISSION ON
STATE MANDATES

May 29, 1998

Paula Higashi, Executive Director
Commission on State Mandates
1300 I Street, Suite 950
Sacramento, CA 95814

Re: C.S.M.# 97-TC-21
Test Claim of Sweetwater UHSD
and Bakersfield City Elementary SD
'Chapter 918, Statutes of 1997, et al.
School Accountability Report Cards

I am responding as an interested party to the claimants' proposed parameters and guidelines for Schooi Accountability Report Card distributed by the Commission in conjunction with the Statement of Decision transmitted on May 26, 1998. I have provided a copy of this letter to the persons listed on the Commission's mailing list as updated April 24, 1998.

The parameters and guidelines as proposed by the claimants require the following additions:

"IV. REIMBURSABLE ACTIVITIES

0 0 0

(3) *Providing a copy of the school accounfability report card to each pupil's parent or guardian.*

(4) *Making administrafors and teachers available to* answer *any questions regarding the school accountability report card."*

These additional activities are required to be enumerated in the parameters and guidelines

PROOF OF SERVICE

RE: CSM.# 97-TC-21
Chapter 918, Statutes of 1997
School Accountability Report Cards

I, the undersigned, declare as follows:

I am employed in the County of San Diego, State of California. I am 18 years of age or older and am not a party to the entitled cause(s). My business address is 5252 Balboa Avenue, Suite 807, San Diego, CA 92117.

On May 29, 1998, I served the attached response of SixTen and Associates, on behalf of the claimant Alameda County Office of Education, to the parties on the attached CSM Mailing List for 97-TC-21, as updated April 24, 1998 for this claim that was provided by the Commission on State Mandates, by placing a true copy thereof to the Commission and other state agencies and persons in the United States Mail at San Diego, California, with first-class postage thereon fully prepaid,

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 May 29, 1998 at San Diego, California.

Sergio Perez

EXHIBIT E

Hearing Date: June 25, 1998
File Number: 97-TC-21

ITEM # 8

STAFF ANALYSIS

Proposed Parameters and Guidelines

Education Code Sections 33126, 35256,
35256.1, 35258, 41409 and 41409.3

Chapter 1463, Statutes of 1989
Chapter 759, Statutes of 1992
Chapter 1031, Statutes of 1993
Chapter 824, Statutes of 1994
Chapter 912, Statutes of 1997
Chapter 918, Statutes of 1997

School Accountability Report Cards

Executive Summary

Test Claim

On April 23, 1998, the Commission on State Mandates approved this test claim and determined that school districts would be reimbursed for costs to compile, analyze, and report specified information in a school accountability report card and for posting and annually updating school accountability report cards on the Internet, as specified. (See Exhibit A.)

Claimants' Proposed Parameters and Guidelines, As Amended by Staff

On May 4, 1998, the claimants submitted Proposed Parameters and Guidelines, (See Exhibit B.) Staff has reviewed this submittal and proposes minor amendments to the following sections:

Section I. Summary of the Mandate
Section III. Period of Reimbursement
Section IV. Reimbursable Activities
Section V. Claim Preparation

The most substantive amendments are to include descriptions of possible source documents to be maintained by claimants. Staff has modified text originally proposed by the State Controller's Office during the Commission staff's workshops on parameters and guidelines, Additionally, staff added a new section VII in order to obtain summary claim information directly from claimants. The Commission previously adopted this provision.

See pages five through nine for Claimant's Proposed Parameters and Guidelines, as amended by Staff.

Interested Party Comments

On May 26, 1998, Mr. Keith Petersen, Interested Party, requested that Claimant's Proposed Parameters and Guidelines be amended to include the following reimbursable activities, required under Education Code section 33126, subdivision (c), as added by Chapter 912, Statutes of 199'7:

> "(3) Providing a copy of the school accountability report card to each pupil's parent or guardian;
>
> (4) Making administrators and teachers available to answer any questions regarding the school accountability report card." (See Exhibit C.)

Staff notes that the original test claim did not allege any reimbursable activities pursuant to subdivision (c), and the Commission's Statement of Decision makes no finding concerning subdivision (c). Therefore, staff finds that the new activities proposed by Mr. Petersen are inconsistent with the Statement of Decision and cannot be added to the Parameters and Guidelines for this test claim.

Moreover, Education Code section 35256, subdivision (c) states, as follows:

> "The Governing Board of each school district shall annually issue a School Accountability Report Card for each school in the school district, publicize such reports, and notify parents or guardians of students that a copy will be provided upon request."
>
> (Added by Initiative Measure (Proposition 98), approved by the electors, November 8, 1988.)

Claimants and interested parties may wish to consider filing a test claim on Education Code section 33126, subdivision (c), as added by Chapter 912, Statutes of 1997.

Recommendation

Therefore, staff recommends that the Commission adopt the Claimants' Proposed Parameters and Guidelines, as amended by Commission staff. (See following pages.)

Hearing: June 25, 1998
File: CSM 97-TC-21
Document Date: June 15, 1998

CLAIMANTS' PROPOSED PARAMETERS AND GUIDELINES AS AMENDED BY COMMISSION STAFF - June 15, 1998

Chapter 918, Statutes of 1997
Chapter 912, Statutes of 1997
Chapter 824, Statutes of 1994
Chapter 1031, Statutes of 1993
Chapter 759, Statutes of 1992
Chapter 1463, Statutes of 1989
Education Code Section 33126
Education Code Section 35256
Education Code Section 35256.1
Education Code Section 35258
Education Code Section 41409
Education Code Section 41409.3

School Accountability ***Report*** *Cards*

I. SUMMARY OF THE MANDATE

Proposition 98, an initiative measure approved by the California voters, required each school in each school district to develop and issue a school accountability report cards. Proposition 98 set forth thirteen items that were to be included in the school accountability report cards. Statutes adopted after the approval of Proposition 98 added new subjects to be included in the school accountability report card. The Commission on State Mandates, in its Statement of Decision adopted at the April ~~22~~, 23, 1998 hearing, determined that the requirements in these statutes impose a new programs or higher levels of service upon school districts, within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514.

II. 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.

III. PERIOD OF REIMBURSEMENT

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed by the claimants ~~claimant(s)~~ on December 31, 1997. Therefore, all costs incurred on or after July 1, 1996, for Chapters 824/1994, 1031/1993, 759/1992, and 1463~~1~~/1989 are eligible for reimbursement, and, all costs incurred on or after January 1, 1998, for Chapters 912/1997 and 918/1997 are eligible for reimbursement, pursuant to these parameters and guidelines.

Actual costs for one fiscal year should be included in each reimbursement 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 years' costs shall be submitted within 120 days of issuance of the claiming instructions by the State Controller.

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

IV. REIMBURSABLE ACTIVITIES

The direct and indirect costs of labor, materials and supplies, contracted services, fixed assets, ~~and~~ travel, and training incurred for the following mandate components are ~~reimbursable~~ eligible for reimbursement:

Component 1 - Compilation, Analysis, and Reporting of Data

~~1. Activities related to the to the~~ The collection and updating of data, preparation of analyses, and the preparation of the provisions in the school accountability report cards (excluding the original thirteen provisions of Proposition 98) can be claimed.[1] ~~; and,~~

---

[1] For the period beginning July 1, 1996 ~~through December 31, 1997~~, the required data and analyses includes the reporting of the following:

1. The degree to which pupils are prepared to enter the workforce;
2. The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level;
3. The total number of minimum days, as specified in Education Code sections 46112, 46113, 46117, and 46141, in the school year;
4. The beginning, median, and highest salary paid to teachers in the district, as reflected in the district's salary scale;
5. The average salary for schoolsite principals in the district;
6. The salary of the district superintendent;
7. Based upon the state summary information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Education Code section 41409, the statewide average salary for the appropriate size and type of district for the following:
   a. beginning, mid-range, and highest salary paid to teachers;
   b. school site principals; and
   c. district superintendents;
8. The statewide average of the percentage of school district expenditures allocated for the salaries of administrative personnel for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of section 41409 of the Education Code;
9. The percentage allocated under the district's corresponding fiscal year expenditure for the salaries of administrative personnel, as defined in Education Code sections 1200, 1300, 1700, 1800, and 2200 of the California School Accounting Manual published by the State Department of Education;
10. The statewide average of the percentage of school district expenditures allocated for the salaries of teachers for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction, pursuant to ~~of~~ subdivision (a) of Section 41409 of the Education Code; and,
11. The percentage expended under the district's corresponding fiscal budget for the salaries of teachers, as defined in Section 1100 of the California School Accounting Manual published by the State Department of Education.

Component 2. Internet Posting

~~2. Activities related to the~~ Annual posting of school accountability report cards on the Internet can be claimed by those school districts that are connected to the Internet,[2]

V. CLAIM PREPARATION

Each reimbursement claim ~~for reimbursement~~ for costs incurred to comply with this mandate must be timely filed and set forth a listing of each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified ~~allocated~~ according to the two components of reimbursable activity described in Section IV of this document.

Supporting Documentation

Claimed costs should be supported by the following information:

A. Direct Costs

Direct costs are defined as costs that can be ~~specifically~~ traced to specific goods, services, units, programs, activities, or functions.

1. Employee Salaries and Benefits

Identify the employee(s) and/or show the classification of the employee(s) involved, Describe the mandated functions performed by each employee and specify the time devoted to each function by each employee, productive hourly rate and the related fringe benefits. The average'number of hours devoted to each function can be claimed if supported by a documented time study.

Reimbursement for personal services includes compensation for salaries, wages, and employee fringe benefits. Employee fringe benefits include regular compensation paid

---

For the period beginning January 1, 1998, the required data and analyses includes the reporting of the eleven items above plus the following:

1. Results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including the pupil achievement by grade level as measured by the statewide assessment developed by the state pursuant to chapter 5 (commencing with section 60600) and chapter 6 (commencing with section 60800) of part 33 of the Education Code;
2. The average verbal and math Scholastic Assessment Test scores of high school seniors to the extent such scores are provided to the school and the average percentage of seniors taking that exam for the most recent three-year period;
3. The one-year dropout rate listed in the California Basic Education Data System for the schoolsite over the most recent three-year period;
4. The distribution of class sizes at the schoolsite by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1 to 3, inclusive, participating in the Class Size Reduction Program established pursuant to chapter 6.10 (commencing with section 52120) of part 28 of the Education Code, using California Basic Education Data System information for the most recent three-year period;
5. The total number of the school's credentialed teachers, the number of teachers relying upon emergency credentials and the number of teachers working without credentials for the most recent three-year period;
6. Any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period;
7. The annual number of schooldays dedicated to staff development for the most recent three-year period; and,
8. The suspension and expulsion rates for the most recent three-year period.

[2] For the period beginning January 1,1998,

to an employee during periods of authorized absences (e.g. annual leave, sick leave) and employer's contribution for social security, pension plans, insurance, and worker's compensation insurance, Fringe benefits are eligible for reimbursement when distributed equitably to all job activities performed by the employee ~~which the employee performs~~.

Source documents may include, but are not limited to, time sheets, payroll records, cancelled payroll warrants, organization charts, duty statements, pay rate schedules, and other documents evidencing employee salaries and benefits expenses claimed for reimbursement.

2. Materials and Supplies

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

Source documents may include, but are not limited to, general and subsidiary ledgers, invoices, purchase orders, receipts, cancelled warrants, inventory'records, and other documents evidencing materials and supplies expenses claimed for reimbursement,

3. Contracted Services

Provide 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, if applicable, show the inclusive dates when services were performed, and itemize all costs for those services. For fixed price contracts list only the activities performed, the dates services were performed, and the contract price. ~~Attach a copy of the contract to the claim.~~

Source documents may include, but are not limited to, general and subsidiary ledgers, contracts, invoices, canceled warrants, and other documents evidencing contracted services expenses claimed for reimbursement.

4. Fixed Assets

List the purchase price paid for equipment and other fixed assets acquired for this mandate. Purchase price includes taxes, delivery costs, and installation costs. If the equipment or other capital asset is used for purposes other than this mandate, only th pro rata purchase price can be claimed.

Source documents may include, but are not limited to, invoices, receipts, purchase orders, and other documents evidencing fixed asset expenses claimed for reimbursement.

5. Travel

Travel expenses~~, including without limitation,~~ for mileage, transportation, ~~meals,~~ pe diem, lodging, parking, and other employee entitlements are reimbursable ~~telephone can be claimed~~ in accordance with the rules of the local school district ~~procedures.~~ Provide the name(s) of the person(s) traveling, purpose of the travel, inclusive dates and time of travel, destination(s), and travel expenses.

Source documents may include, but are not limited to, employee travel expense claims, receipts, and other documents evidencing travel expenses claimed for reimbursement,

6. Training

The cost for training for activities specified in Section IV can be claimed. Identify the employee(s) by name and job classification. Provide the name of the training session, the dates attended and the location. Reimbursement costs include, but are not limited to, salaries and benefits of personnel conducting or attending the training, registration fees, and travel expenses.

Source documents may include, but are not limited to, registration forms, receipts, and other documents evidencing training expenses claimed for reimbursement.

B. Indirect Costs

1. School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.
2. County offices of education must use the IJ- 580 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the Sate Department of Education.

VI. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets to show evidence 0f ~~and~~ the validity of costs. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim was filed or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of the initial payment of the claim. These documents must be made available to the State Controller's Office on request.

VII. DATA FOR DEVELOPMENT OF THE STATEWIDE COST ESTIMATE

The State Controller is directed to include in her claiming instructions the request for claimants to send an additional copy of the completed test claim specific form for each of the initial years' reimbursement claims by mail or facsimile to the Commission on State Mandates, 1300 I Street, Suite 950, Sacramento, **CA** 95814, Facsimile Number: (916) 445-0278. Although providing this information to the Commission on State Mandates is not a condition of reimbursement, claimants are encouraged to provide this information to enable the Commission to develop a statewide cost estimate.

~~VII.~~ VIII. OFFSETTING SAVINGS AND OTHER WIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this mandate must be deducted from the costs claimed. In addition, reimbursement for this mandate received 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.

~~VIII.~~ IX. REQUIRED CERTIFICATION

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

GIRARD &
ATTORNEYS AT LAW
VINSON

JUN 25 1998

EXHIBIT F

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OF COUNSEL
Sally Jensen Dutcher

June 24, 1998

***Via Facsimile** and First Class Mail*
(916) 445-0278

Paula Higashi, Executive Director
Commission on State Mandates
1300 "I" Street, Suite 950
Sacramento, CA 95814

Re: Comments Regarding Proposed Parameters and Guidelines
School Accountability Report Cards/CSM No.: 97-TC-21

Dear Paula:

On behalf of Mandated Cost System, Inc., I submit the following comments regarding the proposed Parameters and Guidelines as analyzed and amended by staff on June 18, 1998. I apologize for the delay in submitting these comments, however, your letter to test claimant dated May 26, 1998 requested all interested parties delay in filing coinments until the staff had completed its analysis and recommendations. I did not receive a copy of the staff's analysis and recommendation until June 18, 1998.

My primary concern with the proposed Parameters and Guidelines is the lack of specificity regarding the five issues listed below:

ISSUES:

1. What does it mean to be '(connectedto the Internet"? Does a school district have to have a dedicated access or will a dial-up account be considered "connected to the Internet"?

2. At what point does a school district become connected to the Internet? Is a school district connected to the Internet if an individual school site is connected to the Internet?

3. If a school district is not currently connected to the Internet, but subsequently becomes connected to the Internet, must it comply with the mandate of Education Code section 35258?

4, For those school districts connecting to the Internet after July 1, 1998 are the costs of complying with Education Code section 35258 reimbursable mandated costs?

5. Must a school post its School Accountability Report Card on its own computer server?

CONCLUSIONS:

1. Any "access" to the Internet would be considered "connected to the Internet." Most school districts, with the exception of possibly Los Angeles Unified School District, are not large enough to bypass an Internet Service Provider (ISP) and actually become an integral part of the Internet. A school district with a dedicated access or a school district with a dial-up account will be considered connected to the Internet.

2. **A** school district becomes connected to the Internet anytime one or more of its sites or administrative office has access to the Internet.

3. School districts who subsequently become connected to the Internet after July 1, 1998 must comply with the mandate of Education Code section 35258.

4. The costs of complying with Education Code section 35258 are reimbursable mandated costs to those school districts connecting to the Internet after July 1, 1998.

5. A school district is not required to post its School Accountability Report Card on its own computer server. **A** school district can post its School Accountability Report Card in a number of different ways (e.g., using its own server to create a website, design a website to be posted on an Internet Service Provider's website or some other third party's server, purchase hardware and software and design its own website or FTP site, etc.).

In order to avoid confusion in the claiming process, Mandate Cost Systems, Inc. recommends the following revisions and/or amendments to the proposed Parameters and Guidelines:

"Component 2. Internet Posting

For the period beginning January 1, 1998, annual posting[1] of school accountability report cards on the Internet can be claimed by those

[1] *A school district can "post" its School Accountability Report Cards on the Internet in a number of different ways (e.g., using its own Server to create a website, or it can design a website to be posted on an Internet Service Provider's website or some other third party's server, or it can purchase hardware and software and design its own website or FTP site, etc.).*

school districts that are connected to the Internet."[2]

ANALYSIS:

I. *SUMMARY* OF THE MANDATE

Chapter 918, Statutes of 1997 (AB 568) added section 35258 to the Education Code which states in pertinent part:

> "On or before July 1, 1998, each school district that is connected to the Internet shall make the information contained in the School Accountability Report Card developed pursuant to section 35256 accessible on the Internet. The School Accountability Report Card information shall be updated annually." (Emphasis added)

The Commission on State Mandates, at its April 23, 1998 meeting, adopted a Statement of Decision finding a reimbursable mandate in Chapter 918, statutes of 1997. The Statement of Decision states in pertinent part:

> "The Commission concludes that reimbursement for posting and annually updated School Accountability Report Cards on the Internet, if the school district is connect to the Internet, begins on January 1, 1998." (Emphasis added)

The test claimant has proposed the following parameters and guidelines for the reimbursable activities of Chapter 918, Statutes 1997:

> "The direct and indirect costs of labor, materials and supplies, contracted services, fixed assets, travel, and training incurred for the following mandate components are eligible for reimbursement
>
> * * *
>
> Component 2. Internet Posting

[2] *The expression "connected to the Internet" means any access to the Internet (e.g., ISDN, dial-up accounts, dedicnted access, etc.) by any one or more of a school district's school sites or administrative sites.*

> Annual posting of school accountability report cads on the Internet can be claimed by those school districts that are connected to the Internet."

II. ANY ACCESS TO THE INTERNET WILL BE CONSIDERED "CONNECTED TO THE INTERNET"

Chapter 918, Statutes of 1997 does not define what is meant by "connected to the Xnternet." As used in the context of this legislation this expression is arguably ambiguous because no one but first tier Internet Service Providers are technically "connected to the Internet." Moreover, temporary connections to the Internet can be made in a number of different ways. Some school districts have simple ISP (Internet Service Provider) dial-up access accounts to the Internet which allow them to convect to the Internet through a modem and a phone line. Or some school districts may have a single site (typically an administrative site) that has a high speed connection *to* the Internet which provides access to the Internet for other school sites through a wide area network (WAN). Further still, some school districts may have administrative sites and/or school sites where certain administrators alone have Internet access in individual stand alone computers. But in all these arrangements no one is technically "connected" to the Internet other than during the time they are currently dialed into and connected to the Internet.

In order to determine what is meant by the term "connected" to the Internet, the courts will turn to the common law and codified maxims of statutory construction as outlined below.

Statutory Interpretation:

The fundamental task of statutory construction is to ascertain legislative intent so as to effectuate the purpose of the law. (Code of Civil Procedure section 1859; People v. Cruz, (1996) 13 Cal. App. 4th 764, 774-775, 55 Cal. Rptr. 2d 117). In order to determine legislative intent, courts begin by examining the language of the statute and reviewing **any** explicit legislative intent. When statutory language was clear and unambiguous, there is no need for construction and a court should not indulge in it. A statutory phrase is clear and unambiguous if the meaning assigned to it is not in conflict with other language in the same act (Dubins v. Regency of University of California (1994) 25 Cal. App. 4th 77, 83, 30 Cal. Rptr. 2d 336). The unambiguous language must be given its plain meaning, and rules of statutory construction are applied only if there is ambiguity or conflict in the statute's provisions or if a literal interpretation would lead to an absurd consequence. (Droeger v. Friedman, Sloan, and Ross, (1991) 54 Cal. 3d 26, 38, 238 Cal. Rptr. 584).

Words in a statute should, unless otherwise clearly indicated, be given their usual, ordinary, common sense meaning (Walnut Creek Manor v. Fair Employment and Housing

Commission, (1991) 54 Cal. 3d 245, 268, 284 Cal. Rptr. 718). In according words their usual, ordinary, and common sense meaning the purpose for which this statute was adopted should be kept in mind. (Hamilton v. State Board of Education, (1981) 117 Cal. **App.** 3d 132, 141, 172 Cal. Rptr. 748) When a word of common usage has more than one meaning, the one which will best attain the purposes of the statute should be adopted, even though the ordinary meaning of the word is thereby enlarged or restricted. (Sierra Club v. Hayward, (1981) 28 Cal. 3d 840, 860, 861 Note 12, 171 Cal. Rptr. 619).

In this case, the courts will turn to standard dictionary definitions to determine the commonly understood meaning of the word. (Citation to Muscolino v. Superior Court, 172 Cal. App. 2d 525, 341p2d733) Webster's Ninth New Collegiate Dictionary defmes "connected" as follows:

> "Connected *ndj* (1712) **1**:joined or linked together..,"

Black's Law Dictionary (6th Edition) defmes "connected" as:

> "Connected. Joined; united by junction, by an intervening substance or medium, by dependents or relation, or by order in a series.''

Using the above definitions of the word "connected" it becomes apparent that school districts should be considered connected to the Internet if it has a method of "joining or linking" itself to the Internet. Typically, Internet connections are made via telephone lines or dedicated lines with higher speed access to the Internet such as ISDN, T-1 or T-3. In order to be "connected" (or joined) through the Internet, the school district would need to have access to one of these types of connectivity along with the appropriate hardware and software to make the connection to the Internet. As such, the school districts should be considered "connected to the Internet" if it has access to the Internet through hardware and software located in the school district. This interpretation is consistent with the legislative intent as iudicated in Chapter 918, Statutes'of 1997 wherein the legislature indicates as follows:

> "The legislature finds and declares that, although,our state has embraced technology and creating a revolution of growth, our schools have not kept pace with this technological revolution. Access to information through the use of technology has become an integral and crucial part in the decision making process of government, industry, and the home. However, ow schools do not facilitate access to information through one of the most available information technology mediums, the Internet.

> It is the intent of the legislature to improve the access of parents and community to school based information."

To narrowly interpret the expression "connected to the Internet" as limited to a school district with a first tier connection to the Internet (which I am Unaware of any school district in the State of California who has such a connection to the Internet) would be to exclude almost every school district in the State from the requirements of Chapter 918, Statutes of 1997. This would be highly inconsistent with the intent of the legislature to provide access to information over the Internet for parents.

III. A SCHOOL DISTRICT IS CONNECTED TO THE INTERNET IF ANY ONE OR MORE OF ITS SITES HAS ACCESS TO THE INTERNET

The term "school district" is not defined in Chapter 918, Statutes of 1997. As we are all aware, school districts are comprised of many school district sites as well as single or multiple administrative sites. Some school districts provide centralized access to the Internet through its administrative site (typically large school districts with larger resources can afford this type of access) while the smaller school districts provide Internet access through its each individual sites including the administrative site (typically by way of dial-up modem accounts). The only interpretation of "school district" consistent with the legislative intent as stated above, would be to conclude that any access by any school site or administrative site would be deemed a "school district" connection to the Internet. To limit the interpretation of "school district" to only centralized accessed by the administrative site would be to exclude eighty (80%) percent or more of the school districts in the state which currently have access through the school sites -- which is arguably the most important place to have access to the Internet if we are going to educate ow pupils in new technology,

IV. SCHOOL DISTRICTS WHO SUBSEQUENTLY BECOME CONNECTED TO THE INTERNET AFTER *JULY* 1, 1998 MUST COMPLY WITH THE MANDATE OF EDUCATION CODE SECTION 35258

Chapter 918, Statutes of 1997 added Education Code section 35358 which states:

> On or before July 1, 1998, each school district that is connected to the Internet shall make the information contained in the School Accountability Report 'Card developed pursuant to section 35256 accessible on the Internet. The School Accountability Report Card information shall be updated annually."

The mandate contained in Education Code section 35258 triggers an obligation by school

districts that are currently "connected to the Internet" to provide access to the School Accountability Report Cards over the Internet by July 1, 1998. There is nothing in this statute however which eliminates the obligation or diminishes the responsibility of school districts after July 1, 1998 to comply with its requirements. Indeed, the last provision of section 35258 requires schools with access to the Internet to annually update their School Accountability Report Card information. As such, a school district gaining connectivity to the Internet after July 1, 1998 would still be required to comply the requirement of posting its School Accountability Report Cards developed pursuant to section 35256 over the Internet.

We recognize, however, that the costs for gathering the proper technology (hardware and software, expertise, etc.) to gain access or connectivity to the Internet would not be claimable under this program. It would only be those costs associated with posting the School Accountability Report Card after the district had gained access to the Internet that would be claimable.

V. SCHOOL DISTRICTS MAY POST THEIR SCHOOL ACCOUNTABILITY REPORT CARDS IN ANY FASHION

The legislation requires the districts with a connection to the Internet to provide accessibility to their School Accountability Report Cards over the Internet. It does not specify how access to this information must be obtained. As most of you are aware, access to information over the Internet can be achieved through the graphical interface of the world wide web or through a file transfer protocol format (FTP). As such, a school district can make its School Accountability Report Card accessible over the Internet either by posting it to a website or to a FTP site. In addition, there is nothing in Education Code section 35258 which requires a school district to maintain the site to which it posts the infonnation. As such, school districts have a number of options in determining how best to post this Information, For example, it could purchase hardware, software, and consulting expertise to develop and design its own website and post the infonnation on a server owned by the district. Or, in the alternative, it could hire an outside consultant to develop its website to post its School Accountability Report Card and establish this website on the third party server such as the Internet Service Provider or some other company. In the latter case, the school district would be incurring costs for Internet website design and reoccurring costs for posting its website and the School Accountability Report Card infonnation on the Internet.

With the foregoing in mind I strongly urge the Commission to modify the Parameters and Guidelines to include the additional explanatory notes that I have suggested herein. This will avoid substantial confusion during the claiming process and would hopefully prevent the filing of any incorrect reduction claims that could be filed under this program.

Please do not hesitate to contact me with any questions or comments you may have regarding this information. Thank you for your time and consideration.

Very truly yours,

GIRARD & VINSON

Paul C. Minney
Attorney at Law

PCM/hsd

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CSM/SB# and Claim Title: 97-TC-21 **Claim of Sweetwater UHSD and Bakersfield City Elementary SI**
Government Code Sec. 35258
Chapter 918, Statutes of 1997

Issue: School Accountability Report Cards

PROOF OF SERVICE

I am employed in the County of Contra Costa, State of California. I am over the age of 1: and not a party to the within action; my business address is 1676 North California Blvd., Suite 450 Walnut Creek, California 94596.

On the date indicated below I served the following documents:

1. Comments Regarding Proposed Parameters and Guidelines
School Accountability Report Cards -- CSM No.: 97-TC-21

on all parties in said action as addressed below by causing a true and correct copy thereof to be:

[XX] **BY FACSIMILE (TELECOPIER)** - I personally sent to the addressee's telecopier numbe a true and correct copy of the above described document(s) and verified transmission Thereafter, I placed a true copy in a sealed envelope with first class postage affixed anc mailed to the addressee(s) below. [*California Rules of Court*, Rule 20041

[ ] **BY MAIL** - I placed in a sealed envelope with postage thereon fully prepaid, to be placed in the United States mail at Walnut Creek, California. [*California Code of Civil Procedure* §§1013 and 1013(a), et seq.]

[ ] **BY CERTIFIED MAIL** - I placed in a sealed envelope with postage thereon fully prepaid return receipt requested, in the United States mail at Walnut Creek, California.

[7 **BY OVERNIGHT MAIL** - Fully prepaid to the person and the address indicated below.

Please see attached 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 June 24, 1998, at Walnut Creek, California.

HOLLY S. DEBELLIS

MS. BERG: Discussion?

MS. HIGASHI: -- possible discussion and action.

MR. DEZEMBER: It is in there?

MS. HIGASHI: Yes.

MR. DEZEMBER: I haven't read the revised item 11, so maybe --

MS. HIGASHI: The changes are minimal.

MR. DEZEMBER: Okay.

MS. HIGASHI: It's because you haven't read the staff analysis yet. You don't know where it is on the list.

MS. STEINMEIER: Okay. That's fine.

MR. DEZEMBER: Okay. So I'll --

MS. HIGASHI: But there is an agenda item.

MR. DEZEMBER: -- I'll repeat myself when we get to item 11.

MS. BERG: Great.

MR. CUNNINGHAM: Thank you.

MS. BERG: Thank you very much.

MS. HIGASHI: The next item is item 8.

MR. DEZEMBER: Excuse me. What's that number?

MS. STEINMEIER: 8.

MR. DEZEMBER: Item --

MS. HIGASHI: Item 8.

MR. DEZEMBER: -- 8.

MS. STEINMEIER: You shouldn't even have left.

MS. HIGASHI: Item 8 consists of the proposed

1 parameters and guidelines for the "School Accountability
2 Report Cards" test claim.
3 The Commission approved this test claim and
4 determined that school districts would be reimbursed for
5 costs to compile, analyze, and report specified
6 information in the school accountability report card and
7 for posting and annually updating the report card on the
8 Internet.
9 Staff reviewed claimants' submittal and proposes
10 minor amendments to sections 1, 3, 4 and 5 of the
11 proposed parameters and guidelines.
12 Mr. Keith Petersen, interested party, requested that
13 claimants' proposal be amended to add reimbursable
14 activities arising from implementation of Education Code
15 section 33126, subdivision C. The original test claim
16 did not address this subdivision, nor did the Statement
17 of Decision make a mandate finding on this provision.
18 Therefore, staff finds that these new activities would be
19 inconsistent with the Statement of Decision and cannot be
20 added to the P's and G's.
21 Yesterday Mr. Paul Minney, interested party,
22 proposed an amendment to section 4, "Reimbursable
23 Activities," page 7, component 2. This amendment
24 addresses', according to Mr. Minney, the ambiguity of the
25 requirement for school districts that are connected to
26 the Internet, to make the school accountability report
27 card data available on the Internet.
28 Since this proposal was received late yesterday and

1 just received by the claimants and interested parties
2 this morning, we weren't sure exactly how you would want
3 to proceed on this item.'
4 I think for purposes of our discussion today, that
5 the claimants should speak to the issue of the proposed
6 P's and G's that are before you, and we can determine if
7 it would be better to proceed or to postpone action.
8 So will the parties please state their names, for
9 the record?
10 MR. PETERSEN: Keith Peterson, in my capacity
11 as special counsel to the Education Mandated Cost
12 Network.
13 MR. CUNNINGHAM: Jim Cunningham with San Diego
14 Unified School District, interested party.
15 MS. BERG: Dr. Carol Berg, Education Mandated
16 Cost Network, consultant.
17 MR. HENDEE: Lawrence Hendee, Sweetwater Union
18 High School District.
19 MR. DEZEMBER: Okay, and who would like to go
20 first?
21 Mr. Petersen?
22 MR. PETERSEN: Well, I was going to address my
23 concerns to the language regarding the source
24 documentation that's been added by staff. I don't have a
25 Bates page; I'm working off of a fax, but on pages 8 and
26 9 of the parameters and guidelines, to each of the claim
27 preparation items, they've added a long sentence that
28 reads: "Source documents may include, but are not

1 limited to, time sheets, payroll records, canceled
2 payroll warrants, organization charts, duty statements,
3 pay rate schedules, and other documents evidencing
4 employee salaries and benefits expenses claimed for
5 reimbursement."
6 This language was a bit of a surprise to me -- and I
7 believe to all of us -- that it was included in these
8 parameters and guidelines by staff. This language was
9 rejected by the Commission three years ago in the matter
10 of the original parameters and guidelines for "Juvenile
11 Court Notices."
12 At that time it was a recommendation of the State
13 Controller's office to put that language in; and after
14 substantial discussion, this -- this Commission rejected
15 that language.
16 And the other reason it's a surprise, as you may or
17 may not know, there is a boilerplate project going on
18 right now with interested parties to avoid these types of
19 surprises and changes, and that project has not come to
20 an end yet. And it was my understanding -- perhaps it
21 was just my hope -- that these types of significant
22 changes would not be made until the boilerplate project
23 had been completed. This is Commission staff's third
24 attempt to have a boilerplate project, and I was hoping
25 this one would be concluded.
26 So my request today is that this language be
27 eliminated because it was specifically eliminated by a
28 prior Commission voting on the same language; and that it

1 be held over for consideration, the boilerplate project,
2 where we, "bean counters," can spend more time on it.
3 MR. DEZEMBER: Do we know why that language was
4 rejected by the former Commission, what the rationale
5 was? Okay.
6 MR. CUNNINGHAM: Just looking back at the
7 transcripts, I believe that the reason was, that it
8 wasn't necessary; and that the locals are not -- or
9 shouldn't be in the position where they have to create
10 new types of documents in order to claim reimbursement.
11 Typically, what we do is, we'll just use whatever --
12 MR. PETERSEN: Especially retroactively.
13 MR. CUNNINGHAM: Yes, especially retroactively.
14 What we tend to do is to use whatever ordinary business
15 records we have, and to use those as a -- as the basis
16 for the claim. One of the draw-backs of defining
17 specific documents for reimbursement that we may not
18 ordinarily collect, is that those costs then become of
19 creating those documents and collecting them, become
20 reimbursable under the mandate reimbursement process.
21 So, in fact, what you may be doing, is increasing the
22 cost of another mandate by imposing specific document
23 requirements.
24 The other thing is, is that an auditor's mentality,
25 a lot of times, they'll look at this laundry list -- and
26 the lawyers may understand the words but not limit it
27 to -- gut the auditors tend not to. And if they don't
28 find your record on that list, they tend to reject it,

1 even though it may be a perfectly valid record, and it
2 may show that you had the cost.
3 MR. PETERSEN: But it's not on the list.
4 MR. CUNNINGHAM: But it's not on the list so,
5 therefore, it can't be an acceptable record.
6 Those are all the reasons that we thought that the
7 language that you've traditionally used, which is in the
8 supporting data section -- which is section 6 on these
9 parameters and guidelines -- is probably all you need to
10 do and probably all you should do to define source
11 documents, and that is to say that any cost claim must be
12 traceable back to source documents, and that the local
13 jurisdiction determine what those source documents should
14 be.
15 The State Controller's office in its audit
16 responsibility can certainly review those; and if they
17 determine that those particular records are not -- don't
18 support your claim, that's fine.
19 MR. PETERSEN: That's the --
20 MR. CUNNINGHAM: And that's a discussion
21 that -- that's an audit function, and we don't argue
22 that. But we don't think you should be in the business
23 of trying to define what we should keep, particularly
24 when we're -- we may not have those particular records
25 going back years.
26 Thanks.
27 MR. DEZEMBER: Any questions or comments from
28 the Commissioners?

1 MR. CHIVARO: Well, yeah, I have a comment. I
2 don't necessarily --
3 MR. DEZEMBER: Mr. Chivaro?
4 MR. CHIVARO: -- buy into those arguments. I
5 don't think it's a surprise to the locals that they have
6 to maintain source documents. I don't think this is in
7 any way limiting language, but I may be -- I nay agree
8 that it's surplusage. I mean, I think there is an
9 understanding that source documents are required.
10 The auditors have some flexibility when they're out
11 into the field to accept the one type of document over
12 another; and, you know, for that reason, I see the
13 surplusage.
14 MR. DEZEMBER: Paula, did you want it respond?
15 MS. HIGASHI: I was just going to respond as to
16 why we included the language.
17 The language -- the language that was a little --
18 that was more restrictive was proposed by the State
19 Controller's staff during our P's and G's workshop; and
20 that language did not have the words "but are not limited
21 to." So we believed, from a staff perspective, that if
22 we were receiving incorrect reduction claims in the
23 office, based on the question -- many of the claims were
24 reduced allegedly because of inadequate documentation,
25 that we would be doing a service by providing some
26 notice -- earlier notice -- as to what source documents
27 might include.
28 This is certainly not a requirement imposed upon

1 claimants, but it's providing more notice by including
2 these words in the P's and G's.
3 The other issue that cones up, too, I suspect once
4 we get to the "Incorrect Reduction Claims," is the
5 question of which source documents are appropriate. And
6 that's -- you know, as Mr. Chivaro's pointed out, that's
7 one issue that the auditors would be resolving with the
8 claimant.
9 So we saw this language as being language that could
10 be added, that was not viewed as being restrictive; but
11 merely as providing greater notice to the claimants in
12 their process of seeking reimbursement. And we discussed
13 it at great length, and we all had different opinions;
14 and I feel comfortable recommending it.
15 MR. PETERSEN: I'd like to respond. Let me --
16 MR. DEZEMBER: Yes. Let me ask another
17 question first.
18 About the -- Mr. Petersen's statement about working
19 toward some common boilerplate language, that would be
20 generally covered, where are we on that?
21 MS. HIGASHI: We need to have one more wrap-up
22 session, and we had proposed to have it in July.
23 What we -- what we had been doing is, we had been
24 working on the project, to incorporate as many of the
25 changes as we go through the P's and G's process,
26 MR. DEZEMBER: Okay. If we were to adopt this
27 language, would it be your understanding that our
28 intention is to be helpful? Okay.

1 MS. HIGASHI: That was our purpose from the
2 staff perspective of recommending it.
3 MR. DEZEMBER: And that's the way 1 read it. I
4 thought it was an inclusive list; but having said that,
5 when we hear from the people to whom we would be sending
6 it and they're saying it would not be helpful, I'm
7 wondering if we ought to do that.
8 MS. HIGASHI: And 1 was not part of the
9 debate --
10 MR. SHERWOOD: We were trying to be helpful,
11 and in reality, evidently we're not at this time.
12 MR. DEZEMBER: Yeah.
13 MS. HIGASHI: And I would have to say, I was
14 not at the debate when this issue came up before, so I
15 can't --
16 MR. CHIVARO: And, again --
17 MS. HIGASHI: -- claim any --
18 MR. CHIVARO: -- I guess you'd have to ask
19 helpful to who? I mean, as long as the claimants have
20 been out there, you know, for over the number of years
21 and the number of audits they've been subjected to, I
22 think there is an understanding -- unless I'm wrong --
23 that source documents are required.
24 MR. PETERSEN: That's my experience, yes.
25 MR. CUNNINGHAM: And, yeah, We've -- we've
26 addressed that typically in section 6, which says you
27 have to keep source documents; but we don't define what
28 those are. We leave that to the local to define.

1 MR. BELTRAMI: Well, it isn't defined here; is
2 it?
3 MR. CUNNINGHAM: It's in the --
4 MR. BELTRAMI: It says "may," first of all.
5 MR. CHIVARO: Right.
6 MR. BELTRAMI: And it's "not limited to." I
7 mean, this is just a list that says, "Here's some of the
8 things that might be included." You may come up with a
9 district that has totally different source documents.
10 MR. CUNNINGHAM: Agreed. But by including
11 this, Mr. Beltrami, I think what we're doing is we're
12 creating the opportunity for an argument to say, "Well,
13 your document isn't on that list."
14 MR. BELTRAMI: Well, again, I'm -- you know, I
15 think the operative word is "may," and "not limited to,"
16 rather than --
17 MR. CUNNINGHAM: I understand that, but we have
18 those conversations --
19 MR. BELTRAMI: -- saying, you have to have an
20 organization chart, you know. I mean --
21 MS. STEINMEIER: The problem with creating
22 this --
23 MR. CUNNINGHAM: Ours is on a chalkboard.
24 Yeah.
25 MS. STEINMEIER: -- is sometimes it does
26 become limiting. I think that's what I'm hearing
27 everybody saying. And if that's not helpful, then at
28 least at this point it's probably premature to include

1 it. That doesn't mean that we might not find a meeting
2 of the minds, but it doesn't sound like we have it today.
3 MR. PETERSEN: We have a school accounting
4 manual that tells us the documentations create -- excuse
5 me -- documents to create and maintain in the period of
6 years.
7 MR. BELTRAMI: Why don't you put that in there,
8 based on the school accounting document?
9 MR. SHERWOOD: Some schools probably don't have
10 that document. Some schools probably don't have that
11 document.
12 MS. STEINMEIER: Not the current one yet. They
13 don't have the current one yet I think that's the
14 problem.
25 MS. HIGASHI: That's a different issue.
16 MS. STEINMEIER: That's an issue for another
17 day. We don't want to --
18 MS. HIGASHI: An issue for another day.
19 MS. STEINMEIER: Mr. Chivaro, I have a question
20 for you.
21 MR. CHIVARO: Yeah.
22 MS. STEINMEIER: The Controller's Office,
23 though, in creating the claiming instructions, when
24 they're working on all that, they may come up with
25 suggested lists of documents that auditors would be
26 looking for; correct?
27 MR. CHIVARO: I don't know that they put that
28 in the claiming instructions --

1 MS. STEINMEIER: They don't.
2 MR. CHIVARO: -- but --
3 MR. PETERSEN: This sentence is.
4 MR. CHIVARO: Oh, yeah. Well --
5 MS. PATTON: The source document.
6 MR. SHERWOOD: The source document.
7 MS. STEINMEIER: But specifically, what kinds
8 of documents could be used to --
9 MR. CHIVARO: Yeah, we don't limit it to a
10 particular type, is my understanding.
11 MR. CUNNINGHAM: Actually, your language is a
12 little more restrictive. You say, "required source
13 documents."
14 MR. CHIVARO: Well, we do require source
15 documents.
16 MR. CUNNINGHAM: But then you go into this
17 laundry list -- a similar laundry list, so --
18 MR. CHIVARO: But I think it's -- like I said,
19 I think there is an understanding that they have to have
20 some source documents. From time to time, we may quibble
21 over whether one is sufficient over another, but --
22 MR. PETERSEN: And since the Controller's claim
23 instructions aren't legally enforceable, that's not a
24 problem for us.
25 MS. STEINMEIER: Good point.
26 MR. CHIVARO: Not for long.
27 MR. BELTRAMI: But let me ask -- let me ask the
28 school representatives, are there any school districts

1 that don't keep time sheets, payroll records, canceled
2 payroll warrants, organization charts, payroll schedules,
3 other documents evidencing employees' salaries and
4 benefit expenses?
5 MR. CUNNINGHAM: For a particular mandate, you
6 may not --
7 MR. CHIVARO: I think you need those just to do
8 business, I hope.
9 MR. CUNNINGHAM: For a particular mandate, you
10 may not have a time sheet. There may be somebody who's
11 dedicated to perform a particular function that all they
12 do is something that's mandated, and so you would just
13 claim all of their time.
14 MR. PETERSEN: They don't punch a time clock.
15 MR. CUNNINGHAM: They don't punch a time clock.
16 The teachers don't punch time clocks, if they have
17 some --
18 MR. BELTRAMI: No, but you fill out payroll
19 statements. I mean, you have to pay them on some basis,
20 I hope.
21 MR. CUNNINGHAM: Yes. And I don't --
22 MR. BELTRAMI: Yeah.
23 MR. CUNNINGHAM: -- and I don't think it's an
24 issue of how much we pay them. It's how much time are we
25 spending, and that's what I think this is directed
26 towards.
27 MR. PETERSEN: Yeah.
28 MR. CHIVARO: Are they teachers -- the

1 categories of teachers subject to the Fair Labor
2 Standards Act, where you have salaried employees as
3 opposed to hourly employees?
4 MR. PETERSEN: They're paid as you're on state
5 payroll on a negative basis. If you take sick leave,
6 it's subtracted as opposed to --
7 MR. CHIVARO: So under that circumstance, they
8 would not necessarily be required to account for every
9 moment of the day.
10 MR. BELTRAMI: It's an exception basis.
11 MR. PETERSEN: Yes.
12 MR. BELTRAMI: Yeah. Uh-huh.
13 MR. DEZEMBER: What's the pleasure of the
14 Commission on this particular: issue? Do you want to
15 decide these one at a time? 1 think we have four issues
16 here.
17 MS. HIGASHI: There is, the source documents
18 issue is one issue; the other issue is the section before
19 that, which is Roman numeral four --
20 MR. DEZEMBER: On the Internet?
21 MS. HIGASHI: -- "Reimbursable Activities,"
22 page 7, at the top of the page. The description of
23 reimbursable activity is, "The annual posting of school
24 accountability report cards on the Internet can be
25 claimed by those school districts that are connected to
26 the Internet."
27 MR. DEZEMBER: Okay.
28 MS. HIGASHI: And this is the one which we

1 received the late filing on; and I believe the claimant
2 may wish to speak to that issue.
3 MR. DEZEMBER: Okay, who would like to address
4 this issue of the Internet?
5 MR. HENDEE: I'll start it off.
6 MR. DEZEMBER: Okay.
7 MR. HENDEE: The Internet -- connection to the
8 Internet is, in our interpretation -- the claimant's
9 interpretation -- a non-issue. The reason that is a
10 non-issue is that you have to go through certain steps in
11 order to become connected. And if you're doing that, you
12 know it; if you aren't, you also know it.
13 And we also believe that it is a local control issue
14 to determine whether or not you're connected. And what
15 was presented in the letter that came in, were a lot of
16 additional additions to parameters and guidelines, again,
17 attempting to prescribe what connection to the Internet
18 is. And a concern that we have with that, -- again, the
19 claimant -- is that today's definition of what
20 "connection to the Internet" is, is not necessarily going
21 to be what tomorrow's is. We all know that technology is
22 moving very quickly, and things are changing very
23 quickly.
24 MR. CUNNINGHAM: Jim Cunningham.
25 I think this language just uses the language that
26 comes right out of the statute. It just says that you
27 shall post the SARCs to the Internet, if you're connected
28 to the Internet.

I'm not sure we're in the position to try to define what the Legislature meant by that. I would propose no change.

MR. PETERSEN: It was considered already; hasn't it?

MR. CHIVARO: That's the nature of the late filing.

MR. DEZEMBER: Well, I don't know because it's such a late filing, that I haven't been able to read it.

MS. STEINMEIER: Literally it was put on our desks.

MR. CHIVARO: Not only late filed, but late received.

MS. STEINMEIER: Late -- yeah, both.

MR. DEZEMBER: Yes. I saw it only when I came in this morning, so I honestly do not know what's in it.

MS. STEINMEIER: Mr. Chairman, I'd like to propose that we continue this, since we do have a lot of questions and we haven't had time to consider this last piece.

On the statements that were added, I would like to consider holding off and not doing that until we get some kind of an agreement with our interested parties, because I think it's a little premature to be adding things, until we get to that final hearing that Paula has referred to.

But generally, I think -- I want to move that we postpone this one and --

1 MR. CHIVARO: I'll second it.
2 MS. STEINMEIER: -- reconsider it.
3 MR. DEZEMBER: Okay, it's been moved and
4 seconded that we postpone the proposed P's and G's from
5 item 8.
6 Any discussion -- any further discussion or
7 questions?
8 I would like to say one thing before we take a vote,
9 This is a responsible Commission; and we are loathe to
10 move to move ahead with information such as this that's
11 valuable, but it is very inconsiderate to file something
12 so late that we haven't even had a chance to read it
13 before we start the meeting, upon which this item is
14 scheduled. So I don't know exactly what we can do about
15 that.
16 MR. PETERSEN: Well, the party's not here, sir,
17 so --
18 MS. BERG: You're preaching to the choir,
19 Mr. Chairman.
20 MR. DEZEMBER: This is a public forum. I want
21 to make that statement very clearly, because sometimes
22 you're tempted to disregard it and go ahead. Those who
23 had a chance to read it in a cursory fashion, indicated
24 to me that there were important arguments in here that we
25 should consider.
26 Having said that, please call the roll.
27 MS. HIGASHI: Mr. Chivaro?
28 MR. CHIVARO: Aye.

1 MS. HIGASHI: Ms. Patton?
2 MS. PATTON: Aye.
3 MS. HIGASHI: Mr. Sherwood?
4 MR. SHERWOOD: Aye.
5 MS. HIGASHI: Ms. Steinmeier?
6 MS. STEINMEIER: Aye.
7 MS. HIGASHI: Mr. Beltrami?
8 MR. BELTRAMI: Aye.
9 MS. HIGASHI: Mr. Dezember?
10 MR. DEZEMBER: Aye.
11 MS. HIGASHI: Okay.
12 MR. DEZEMBER: Okay.
13 Thank you very much.
14 MS. BERG: Thank you.
15 MS. HIGASHI: This brings us to item 11.
16 Item 11.
17 MR. DEZEMBER: Item 11.
18 MS. HIGASHI: Item 11 --
19 MR. DEZEMBER: I thought this item was fairly
20 innocuous. Maybe not.
21 MS. HIGASHI: Nothing on today's schedule is.
22 That was what I told every -- even though the binder
23 appears to be thin, there's a lot here.
24 Item 11 consists of matters concerning scheduling
25 agenda items before the Commission. Chairperson Dezember
26 had asked me earlier this year to see what -- to actually
27 try to put together a schedule that would take him
28 through the rest of the year, since this Commission has

EXHIBIT H

SWEETWATER UNION HIGH SCHOOL DISTRICT
DIVISION OF FISCAL SERVICES

1130 FIFTH AVENUE
CHULA VISTA, CA 91911-2896
(619) **585-6177**

July 2, 1998

Paula Higashi Executive Director
Commission on State Mandates
1300 I Street Suite 950
Sacramento CA 95814

Dear Ms. Higashi,

RE: Test Claim of Sweetwater Union High School District and Bakersfield City School District
Chapter 918, Statutes of 1997 et al.
School Accountability Report Cards

Upon reviewing the comments filed by Mr. Paul Minney on June 24, 1998 on behalf of Mandated Cost Systems, Inc., for the School Accountability Report Cards mandate, I am recommending that the commission **NOT** modify the Parameters and Guidelines as recommended by Mandated Cost Systems.

The analysis submitted appears to be well reasoned, however, other school districts may have reached different conclusions.

I do not believe that it is the role of the claimants or the Commission on State Mandates to attempt to define what was intended by the legislature, nor do I believe that it is appropriate to adopt Parameters and Guidelines based upon an analysis that may or may not be correct.

The Parameters and Guidelines use the same terminology, "connected to the Internet", that is used in the test claim and the legislation. I will agree that the legislature could have been more specific, but, we only have what was enacted. I have, however, questioned Internet users since receiving the comments from Mr. Minney, and all have indicated to me that they are "connected" to the Internet. This leads me to believe that the term connected and access are used synonymously by Internet users.

In addition, I believe that each school must make the determination, hopefully based upon advice of their counsel, as to whether they are required to comply with the Internet posting requirement. If a school district has determined that they are "connected" to the Internet, and are, therefore, required to post their school accountability report card on the Internet, the district then is entitled to recover their costs of complying with the statute,

I am requesting on behalf of both co-claimants that you remove the "source documentation" paragraphs and place the Parameters and Guidelines on the July 23, 1998 hearing agenda.

Sincerely,

Lawrence L. Hendee
Coordinator/Mandated Costs

PROOF OF SERVICE

Test Claim: School Accountability Report Card
Test Claim No. 97-TC-21

I, Judy Davidson, declare as follows:

I am employed by the Sweetwater Union High School District, located in the county of San Diego, State of California. I am 18 years of age or older and not a part to the within entitled cause. My business address is 1130 Fifth Avenue, Chula Vista, CA 91911-2896.

On July 7, 1998, I served the attached response of the Sweetwater Union High School District/Bakersfield City School District in said cause, to the Commission on State Mandates and by placing a true copy thereof: (1) to the individuals and agencies identified on the attached Mailing List enclosed in a sealed envelope with postage thereon fully prepaid in the U.S. Mail at Chula Vista, California; or (2) in the normal pick-up location for interagency mail.

I declare under the 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 July 7, 1998, at Chula Vista, California.

Judy Davidson
JUDY DAVIDSON

MAILING LIST

CSM 97-TC-21
Chapter 918, Statutes 1997 et. al.
Sweetwater Union High School District/Bakersfield City School District (Claimants)
December 31,1997

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State of California

Kathleen Connell, State Controller

Memorandum

To : Paula Higashi, Executive Director
Commission on State Mandates
1300 "I" Street, Suite 950
Sacramento, CA 95814

Date: July 8, 1998

From : State Controller's Office
Paige V. Vorhies, Bureau Chief
Division of Accounting and Reporting

Subject: PROPOSED PARAMETERS AND GUIDELINES
SCHOOL ACCOUNTABILITY REPORT CARDS (CSM 97-TC-21)

Upon review of the proposed parameters and guidelines for School Accountability Report Cards, we are requesting the Commission on State Mandates to schedule a pre-hearing in August 1998 with all interested parties to discuss the specifics of reimbursable activity Component 2 - Internet Posting and to determine the incremental activity required to produce this report card.

As written, Component 2 is vague and will create audit problems in the claim reimbursement process. Here are some of the questions that need to be answered.

What does "connected" *to* the Internet mean? Our thoughts would be that a school district has access, by July 1, 1998, to any website for posting the information.

Does the mandate apply only to those school districts that were "connected" as of July 1, 1998 or does it also apply to those who "connect" subsequent to July 1, 19983

Are costs restricted to the costs of converting the document to Internet compatible language, of posting it on the website, and of storing the information for one year?

In addition, we wish to discuss Component 1- Compilation, Analysis, and Reporting of Data to define the incremental activities required to produce the report card.

If you have any questions, please call Nancy Valle at 327-8905,

PVV

cc: Interested parties

PROOF OF SERVICE BY MAIL

Test Claim Name: Alameda County Office of Education
Test Claim No: 97-TC-08

I, the undersigned, declare as follows:

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of 18 years and not a party to the within action. My place of employment and business address is 3301 C Street, Suite 500, Sacramento, California 95816.

On July 9, 1998, I served the attached recommendation of the State Controller's Office by placing a true copy thereof enclosed in a sealed envelope addressed to each of the persons named below at the addresses shown and by depositing said envelopes in the United States mail at Sacramento, California, with postage thereon fully prepaid:

Mr. Lawrence Hendee, Director
Financial Operations
Sweetwater Union High School District
1130 Fifth Avenue
Chula Vista, CA 91911-2896

Mr. James Apps
Department of Finance
915 L Street, Eighth Floor
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Ms. Carol Berg, Ph.D.
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Ms. Diana Halpenny, General Counsel
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Interested Party
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Interested Party
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Interested Party
Mr. Paul Minney
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Interested Party
Mr. Steve Smith, CEO
Mandated Cost Systems, Inc.
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Interested Party
Mr. Keith Petersen, President
Slxten & Associates
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

interested Party
Mr. Andy Nichols, Senior Consultant
David M. Griffith & Associates
4320 Auburn Blvd!, Suite 2000
Sacramento, CA 95841

I declare under penalty of perjury that the foregoing is true and correct,

Executed on July 9, 1998, at Sacramento, California.

Emelda M. Lowi-Teng

Emelda M. Lowi-Teng

BURBANK UNIFIED SCHOOL DISTRICT

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TELEPHONE (818) **558-5322** • **FAX** (818) 566-1659

July 17, 1998

Paula Higashi, Executive Director
Commission on State Mandates
1300 "I" Street, Suite 950
Sacramento, CA 95814

Dear Ms. Higashi:

It has come to my attention that Mandated Cost System, Inc. (MCS) has proposed parameters and guidelines clarifications for the School Accountability Report Card Claim (CSM-97-TC-21).

Specifically, MCS has requested that the term "connected to the INTERNET" be clarified and language that would recognize that the various means that "Posting a report card to the INTERNET" could be done would **be** reimbursable. MCS has also requested that the guidelines allow reimbursement to a claimant regardless of whether they become connected to the INTERNET before or after July 1, 1998.

Our school district feels that vague or unclear issues should be resolved prior to the submission of claims to the State Controller's Office, not after submission. Therefore, we are in support of the MCS **request** for clarification.

Sincerely,

Sharon Hoaglund

Sharon Hoaglund
Business Manager

NAPA COUNTY OFFICE OF EDUCATION
1015 Kaiser Road, Napa, California 94558-6257
(707) 253-6801, Fax (707) 253-6841

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COMMISSION ON
STATE MANDATES

July 17, 1998

Paula Higashi, Executive Director
Commission on State Mandates
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Early Childhood Programs
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Regional Occupational Programs
(707) 253-6830

Special Education & Child Development
(707) 253-6897

Special Projects
(707) 253-6802

Dear Ms. Higashi,

It has come to my attention that Mandated Cost Systems, Inc. (MCS) has proposed parameters and guidelines clarifications on the School Accountability Report Card Claim (CSM-97-TC-21).

Specifically, MCS has requested a clarification of the terms "connected to the INTERNET" and "Posting a report card to the INTERNET. MCS has also requested that the guidelines allow reimbursement to a claimant regardless of whether they become connected to the INTERNET" before or after July 1, 1998.

Our county office feels strongly that unclear issues should be resolved prior to the submission of claims to the State Controller's Office, not after submission. Therefore, we support the MCS request for clarification.

Sincerely,

Paul Fettig
Deputy Superintendent

WORLD CLASS DISTRICT
PRODUCING WORLD CLASS STUDENTS

OAK GROVE SCHOOL DISTRICT

6578 Santa Teresa Boulevard, San Jose, CA 95119 (408) 227-8300 Fax (408) 227-2719

July 17, 1998

Paula Higashi, Executive Director
Commission on State Mandates
1300 "I" Street, Suite 950
Sacramento, CA 95814

Dear Ms. Higashi,

It has come to my attention that Mandated Cost Systems, Inc. (MCS) has proposed certain parameters and guidelines clarifications on the School Accountability Report Card Claim (CSM-97-TC-21).

Speoifically, MCS has requested clarification of the term "connected to the INTERNET" and language that would recognize that the various ways that "Posting a report card to the INTERNET" could be accomplished would be considered reimbursable. MGS has also requested that the guidelines allow reimbursement to a claimant regardless of whether they become connected to the INTERNET before or after July 1, 1998.

Although we feel very strongly that "How" a particular school district meets a particular mandate should never be effectively "dictated" by virtue of a too detailed claiming instruction, we do feel that certain ambiguities should be cleated up whenever possible, and that such clarification should occur prior to the submission of claims to the State Controller's Office, hot after submission. Therefore, we support the MCS request for clarification in this case.

Sincerely,

Hardy Childers
Deputy Superintendent

STOCKTON UNIFIED SCHOOL DISTRICT
701 NORTH MADISON **STREET** • STOCKTON, **CA 95202-1687**
(209)953-4066 • FAX (209)953-4477

FISCAL SERVICES

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JUL 21 1998
COMMISSION ON
STATE MANDATES

July 20, 1998

Paula Higashi, Executive Director
Commission on State Mandates
1300 "I" Street, Suite 950
Sacramento, CA 95814

Dear Ms. Higashi:

It has come to our attention that Mandated Cost Systems, Inc. has proposed clarifications of parameters and guidelines on the School Accountability Report Card Claim (CSM-97-TC-2).

Specifically, Mandated Cost Systems requested that the term "connected to the INTERNET" be clarified and language that would recognize that the various ways of "posting a report card to the **INTERNET"** could be accomplished would be considered reimbursable, Mandated Cost Systems has also requested that the guidelines allow reimbursement to a claimant regardless of whether they become connected to the INERNET" before or after July 1, 1998. Due to the lack of funding not all of our schools are connected to the INERNET.

Stockton Unified School District recognizes that unclear issues should be resolved prior to the submission of claims to the State Controller's Office, not after submission. Therefore, Stockton Unified School District supports the Mandated Cost Systems request for clarification.

Yours truly,

Norma E. Mearns

Norma E. Mearns
Director of Fiscal Services

EXHIBIT I

Pre-hearing Conference - July 23, 1998
3:15 p.m.

Proposed Parameters and Guidelines
Test Claim: School Accountability Report Cards
97-TC-21
Chapter 918, Statutes of 1997, et al

Purpose: To minimize future audit problems and to work out areas of disagreement before August 20, 1998.

Issues in Dispute

Component 2.

- Mandated Cost Systems Proposal
- State Controller's Office Position
- Claimants' Response

Component 1.

- State Controller's Concern: Need to define incremental activities required to produce the report card,
- Claimants' Response.

- Can we develop consensus amendments for the August hearing?

- Should we schedule a pre-hearing teleconference within the next ten days?

FOR DISCUSSION ONLY

State Controller's Office

Notes on Proposed Parameters and Guidelines for

School Accountability Report Cards

Use boilerplate language which includes exemplary list of source documents developed for school districts at the CSM's parameters and guidelines workshops throughout this document

component 1 - Compilation, Analysis, and Reporting of Data

1. The proposed draft language is not specific enough in delineating between the development of information required to be reported and the collection of existing information which is already identified and reported for other purposes. Additionally, the specific 13 provisions included in Proposition 98 need to be explicitly identified to avoid any possible confusion in determining what provisions of the school accountability report card are reimbursable.

Only new or incremental activities of collection, analysis, preparation, and updating annually are reimbursable under this mandate. Therefore only the costs of transforming information to meet the required provision of the report card are reimbursable.

2. Fixed assets are not specifically required by this mandate. It is anticipated that existing personal computers and associated software for word-processing and spreadsheet calculations will be used to produce the information to be included in the report card and the report card itself. Since software used to prepare the report card would also be used for other school district functions only a prorata cost of any newly purchased software would be subject to reimbursement when used for this mandate. Any software specifically purchased to convert the report card to a file format capable of being posted on the INTERNET would be reimbursable under materials and supplies not fixed assets.

3. Training costs subject to reimbursement need to be further defined as that trainingnecessary to prepare and post the contents of the report card. Likewise the only travel costs that would be reimbursable would be travel to attend necessary training on the compilation, analysis, and reporting of report card contents (excluding the ori [illegible] position 98) and posting of the report card on the INTERNET.

DISCUSSION

Component 2 - INTERNET Posting

The definition of "connected to the INTERNET" for purposes of complying with section 35258 of the Education Code needs to be specified as follows. This wording should be added to the existing language of Component 2.

"School districts subject to the mandate of posting the School Accountability Report Card on the INTERNET would be those who had a connection to a website for posting school district

information on or before July 1, 1998. Only school districts that had this capability on or before July 1, 1998 are required to post the report card and would be reimbursed for the activity of posting and updating the report card information annually.

Costs reimbursable for posting the School Accountability Report Card include costs to convert the report card to a format capable of being posted on a website and the cost of electronic media storage space for maintaining the report card on the website. Costs of building a website or contracts for access to a website for posting the School Accountability Report Card are not reimbursable."

The above comments and suggested wording are intended to help better define the reimbursable costs for this mandate and minimize disagreement in potential claim adjustments.

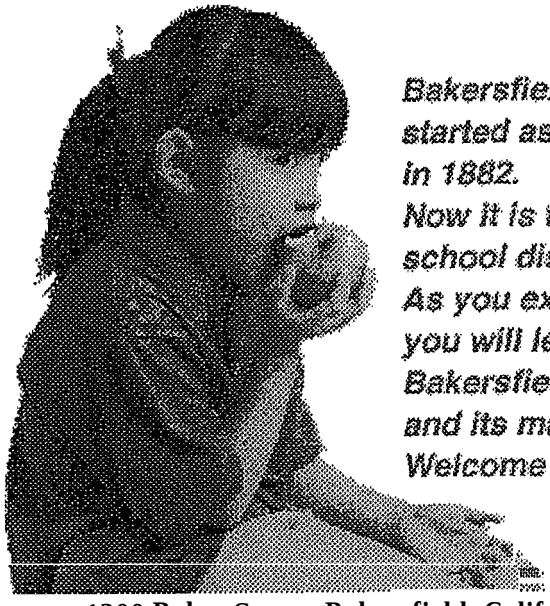
School Accountability Report Cards

SCHOOL DISTRICT	DOCUMENT FORMAT
Bakersfield City School District (6pp)	..Word
Orange Unified School District **(4 pp)**	PDF
Los Angeles Unified School District (17pp)	HTML

Bakersfield City School District

"Where the Child Comes First"

- Board of Education
- Superintendent
- Schools
- SARC Reports
- Instruction
- Family Resources
- Departments
- Job Opportunities
- What's New
- E-Rate
- KCSOS



Bakersfield City School District started as a one-room school in 1882.
Now it is the largest elementary school district in California.
As you explore these pages, you will learn about Bakersfield City School District and its many fine programs.
Welcome to our schools!

1300 Baker Street, Bakersfield, California 93305 (805) 631-4600

Welcome!

Home | Bd of Ed | Dr. Bernard | Schools | Instruction | Departments | News

Bakersfield City School Distric

"Where the Child Comes First"

First Day of School
August **31,**
199%

The School Accountability Report Cards established by Poposition 98, an initiative California voters. Each report card addres areas with information taken from the 199 year.

As you read the 1996-97 report cards, you better understanding of District schools, w that are professionally skilled and persona11 committed to meet the learning needs of st student bodies which are enthusiastic and perform well,

Board of Education
Information about the District's governing board and its procedures

Superintendent

A Message from Dr. John C. Bernard, District Superintendent

Schools
Links to District

You can view the Bakersfield City School District's SARC reports if you hav 6.0, 95 or 97. You can also view the SARC reports in WordPad, but keep in you will lose many of the tables and original formatting.

When you select the school you want to view, after you are in MSWord, plea File/Page Setup, and change the top and bottom margins to .7" and the right a margins to 1.0".

If you have any questions or suggestions for this site, please contact us at watson@bcsd.k12.ca.us.

Elementary Schools

Links to District schools

SARC Reports
Current Information about District schools provided In the School Acountability Report Cards

Instruction
Learning activities for students of all ages, Including web links

Family Resources
Homework help and parent links

Deaartments
Links to District departments

Job Opportunities
Current job openings and appilcations

What's New
News and upcoming events

E-Rate
Approved District applications for vendor response

KCSOS
A Link to Kern County Superintendent of Schools' Home Page

	Casa Loma		Chavez
	College Heights		Downtown
	Eissler		Evergreen
	Franklin		Fremont
	Garza		Harding
	Harris		Hills
	Hort		Jefferson
	Rafer Johnson		Longfellow
	Horace Mann		McKinley
	Mt. Vernon		Munsey
	Nichols		Noble
	Owens		Pauly
	William Penn		Pioneer
	Roosevelt		Thorner
	Voorhies		Wayside
	Frank West		Williams

Middle Schools and Junior High Schools

	Chipman		Compton
	Curran		Emerson
	Sequoia		Sierra
	Walter Stiern		Washington

Community Day School

	Panorama Community Day School

Please contact our Webmaster with questions or comments.

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The pictures of children are adapted from Dorling Kindserley's "Eyewitness Photo Gallery (1996).

3017 Center St.
Bakersfield, CA 93306
(805) 631-5470

Bakersfield City School District

An annual school accountability report card to the community

1996-97 School Year

Al Capilla, Principal

November, 1997

GOALS AND MISSION STATEMENT

This is the ninth year of the School Accountability Report Card that was established by Proposition *98,* an initiative passed by California voters. This report will address nineteen areas wlth information taken from the *1996-97* school year.

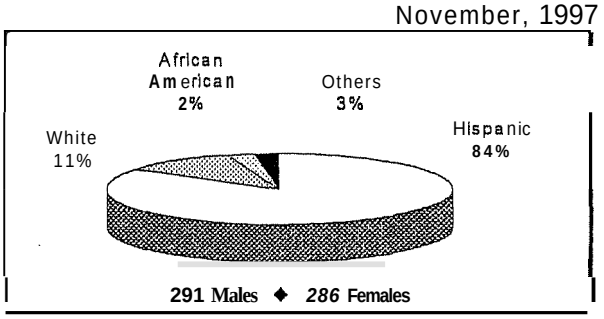
As you read the *1996-97* Report Card, you will gain a better understanding of Sierra as a school with a record for improvement, a faculty that is professlonally skilled and personally committed to meeting the learnlng needs *of* students, and a student body which is enthusiastic and motivated to perform well.

Our mission is to provide a positive and effective integrated learning environment. This will give students successful experiences that promote high achievement and will create respect and appreciation for self and others.

SCHOOL PROFILE

During the *1996-97* school year Sierra Middle School, located in the Hillcrest section of East Bakersfield, served grades seven and eight. Beginningwith the 1997-98 school year our school will serve grades six through eight. The *12.36* acre site is *45* years old. The school plant consists of *31* classrooms, a cafeteria, auditorium, library, computer lab, and office facility. During the 1996-97 school year there were approximately *577* students at Sierra.

Our student population consisted of the following:



Our staff's ethnic distribution was: Hispanic—22, White—31 and Other—1.

COMMUNITY INVOLVEMENT

A partnership between school, parents, and community is in place to address specific Sierra needs. An avenue of linkages including outreach intervention, community based organizations such as California State University-Bakersfield, local churches, law enforcement, and private organizations participate in the facilitation process by offering services and support for student and community involvement. The school community is actively involved wlth school activities through the Booster Club and the School Site Council. Sierra has a community contact aide who actively seeks community involvement.

STUDENT ACHIEVEMENT

Sierra's English-speaking students take the California Achievement Test (CAT) every spring. This test measures the achievement of each individual student. The results are distributed to parents in June and are reviewed during the parent conferences in November.

Total District CAT results for three years are summarized in the table below:

District

7th GRADE CAT/5 TESTING
Mean Normal Curve Equivalent Scores

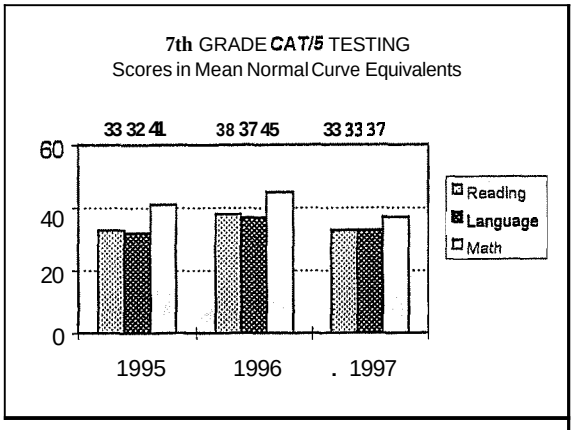
	1995	1996	1997
Reading	41	40	38
Language	40	38	41
Mathematics	45	45	38

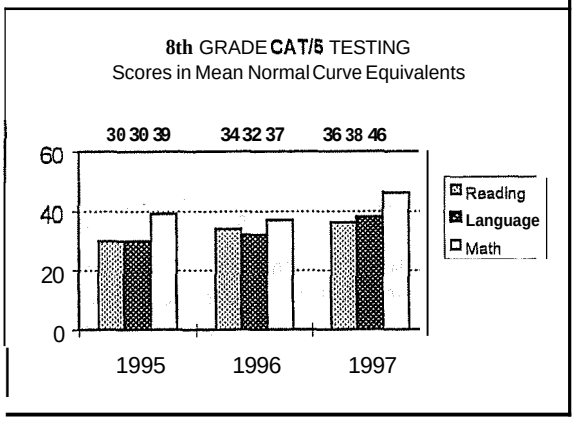
8th GRADE CAT/5 TESTING

Mean Normal Curve Equivalent Scores

	1995	1996	1997
Reading	42	40	39
Language	39	39	39
Mathematics	45	46	46

The following graphs show the results of Sierra's students over a three year period in the areas of Reading, Language and Math:





The District Spanish achievement results for three years are summarized in the table below:

District

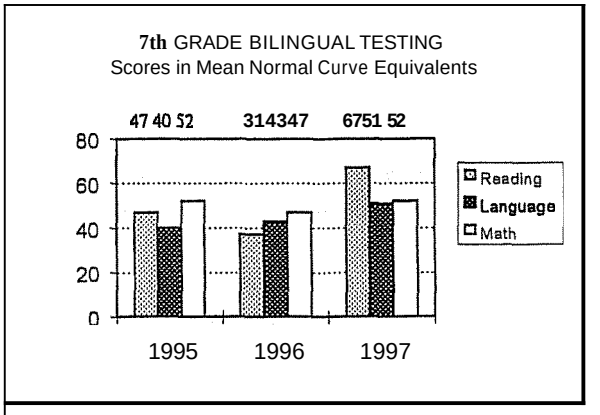
7th GRADE SPANISH TESTING
Mean Normal Curve Equivalent Scores

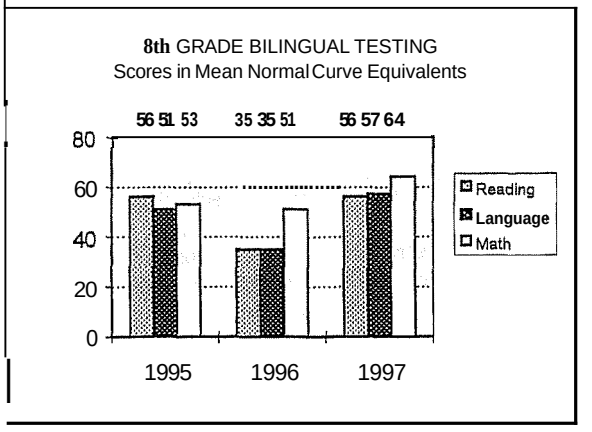
	1995	1996	1997
Reading	42	42	51
Language	40	45	51
Mathematics	40	46	50

8th GRADE **SPANISH** TESTING
Mean Normal Curve Equivalent Scores

	1995	1996	1997
Reading	53	39	46
Language	**48**	43	47
Mathematics	50	40	43

Sierra's students instructed in Spanish take the Spanish Assessment of Basic Education (SAEE). The La Prueba Test was administered prior to 1996. The results of these tests for Sierra are as **follows:**

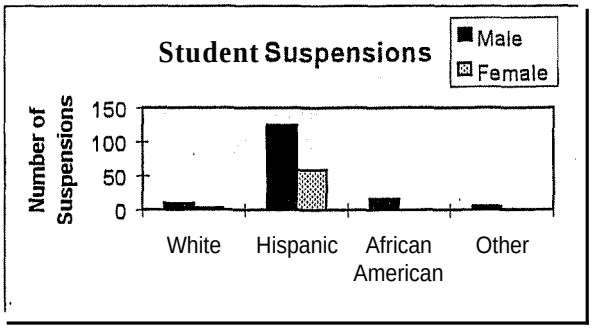




STUDENT ATTENDANCE

During the 1996-97 school year Sierra averaged 90.59% of students attending on a dally basis. 6.67% of student absences were excused, and 2.75% were unexcused. The staff monitors the patterns of absences and contacts parents of chronically absent students to offer support services. Incentives are also offered to students who maintain perfect attendance.

A total of 216 suspensions occurred during the 1996-97 school year. There were 20 expulsions.



ESTIMATED DISTRICT EXPENDITURES

The Bakersfield City School District spent an average of $4,410 per student during 1996-97. Sierra School received the following funds for the year:

State Lottery	$ 4,641
School Based Project	53,534
IASA Title I	*196,847*
SB65 Dropout Prevention	*47,805*
One-Time Site Grants	3*5,992*

CLASS SIZE

Sierra Middle School averages *26* students per teacher. Sierra uses special funds to employ a reading lab teacher. This arrangement enables our school to enjoy lower class sizes in Language Arts classes,

TEACHER ASSIGNMENTS

All teachers at Sierra School are credentialed or are in the process of obtaining their full credential by the State of California Department of Education and are qualified for the positions in which they teach.

TEXTBOOKS AND INSTRUCTIONAL MATERIALS

All textbooks and instructional materials used within the Bakersfield City School District are aligned with the California State frameworks and District curriculum standards. District-wide committees of teachers principals and parents under the direction of the Director of Curriculum, Instruction and Professional Development, evaluate and select materials that meet the District's rigorous content and performance standards in curriculum. They are approved following District policy and State laws. All materials are available for parents to review at any time.

The Bakersfield City School District adheres to the California State textbook adoption cycle. Every seven years the District evaluates and replaces outdated basic books and materials. During the 1996-97 academic year new reading and language arts materials were adopted. The Scholastic Literacy Place program was selected for grades K-5 and Holt Elements of Literature program was selected for grades 6-8.

SUPPORT SERVICES

Sierra is served by the following to meet the needs of our students: counselor, outreach specialist, community contact aide, and a psychologist. These qualified personnel provide direct services to students an average of six hours per day. Caseloads average 2 students per week (SB65) while 5-30 students are served daily.

SUBSTITUTE TEACHERS

The District provides qualified substitutes when teachers are absent. If the District experiences difficulty in obtaining substitutes on a particular day due to a short supply and excessive demands, capable and qualified support personnel at our own school are available to substitute.

SCHOOL FACILITIES AND SAFETY

Sierra provides a safe, clean environment for learning. Custodial staff is based on total square footage, student enrollment and staff. A school safety committee meets regularly to discuss safety concerns. In addition, the District provides training and information on work hazards, fire and emergency procedures and health concerns.

TEACHER EVALUATIONS

The goal of teacher evaluations is to improve the effectiveness of the educational program. Permanent teachers are evaluated at least once every two years while probationary teachers are evaluated annually. Teachers receive feedback and suggestions through formal and informal classroom observations that enhance their reaching strategies and interactions with students.

DISCIPLINE AND CLIMATE FOR LEARNING

Sierra School maintains a disciplined and stimulating learning environment. Each teacher drafts his or her own classroom discipline plan using the Assertive Discipline Model. Parents are contacted as part of the Team Approach to discipline. Parents have access to information daily from the classrooms through homework assignments.

TRAINING AND CURRICULUM IMPROVEMENT

Seven professional development days were designed to provide continuous learning opportunities for administrators, teachers, and classified personnel. These days affirmed the basic philosophy of education—that learning is a lifelong process which contributes to the well-being of students, teachers, administrators and the community.

In addition to the professional development days each year, teachers have the option of attending numerous workshops offered after school and on Saturdays. The excellent corps of mentor teachers in the District provide most of these sessions.

Mentor teachers are available, by request, to assist teachers with curriculum ideas, classroom management and instruction.

Teachers serving on the District Curriculum Commission wrote the new Standards for Excellence for Reading/Language **Arts** which will be utilized during the *1997-98* school year. This rigorous curriculum consists of grade level standards and expectations. The District's new textbooks and assessments are aligned with the new standards.

Standards for Physical Education and the Visual and Performing Arts will be written and published during the coming year.

QUALITY OF INSTRUCTION AND LEADERSHIP

At Sierra the administration, staff, students and parents function as a team. Students participate in leadership through Student Council, Peer Counseling and School Site Council. Staff, students and parents work together and take great pride in their school.

Sierra's Instructional program **and** curriculum are aligned with District and State frameworks and standards. Sierra looked closely at its Language **Arts** Program during its most recent Program Quality Review. **A** State Coordinated Compliance Review revealed a high quality of instruction and guidance in the areas of Integrated Programs and Safe and Drug-Free Schools which meet the needs of all students attending Sierra. *Special student populations are placed in the least restrictive environment including but not limited to, special education, LEP and Title J students.*

To eliminate program discrimination on the basis of gender, ethnicity, or disability, Sierra Middle School describes in the student handbook the rights of students, parents and staff to be treated equally.

INSTRUCTIONAL MINIMUM CLASS MINUTES PER DAY

	District	State
Grades 6-8	301	240

MINIMUM DAYS

During the 1996-97 school year students had three minimum days when they were released one hour early: the day before Thanksgiving vacation, the day before winter vacation and the last day of school.

SALARY AND BUDGET INFORMATION

Statewide and Districtwide Average Salaries and Budget Percentages*	
Beginning Teacher's Salary	
Statewide	28,050
Mid-range Teacher's Salary	
Statewide	45,288
Statewide	52,402
School Site Principal's Salary	
Statewide	68,016
District Superintendent's Salary	
BCSD	120,940
Statewide	96,421
Actual Percentage for Administrative Salaries	
BCSD	5.40 %
Statewide	5.59%
Actual Percentage for Teacher Salaries	
BCSD	52.60%
Statewide	45.49%

**In accordance with Education Code 41409, 1995-96 salary and budget information was used to determine the average displayed above, utilizing statewide districts of 5,000 or more students.*

OUSD
Orange Unified School District

New Student Acceptable Use Policy
English and Spanish Versions

Stanford Achievement Test (SAT 9)
Spring 1998 Test Results

School Accountability Report Cards

Diaital Camera Winners

School Boundary Maps
View our new School Boundary Maps

Student Calendar for 1998-99
On April 9, 1998, the Board of Education took action to approve the 1998-99 student calendar. This document can be viewed with Adobe Acrobat Reader

Forms...Forms.,,Forms
View our growing library of on-line forms.

Board of Education Meetings
The calendar of 1998 Regular Board Meetings is now available, The agenda is also posted when available.

Structured Enalish Immersion Proaram
A guide for Parents.

School Accountability Report Cards

Last Updated: June 19, 1998

School Accountability Report Cards are posted in Adobe Acrobat format.

Elementary Schools

- Anaheim Hills Elementary School NEW
- California Elementary School NEW
- Cambridge Elementary School NEW
- Chapman Hills Elementary School NEW
- Crescent Primary School NEW
- Crescent Intermediate School NEW
- Esplanade Elementary School NEW
- Fairhaven Elementary School NEW
- Fletcher Elementary School NEW
- Handy Elementary School NEW
- Imperial Elementary School NEW
- La Veta Elementary School NEW
- Lampson Elementary School NEW
- Linda Vista Elementary School NEW
- Nohl Canyon Elementary School NEW
- Palmyra Elementary School NEW
- Panorama Elementary School NEW
- Prospect Elementary School NEW
- Riverdale Elementary School NEW
- Serrano Elementary School NEW
- Silverado Elementary School NEW
- Sycamore Elementary School NEW
- Villa Park Elementary School NEW
- West Orange Elementary School NEW

Middle Schools

- Cerro Villa Middle School
- El Rancho Middle School NEW
- Portola Middle School NEW
- Santiago Middle School NEW
- Yorba Middle School NEW

High Schools

- Canyon High School NEW
- El Modena High School NEW
- Orange High School NEW
- Richland Continuation High School NEW
- Villa Park High School NEW

Copyright 1998, Orange Unified School District

SCHOOL ACCOUNTABILITY REPORT CARD

A Profile for the Community

ORANGE, UNIFIED SCHOOL DISTRICT

CAMBRIDGE ELEMENTARY

4: 5 N. Cambridge ◆ Orange, CA 92866 ◆ **(214)** 997-610?

Deborah J. Mesko, Principal

1997-98 School Year

PRINCIPAL'S MESSAGE

Dear Parents,

The purpose of the School Accountability Report Card is to provide parents with information about the school's instructional programs, academic achievement, materials and facilities, and the staff. Information about Orange Unified School District is also provided. This Report is designed to describe the conditions and progress being made here at Cambridge. A school that strives to meet the needs of all students and contributes to the overall educational foundation of children will be fulfilling its promise to educate them. Students, staff and parents are well informed of our expectations and they are encouraged to participate in creating an optimum educational setting. Children are our business and we work diligently to provide them with the nest because they deserve the best we can offer them. It is our hope that the data will be helpful as we strive to build a better relationship with the parents and community we serve.

Sincerely,

Deborah J. Mesko

SCHOOL PROFILE/DESCRIPTION

Cambridge Elementary School is one of twenty-six elementary schools in the Orange Unified School District. It is located near Old Town Orange between Sycamore and Walnut on Cambridge. There are approximately 740 students attending this Multi- Track Year Round school in grades kindergarten through sixth. Kindergarten, first, second and third grades are staffed at twenty students to one teacher funded through Governor Wilson's program.

School personnel include: the principal, part-time assistant principal, 32 regular classroom teachers, three special education teachers, school psychologist, speech therapist and school nurse. Classified support personnel include a Library Media Technician, eleven classroom instructional assistants, three full-time secretary/clerks, one part-time community assistant, four child care leaders, two full-time custodians and one 3 3/4 hour custodian.,

The staff at Cambridge is dedicated to providing quality education for all children by offering academic, cultural, aesthetic and social opportunities for students to; increase their scholastic achievement, enhance their self-esteem, support their family and social relationships, and to reach their full potential to become productive

STUDENT ATTENDANCE

School attendance and completion is vitally important for future success. Each day's absence represents a loss of an average of six hours of instructional time. The rate of actual attendance for the 1996/97 school year was 94.22%. Current programs in effect to address this concern include:

- Calls to verify absences
- Letters to parents informing them of student absences or frequent tardies
- Year end recognition for excellent attendance
- Child Study Team
- Incentives for good attendance
- Primary Language support provided upon request.
- Classroom and school wide incentives
- Community organizations to support families with poor attendance
- School Attendance Review Board

CLASSROOM MANAGEMENT AND CLIMATE FOR LEARNING

Cambridge School provides a positive learning environment. Desirable student efforts are rewarded through a variety of programs including Student of the Week and Month, Principal's Honor Roll, Crusader For Excellence of the Month, Crusader Buck tickets, and awards assemblies.

At Cambridge School there is an established school wide discipline plan. Each teacher has a discipline plan with copies of the expectations, and consequences are provided to each parent and student at the beginning of the year during Back-to-School Night. District records reflect that there were no Cambridge students expelled during the 1996/97 school year. In addition, there were 27 students suspended

during the year, which projects to .15 students suspended per school day.

Drug, Alcohol and Tobacco funds have been used to sponsor a basketball, football, video and track and field after school programs. These activities are to inspire students to find positive interests and activities outside of academic classwork. Self esteem is promoted with our student Council activities and Good Guy Recess, fun dress days and assemblies. Our PTA sponsors assemblies to broaden children's experiences that are integrated with the school curriculum such as science, music and art. Children that speak English as a second language are given an opportunity to attend an after school ESL class and parenting programs are offered to adults.

CLASS SIZE AND TEACHING LOAD

Regular classroom teachers and special education teachers are employed at Cambridge School. Districtwide, the K-6 class size average is 30, with the exception of those primary classes with class size of less than 20. Our first, second and third grade classes have been staffed at a 20:1 ratio. Our kindergarten classes have been reduced either full or part time 20:1 and plans to be completely reduced will occur next year. At Cambridge the average class size for each special education teacher is 12. State law limiting class size at the K-3 grade levels may result in larger classes in grades 4-6. There are currently five combination classes at this site.

STUDENT ACHIEVEMENT

During the 1996/97 school year, Orange Unified used the norm-referenced CAT/5 test (California Achievement Test/ Version 5). Testing was administered during a two-week period in April 1997 to students in grades two through ten, and individual test results were reported to parents.

The test provides information regarding each student's achievement in Reading, Language, and Math. Norm-referenced tests allow us to compare each student's achievement to other students nationally at the same grade level. The scores can also be used to compare a student's achievement over several years. Since this is a test that compares students in O.U.S.D. to students across the nation, a percentile score is used. *For example,* a percentile score of 70 in Reading for Grade 5 means that 5th graders at this school scored as well or better than 70% of 5th graders across the nation. In addition, each student has an ongoing assessment process that is conducted by the classroom teacher.

An important point to keep in mind when scores are being analyzed and interpreted, is that the results are only descriptions of a particular performance by a student on a specific test on a specific day. While they provide valuable data, they are only one of many indicators of achievement which we use. A student's classroom work and teacher's observations are equally important parts of the total picture.

Listed below are the results for Grades 2 - 6.

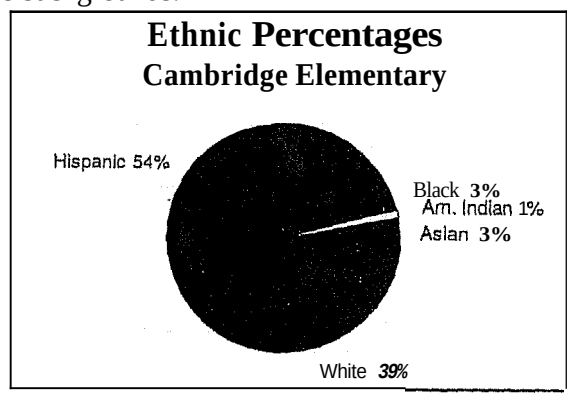
Cambridge Elementary — *Scores in percentile*

	CAT/5 1995/96			CAT/5 199[illegible]		
	R	L	M	R	L	M
Gr 2	25	33	46	31	48	42
Gr 3	44	39	41	31	28	31
Gr 4	35	35	33	35	35	35
Gr 5	26	36	27	31	44	38
Gr 6	36	41	38	34	40	34

R - Reading L - Language M - Math

ETHNIC POPULATION

Our school's student population consists of the following ethnic backgrounds:



EXPENDITURES

During the 1996/97 school year, Orange Unified expended $4,482.53 per student from all sources of district monies including revenue limits, federal and state categoricals, lottery, and other local income. Expenditures included staffing, instructional materials and equipment, health services, maintenance, transportation, etc. Each elementary school is allocated $54.00 per student for operating supplies and equipment. This includes a $10.00 per student allocation of Lottery funds. Cambridge School operated the following categorical programs for the 96/97 school year:

- ✓ *School Improvement*
- ✓ *Chapter II*
- ✓ *Chapter VI*
- *Economic Impact Aid (EIA)*
- ✓ *Emergency Immigrant Program (EIP)*
- ✓ *Gifted and Talented Education (GATE)*
- ✓ *Class Size Reduction*

TEXTBOOKS AND INSTRUCTIONAL MATERIALS

O.U.S.D. allocated from the general fund and state monies $108.00 per K-3 student and $28.00 per 4-6 student for textbooks and instructional materials at the elementary

school level in the 1996/97 school year. The newly adopted Language Arts series, Harcourt Brace Signatures, was purchased for the 1997-98 school year. Students have access instructional supplies including workbooks, science kits, manipulatives, Activities Integrating Math and Science (AIMS and TEAMS) and computer software.

Texts and instructional materials are reviewed and recommended by faculty and staff to ensure alignment with state frameworks and District-adopted curricula. Recommendations are then made to the Instructional Materials Advisory Committee composed of parents, teachers and administrators who, likewise, review and offer recommendations to the Board of Education for approval.

Teachers have access to films and videos through the Instructional Media Center. Cambridge School library has 12,000 volumes including a Spanish section. There are 30 computers in the computer lab, a minimum of one computer per classroom, and two in the library at Cambridge School which are used for word processing, drill and practice, etc. We continue to upgrade our technology annually. Special emphasis has been placed on teacher training and instructional implementation for students to be current with the technology used in our society.

TEACHER ASSIGNMENT

Due to the implementation of lower class size in the primary grades at the start of the 97/98 school year, a shortage of fully credentialed elementary teachers exists. There is also a shortage of Special Education teachers. These shortages are reflected throughout the state. The district focuses on recruiting credentialed teachers within these areas. We currently have 25 credentialed teachers and 10 teachers working on Emergency Credentials.

STAFF EVALUATION

The O.U.S.D. evaluates and assesses each certificated and classified employee on a continuing basis. Probationary and temporary certificated employees receive written evaluations once each year and tenured certificated employees once every other year on a rotation cycle. If necessary, evaluations may be conducted on an annual basis. Employees receive feedback and suggestions through formal and informal classroom observations that may enhance their teaching strategies and interactions with students.

SUPPORT SERVICES

Support services are available to meet the needs of all students. These services are provided by school Psychologists, Speech and Language Specialists, Vision and Hearing Specialists, and other auxiliary personnel as required by the student. Additional services are provided by Child, Welfare and Attendance personnel. District nurses provide vision, hearing and other health screening services. In addition, Cambridge participates in the following programs to help meet student needs: Drug Abuse Resistance Education (D.A.R.E.), Skills for Adolescents, Skills for Growing, and referrals to outside agencies. Our Library Media Technician meets weekly with each class.

SUBSTITUTE TEACHERS

O.U.S.D. employs over 300 qualified substitute teachers available on an on-call basis. The District has an electronic "substitute finder" which greatly enhances the efficiency of assigning our substitute teachers.

STAFF DEVELOPMENT AND CURRICULUM DEVELOPMENT

Cambridge staff participates in the four district-provided staff development days to review, revise and plan implementation of the district curriculum. Techniques for improvement of classroom instruction are also developed on these days. This year's teachers have worked within the areas of Special Education, language arts, technology and science.

District mentors provide numerous inservice opportunities for our staff. Teachers may attend conferences and workshops outside the District, when possible, as a means of training and updating skills. Our teachers took advantage of the Skills for Growing, Skills for Adolescence (SAFE), several reading conferences, Conflict Management and Second Language Acquisition, Literacy and classroom management workshops.

All schools follow the instructional programs as adopted by the Board of Education which is in compliance with state requirements and standards. The District has a Special Education Program which ensures the proper placement of and opportunity for all Special Education students. Limited English Proficient (LEP) students have regular in-classroom instruction to assist in the development of English proficiency. Identified gifted students (GATE) are also provided in-classroom instruction to further extend their development.

QUALITY OF SCHOOL INSTRUCTION AND LEADERSHIP

Cambridge implements the instructional programs adopted by the Board of Education and complies with state requirement standards. Leadership at Cambridge is a shared school wide responsibility and is used to promote and support instructional programs for all students. School leaders are knowledgeable about curriculum and instructional practices. School resources are allocated for continued improvement, and the staff is highly trained and dedicated to quality education for all students.

Cambridge offers the following instructional minutes per year compared with the state minimum requirements listed below. Of the 181 instructional days, 9 are minimum days.

State Requirements		Cambridge Elementary	
KDG	36,000	KDG	36,200
Grades 1-3	50,400	Grades 1-3	51,315
Grades 4-6	54,000	Grades 4-6	54,620

SCHOOL FACILITIES AND SAFETY

The Orange Unified School District has completed a number of maintenance and improvement projects at our school in the last year. These include painting, electrical upgrades, replacement of dated/worn-out service fixtures and landscape improvements. The Deep Cleaning Crew cleans the building twice a year. There is another crew that visits the site for three intense days to do painting ,plumbing and other jobs that require attention. Electrical upgrades have been completed due to the new air-conditioning system. Cabling potential and other electrical needs were addressed to implement Internet access. The fencing around the school permits us to "lock down" during the school day; as we place safety as a priority at our school.

UNIQUE PROGRAMS

Certificated staff assist students in the improvement of basic skills and are planning programs to motivate students to read and participate in a sports program after school Several teachers offer programs to help students build their self esteem such as a school chorus, homework club, video club and Dash for Dare. The Cambridge PTA offers an enrichment art program. Our Fathers Club sponsors activities such as Dust Busters Day and also plan projects utilizing our dad's special skills while assisting the PTA. Cambridge is proud of its annual Talent Show which is held each spring at Chapman University and where students and staff demonstrate their unique gifts in the performing arts. Orange High School students work on-campus in a variety of programs which assist our teaching staff. Chapman University and Cambridge have joined hearts in a Reading Partnership. Our students attend their one on one reading program. Students also help provide us with their special talents as we build a strong connection with our higher education programs.

PARENTAL AND COMMUNITY INVOLVEMENT

Both parents and the community are actively involved in the education of Cambridge students and support school activities. PTA provides a number of educational enhancements. Through its fund raising and volunteering, the PTA has supplemented the instructional program with study trips, assemblies, sixth grade Outdoor Science Education, School Carnival and much more. Parents volunteer in classrooms, coordinate, sponsor and chaperon activities through the PTA, and serve on advisory councils such as: the School Site Council, the Elementary Advisory Committee and the English Language Development Advisory Committee. Community organizations such as the olice and fire departmenr, Boy/Girl Scouts, Orange Public ibrary, Orange High School, and Chapman University all ontribute toward our students' education. We depe arental involvement and are always looking for new involve our parents.

PREPARING STUDENTS FOR THE WORKPLACE

Elementary students pursue a pre-vocational course of udy which focuses on the core academic subjects of ading, writing and mathematics. At Cambridge our goal is prepare students to move successfully to secondary hool. There, more specific preparation for the world of ork will take place. Our teachers discuss careers and job portunities in the course of their daily lessons. Study trips d guest speakers expose the children to the rich variety of cupations which await them.

EMPLOYEE SALARIES

*Statewide and Districtwide Average Salaries and Budget Percentages**	
Beginning Teacher Salary	
OUSD	$24,082
Statewide	$27,916
Midrange Teacher Salary	
OUSD	$36,965
Statewide	$44,063
Highest Teacher Salary	
	$48,038
Statewide	$51,460
School Site Principal Salary	
OUSD	$61,431
Statewide	$69,378
District Superintendent's Salary	
OUSD	$123,760
Statewide	$116,378
Actual Percentage for Administrative Salaries	
OUSD	5.17%
Statewide	6.17%
Actual Percentage for Teacher Salaries	
OUSD	41.96%
Statewide	43.03%

**In accordance with Education Code 41409, 1995-96 salary and budget information was used to determine the average displayed above, utilizing statewide unified districts of 20,000 or more students.*

sit the Orange Unified School District website at tp://www.orangeusd.k12.ca.us

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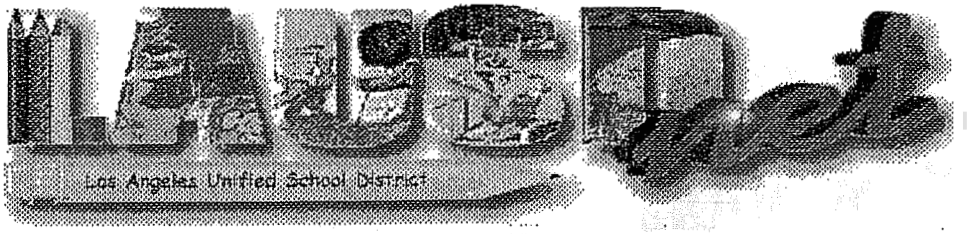

Find a School | HELP! | SEARCH | A.U.P.

School Accountability Report Card is now online!
The 1997 SARC data is now available for each school. Just click on "Find a School", search for a school, and then select the School Accountability Report Card Button.

Important LAUSDnet Changes - Firewall
All users, who connect to the Internet through LAUSDnet, MUST make changes to their web browsers prior to **July 30, 1998.** Users who have not made the SOCKS update will be experiencing a noticable slow down in access. Please make changes to improve your connection through LAUSDnet. (Updated - 7/10/98)

Review the Revised Acceptable Use Policy for LAUSDnet!
AUP revised 7/98. This applies to all users who access the Internet from a District facility, or from a remote location that connects with any District facililty.

Summer Schedule of Technology Classes
Registration is now open for District employees. Updated 7/8/98 - Classes filling quickly!

NetDay '98
NetDay '98 will be in October. - Get Wired!

E-Rate Updates
Get the latest on LAUSD E-Rate Application Initiative.

Fresh Daily!
Start your day here! The NET is now a regular feature of Fresh Daily

Curriculum Support
Treasures of LAUSD

© Los Angeles Unified School District
Administrative Offices
450 North Grand Ave.
Los Angeles, CA 90012
(213) 625-6000

LAUSD Directory of Schools

Instructions:
Type in the first word or part of the first word of the school name or select the "Location Code" box and enter the school location code.

Search K-12 Schools by:
- School Name Location Code Zip Code

Search Text:
Ascot Elementary

SEARCH...

View Community Adult Schools & Skills Centers

School(s) found:

New Search

Click on the magnifiying glass to see the details!

Ascot Elementary Go

School/Site: Los Angeles Senior High
Principal: Barner, Earl Edward
Address: 4650 W Olympic Blvd
City: Los Angeles, Ca
Zip: 90019
Telephone: 213)937-3210
Fax: 213)936-8455
Directions: Intersection of Crenshaw Blvd. and Olympic Blvd. West on Olympic Blvd. seven blocks,

Location | Details | CBEDS | Prop BB | Web Pages | School Accountability Report Card | Home

New Search

Generated on 07/23/98, Information Technology Division, LAUSD, http://www.lausd.k12.ca.us/

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School Accountability Report Card

Los Angeles Senior **High** **8736**
4650 W OLYMPIC BLVD
LOS ANGELES, CA 90019 Telephone: **(213)937-3210**

AN ANNUAL REPORT TO THE COMMUNITY

Data for 1996-1997 School Year
Issued January 1998

MESSAGE FROM THE PRINCIPAL

The School Accountability Report Card has been established by Proposition 98. an initiative passed by California voters in November 1988. The Report Card, which must be issued annually for each elementary and secondary school in the State of California provides an assessment of thirteen conditions related to the school, its resources, its successes, and the areas in which improvements may be needed.

As you read this Report Card for our school, I believe that a picture will emerge of a school dedicated to improvement, a qualified faculty that is professionally and personally committed to meeting the learning needs of students, and a student body which is motivated to perform well.

As a parent or other interested person for whom this Report Card was designed, you may be interested in additional information regarding the Report Card, For such information, call the school office.

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Los Angeles Senior High 8736

SCHOOL PROFILE

The following school goals are achieved through the implementation of the District's

- Improve the academic achievement of all students
- Improve students' self esteem
- Improve language acquisition and development
- Improve students' ability to apply comprehension skills across the curriculum
- Improve students' ability to think critically and to solve problems
- Involve students in daily speaking and writing activities across the curriculum
- Improve test scores
- Improve students' attendance
- Reduce dropout rates

Our school puts forth efforts to involve parents and community in our school and to keep them informed. This is done through meetings with groups such as PTSA, School Advisory Councils, school volunteers and Adopt-A-School Partners.

GRADE CONFIGURATION 9 -12

RACIAL/ETHNIC COMPOSITION

	Am Indian Alaskan	Asian	Black Not Hispanic	Filipino	Hispanic	Pacific Islander	White	Total Enrollment
1996-97	0.2%	7.5%	15.6%	1.6%	74.3%	0.1%	0.7%	3,490
1995-96	0.1%	7.4%	16.4%	1.9%	73.4%	0.1%	0.6%	3,246
1994-95	0.1%	7.9%	16.9%	2.4%	72.2%	0.0%	0.5%	3,152

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Los Angeles Senior High **8736**

SALARY AND BUDGET DATA
1995-1996 School Year*

	LAUSD 620,837 ADA (Average Daily Attendance)		STATE AVERAGE Large Unified Districts (More than 20,000 ADA)	
SALARY CATEGORY				
	Annual	Daily	Annual	Daily
TEACHER				
Minimum	$29,529	$162	$27,916	$152
Mid-range	45,074	248	44,063	241
Highest	54,958	302	51,460	281
Average	44,834	246	DATANOT	AVAILABLE
SCHOOL ADMINISTRATORS**				
Minimum	$39,312	$171	DATANOT	AVAILABLE
Mid-range	68,193	325	DATA NOT	AVAILABLE
Highest	94,318	414	DATA NOT	AVAILABLE
Average(PRINCIPAL)	76,008	357	$69,378	$327
DISTRICT SUPERINTENDENT	$164,555	$721	$115,378	$513

BUDGET PERCENTAGES		
ADMINISTRATORS' SALARIES	3.79%	5.17%
TEACHERS' SALARIES	38.30%	43.03%

*Please note that these figures reflect salary and budget data for 1995-96 school year, as required by the State, and the figures do not include general fund expenditures for employee benefits.

**Includes all school site administrators, principals, assistant principals, etc.

Instructional Minutes

Instructional Days

**Includes all school site administrators, principals, assistant principals, etc.

Location

Details

CBEDS

Prop BB

Web Pages

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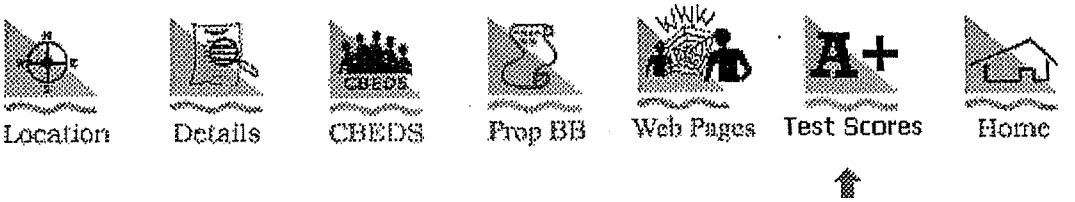
New Search

Generated on 07/23/98, Information Technology Division, LAUSD, http://www.lausd.k12.ca.us/

School/Site: Carver Middle School



New Search

Generated on *07/23/98*, Information Technology Division, LAUSD, http://www.lausd.k12.ca.us/

School(s) found:

New Search

Stanford-9 Median Percentiles, Spring 1997

Los Angeles Senior High

	GRADE 9					GRADE 10			
	READ	MATH	LANG	SPEL		READ	MATH	LANG	SPEL
N-	752	790	689	802	**N-**	659	704	624	710
MD-	19	22	21	20	**MD-**	15	17	19	20

School(s) found:

New Search

Aprenda Median Percentiles, Spring 1997

Los Angeles Senior High

	GRADE 9					GRADE 10			
	READ	MATH	LANG	SPEL		READ	MATH	LANG	SPEL
N-	195	183	180	196	N-	97	94	95	101
MD-	41	16	39	36	MD-	58	31	46	48

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Los Angeles Senior High **8736**

EXPENDITURES AND SERVICES

Direct charges to schools primarily include the following:

1996 - 97

Direct Expenditure Classification	Total Direct Expenditures	Percent	Expenditures per ADA
Instruction	$9,947,471	72%	$3,216
Instructional support	$1,277,614	9%	$413
Pupil services	$797,013	6%	$257
School maintenance	$377,640	3%	$122
School operations	$1,358,543	10%	$439
Pupil transportation	$42,837	0%	$13
Total:	$13,801,118	100%	$4,460

EXPLANATION OF DIRECT EXPENDITURE CLASSUFICATIONS

INSTRUCTION: Salaries and employee benefits of teachers and aides, textbooks, instructional materials.

INSTRUCTIONAL SUPPORT: Instructional and school administration, instructional media, educational television and computer assisted instruction

PUPIL SERVICES: Attendance, welfare, guidance, counseling and health activities.

SCHOOL MAINTENANCE: Repainting, resurfacing grounds, roof repair and related equipment acquisitions and replacement.

SCHOOL OPERATIONS: Cleaning and utilities, gardening, trash disposal and laundry services.

PUPIL TRANSPORTATION: Cost of conveying pupils to and from school activities and between home and school. Does not include field trips.

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Los Angeles Senior High **8736**

CLASS SIZE

Class sizes have consistently been at or below State guidelines at every grade level.

Departmer	Average Class Size
Englis	26
Mathematics	33
Social Studies	31
Science	33

COURSE CONTENT/PREPARATIONS FOR SECONDARY TEACHERS

# Courses/Preparations	Number of Teachers
01 - 02	93
03 - 04	56
05 - 06	5
over 06	0

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Los **Angeles Senior High** **8736**

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Department	Average Glass Size
English	26
Mathematics	33
Social Studies	31
Science	33

COURSE CONTENT/PREPARATIONS FOR SECONDARY TEACHERS

# Courses/Preparations	Number of Teachers
01 - 02	93
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Los Angeles Senior High **8736**

TEACHER ASSIGNMENTS

Out of 142 permanent certificated classroom teachers in our school, none are teaching out of their credentialed areas. Of these, the following are:

	1996-97	1995-96	1994-95
Credentialed	126	114	111
Emergency Credentials/Permits	14	17	16
Interns	2	5	6

In addition, the following possesses bilingual certification or language development certification:

	1996-97	1995-96	1994-95
Bilingual certification	17	14	12
District A-level fluency	13	14	12
English Lang. Development	15	15	11

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TEXTBOOKS AND MATERIALS

The Los Angeles Unified School District has set a priority on ensuring that a sufficient number of textbooks to support the school's instructional program is available. The instructional materials are chosen primarily from the textbook adopted by the California Department of Education.

Acquisition of educational technology and access to current additional resources to support the instructional program for all students are priorities in determining the budget expenditures.

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Los Angeles Senior High **8736**

COUNSELING AND STUDENT SUPPORT SERVICES

Students at our school receive support services from a staff which includes the following:

Types of Support Services Provided	Staff Time Provided
• Nurse	
• Student Attendance and Adjustment Services Counselor	
• School Psychologist	

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SUBSTITUTE **TEACHERS**

This school has experienced_____difficulty in obtaining substitute teachers to provide classroom instruction for absent teachers Last year the approximate average yearly absence for teachers was 8 day(s)

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Los Angeles Senior **High** ***8736***

SCHOOL FACILITIES AND SAFETY

Our school makes every effort to provide a safe, clean environment for learning, Classroom space is used to support our instructional program. Emergency drills are routinely held for earthquake and fire preparedness for our students.

A five-year school enrollment history indicates the following data regarding school enrollment and operating capacity:

Year	Norm Day Enrollment"	School Capacity	Number of Classrooms
1996-97	3,490	4,340	http://www.lausd.k12.ca.us/Los_Angeles_HS
1995-96	3,246		
1994-95	3,152		
1993-94	2,617		
1992-93	2,547		

*Note: At year-round schools, only a portion of the total enrollment (Norm day) is attending school at any given time.

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Los Angeles Senior High ***8736***

TEACHER EVALUATIONS

Teachers are evaluated on a regular basis by administrators in accordance with State and District requirements and contractual agreements. The District requires annual evaluations for provisional and probationary teachers and biennial for permanent teachers

During the 1996-97 school year 89 teachers were evaluated.

To ensure continued development of professional skills, staff participated in the following growth opportunities:

Types of Activities

- Faculty meetings
- Staff development sessions
- Grade level/departmental meetings
- College level courses
- Inservice classes from District/Unit/Division
- Conferences and/or workshops
- New teacher training

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Los Angeles Senior High **8736**

INSTRUCTION AND LEADERSHIP

Each school's instructional program requires implementation of the District guidelines and courses of study which are aligned with State adopted frameworks and model curriculum guides for all grade levels and subject areas.

The activities listed below provide opportunities for staff, parents, and community involvement in order to accomplish instructional priorities:

Types of Leadership Roles	Number of Staff/Community Involved
• Grade Level/Department Chairs	
• School Advisory Council	
• Bilingual/Bicultural Council	
• Shared Decision Making Council	

In addition, the local school leadership council is involved in shared decision making. The council is composed of the United Teachers of Los Angeles Chapter Chair, teachers, elected parents/community representatives, a classified employee representative, the principal, and at the secondary level, a student representative. The Council determines the following matters:

a. Staff development program
b. Student discipline guidelines and code of student conduct
c. Schedule of school activities, events, and special schedules
d. Guidelines for use of school equipment
e. Local budgetary matters

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Los Angeles Senior High **8736**

INSTRUCTIONAL MINUTES

Our school operates on the Concept 6 calendar offering instructional minutes equal to or exceeding the State's requirements:

	Requirements	
Grades	District	State
9-12	66,667	64,800

The number of minutes offered does not take into consideration pupil free days, minimum days or shortened days.

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Class Size
Teacher Assignments
Textbooks & Materials
Counseling & Student Support
Substitute Teachers
Facilities & Safety
Teacher Evaluations
Discipline & Learning Climate
Training & Curriculum
Instruction & Leadership

School Accountability Report Card

Los Angeles Senior High 8736

INSTRUCTIONAL DAYS

Our school calendar contains 163 days, _____ of which were designated for professional development. This provided for _____ instructional days of student attendance which met or exceeded State requirements.

State of California

Kathleen Connell, State Controller

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AUG 10 1998
COMMISSION ON
STATE MANDATES

Memorandum

To : Paula Higashi, Executive Director
Commission on State Mandates
1300 I Street, Suite 950
Sacramento, CA 95814

Date: August 4, 1998

EXHIBIT J

From : State Controller's Office
Paige Vorhies, Chief
Bureau of Payments

Subject 97-TC-21 PROPOSED PARAMETERS AND GUIDELINES
SCHOOL ACCOUNTABILITY REPORT CARDS
CHAPTER 918, STATUTES OF 1997, ET AL

We have reviewed the proposed parameters and guidelines submitted by Sweetwater Union High School District and Bakersfield City School District and offer the following comments and technical amendments

IV. Reimbursable Activities

Component 1 - Compilation, Analysis, and Reporting of Data

1. The proposed draft language is not specific enough in delineating between the development of information required to be reported and the collection of existing information which is already identified and reported for other purposes.

Only new activities of collection, analysis, preparation, and updating annually are reimbursable under this mandate. Therefore only the costs of transforming 'information to meet the required provisions of the report card are reimbursable,

Component 2 - INTERNET Posting

2. The definition of "connected to the INTERNET" for purposes of complying with section 35258 of the Education Code needs to be specified. The following wording should be added to the existing language of Component 2.

"School districts subject to the mandate of posting the School Accountability Report Card on the INTERNET are those who had a connection to a website for posting

C918_97.SAM

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STATE MANDATES

PUBLIC HEARING

COMMISSION ON STATE MANDATES

--000--

ORIGINAL

TIME: 9:34 a.m.

DATE: Thursday, August 20, 1998

PLACE: Commission on State Mandates
State Capitol, Room 437
Sacramento, California

--000--

REPORTER'S TRANSCRIPT OF PROCEEDINGS

--000--

Reported By: DANIEL P. FELDHAUS
CSR #6949, RDR, CRR

APPEARANCES

COMMISSIONERS PRESENT

ROBIN J. DEZEMBER, Chairperson
Representative for CRAIG L. BROWN, Director
State Department of Finance

ALBERT P. "AL" BELTRAMI
Public Member

RICHARD "RICK" CHIVARO
Representative for KATHLEEN CONNELL
State Controller's Office

DAVE COX
Board of Supervisors
Sacramento County

NANCY PATTON
Representative for PAUL MINER, Director
State Office of Planning and Research

JOANN E. STEINMEIER
School Board Member
Arcadia Unified School District

BRUCE VANHOUTEN
Representative for MATTHEW FONG
State Treasurer's Office

COMMISSION STAFF PRESENT

PAULA HIGASHI, Executive Director
SHIRLEY OPIE, Staff Services Analyst
PIPER RODRIAN, Staff Services Analyst
CAMILLE SHELTON, Staff Counsel

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California State Association of Counties/SB 90 Service
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Sacramento, CA 95841

Appearing Re Item 5:

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For Sweetwater Union High School District:

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For Bakersfield City School District:

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For Education Mandated Cost Network:

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For California Department of Finance:

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Department of Finance
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Sacramento, CA 95814

Appearing Re Item 7:

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San Diego City Schools

For Mandated Cost Systems:

PAUL C. MINNEY
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For California Department of Finance:

CINDY CHAN
Department of Finance

JAMES M. APPS
Department of Finance

For Education Mandated Cost Network:

CAROL A. BERG, Ph.D.

KEITH B. PETERSEN
special Counsel
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

A P P E A R A N C E S

Appearing Re Item 8:

For Education Mandated Cost Network:

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For Alameda County Office of Education:

KEITH B. PETERSEN

For California Department of Finance:

JAMES M. APPS
Department of Finance

--000--

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MR. VANHOUTEN: Aye.

MS. HIGASHI: Mr. Dezember?

MR. DEZEMBER: Aye.

MS. HIGASHI: Motion carries.

MR. DEZEMBER: Thank you very much.

MR. KAYE: Thank you.

MR. DEZEMBER: That was nice. They don't always run that way, do they?

The next item.

MS. HIGASHI: We're now at item 5. Item 5 is the Proposed Parameters and Guidelines for School Accountability Report Cards. This set of parameters and guidelines has a few more issues which are in dispute than the last item. We have had a prehearing conference on this matter, and it's been before the Commission once.

This test claim statute requires school districts to compile, analyze, and report specified information in the school accountability report card. The test claim statutes also require school districts, as specified, to post and annually update school accountability report cards on the Internet by July 1, 1998. This started out as an undisputed test claim.

We had hoped for a statewide cost estimate in six months. It looks like we have the whole education mandates community here.

Very briefly, I'll state that we have received written comments from a number of parties. The staff

1 analysis and the staff's proposed P's and G's reflect our
2 interpretation and analysis based on our reading of those
3 comments.
4 There are still some outstanding issues. And I'll
5 allow the parties to speak to you directly rather than
6 trying to restate their positions. But basically, the
7 issues that the Commission needs to determine are: One,
8 whether or not you agree with staff's interpretation of
9 "connected to the Internet," thus qualifying a school
10 district for reimbursement and for having to comply with
11 this mandate.
12 The other issue is whether or not ongoing costs or
13 one-time costs should be approved for certain elements of
14 the mandate, if you find that "Internet connection" would
15 require posting of the SARC.
16 Three --
17 MR. DEZEMBER: Excuse me. Are those elements
18 identified as part of the issue?
19 MS. HIGASHI: The issues relate to purchase and
20 acquisition of software.
21 MR. DEZEMBER: That's an ongoing or one-time
22 cost issue?
23 MS. HIGASHI: Ongoing or one-time cost, 'those
24 are issues.
25 Other issues are whether or not fixed assets should
26 be reimbursed, and that is, whether or not the school
27 district may be reimbursed for the pro rata portion of
28 a computer, if it is used for this purpose, to comply

1 with the mandate.

2 And lastly, the issue of whether or not a school

3 district should be required to create -- I should say

4 this is probably the second issue -- a Web site, if it

5 does not already have a Web site.

6 Staff did find that the mandate required school

7 districts to create Web sites, if they did not have Web

8 sites, if they had an Internet connection; and everything

9 in the P's and G's flows from that point. But there are

10 other issues, and as is evidenced by the witnesses at the

11 table, there's a lot of interest in these issues in the

12 Commission's position.

13 MR. DEZEMBER: Okay. Thank you.

14 MS. HIGASHI: So we're prepared to respond, if

15 you have any other questions. But they might as well

16 testify.

17 MR. DEZEMBER: Let me see, I think what we'll

18 do is, we'll start from my left and go to the right, in

19 order, to provide the input of the people at the witness

20 table. And one of the first questions I would like to

21 ask, before you begin, is whether you agree that those

22 are the issues; and if there are others, could you please

23 identify them?

24 Mr. Cunningham?

25 MR. CUNNINGHAM: I'm Jim Cunningham with

26 San Diego Unified School District. I think those are the

27 issues that we see, and we're prepared to discuss them

28 this morning.

1 MR. DEZEMBER: Okay.
2 MR. HENDEE: I'm Larry Hendee, Sweetwater Union
3 High School District, co-claimant. And I also believe
4 those are the issues.
5 MR. DEZEMBER: Thank you.
6 MR. STAPLEY: Wayne Stapley, Bakersfield School
7 District. And I agree with the issues at hand today.
8 MS. BERG: Dr. Carol Berg, Education Mandated
9 Cost Network. Concur.
10 MR. MINNEY: My name is Paul Minney. I'm an
11 attorney with Girard and Vinson here on behalf of
12 Mandated Cost Systems. I would like to add that one of
13 the comments I made in my letter of the 18th was whether
14 or not school districts should be reimbursed for costs
15 for building Web sites before the effective date. I've
16 since spoken with Jim Cunningham this morning, and I
17 understand that issue was resolved at the statement of
18 decision level, so I withdraw that issue at this point.
19 Other than that, the remaining issues are as stated.
20 MR. DEZEMBER: Okay, thank you.
21 MR. RUSSELL: Dale Russell, Bakersfield City
22 School District; and I concur with the issues.
23 MR. APPS: I'm Jim Apps with the Department of
24 Finance; and we concur with the issues.
25 MR. DEZEMBER: Good. Okay, then we can start
26 with Mr. Cunningham, please.
27 MR. CUNNINGHAM: Actually, if I could -- I'm
28 not the test claimant on this. Mr. Hendee and the

MR. DEZEMBER: Okay.

MR. HENDEE: I'm Larry Hendee, Sweetwater Union High School District, co-claimant. And I also believe those are the issues.

MR. DEZEMBER: Thank you.

MR. STAPLEY: Wayne Stapley, Bakersfield School District. And I agree with the issues at hand today.

MS. BERG: Dr. Carol Berg, Education Mandated Cost Network. Concur.

MR. MINNEY: My name is Paul Minney. I'm an attorney with Girard and Vinson here on behalf of Mandated Cost Systems. I would like to add that one of the comments I made in my letter of the 18th was whether or not school districts should be reimbursed for costs for building Web sites before the effective date. I've since spoken with Jim Cunningham this morning, and I understand that issue was resolved at the statement of decision level, so I withdraw that issue at this point.

Other than that, the remaining issues are as stated.

MR. DEZEMBER: Okay, thank you know.

MR. RUSSELL: Dale Russell, Bakersfield City School District; and I concur with the issues.

MR. APPS: I'm Jim Apps with the Department of Finance; and we concur with the issues.

MR. DEZEMBER: Good. Okay, then we can start with Mr. Cunningham, please.

MR. CUNNINGHAM: Actually, if I could -- I'm not the test claimant on this. Mr. Hendee and the

gentleman from the Bakersfield City --

MR. DEZEMBER: So you -- you want --

MR. CUNNINGHAM: -- School District --

I would like to comment, but I believe they have lead.

MR. DEZEMBER: If you would like to defer, that's fine.

MR. CUNNINGHAM: Thank you.

MR. DEZEMBER: Go ahead.

MR. HENDEE: I'm Larry Hendee, Sweetwater Union High School District, co-claimant.

I'm here to address a specific item as it relates to the amended parameters and guidelines. That specific item is the fact that the SARC reporting requirements are not a one-time reporting requirement. It does not involve one-time costs nor one-time activities. We are required to continue reporting this until such time at such time the Legislature decides to appeal.

Specifically, in component one, sections A-1, B-1 and B-2, which address developing and adding new Web pages, new school sites, reorganizations, et cetera, are going to continue to happen in the State of California; and as such, school districts will need to add new pages, develop new pages, and so forth, to address those new school sites. Therefore, they're going to need to have the ability to do that.

The second issue regarding that in component one is sections A-6 --

1 MR. CUNNINGHAM: A-5.
2 MR. HENDEE: Excuse me. A-5, A-G, B-1 -- or
3 B-6 and B-7. And those address the issues of software,
4 which also need to be identified as ongoing. And that --
5 the reason for that is because we're all aware of how
6 quickly technology changes. And because technology
7 changes as quick as it does, districts will need to have
8 the ability to replace outdated, obsolete, unusable
9 software in order to comply with the mandate.
10 MS. HIGASHI: May I just interject?
11 MR. DEZEMBER: Yes.
12 MS. HIGASHI: The components -- it's component
13 two, and it's on Bates page 14. It's Exhibit A under
14 this item.
15 MR. DEZEMBER: Okay, so just for my own
16 clarification, the issue here is, our P's and G's say
17 that we believe that developing -- putting together a Web
18 site, developing a Web site, whatever you call it, is an
19 appropriate cost, but it's a one-time cost. Do you
20 believe there's ongoing upkeep to the Web site? That is,
21 that should be an allowable cost, plus potential future
22 upgrades to the software.
23 MR. HENDEE: I'm going to say technically, yes.
24 I didn't actually address Web sites, but I was talking
25 about adding and developing new Web pages. Yeah, that's
26 correct.
27 MR. DEZEMBER: Kind of the maintenance of the
28 Web site?

MR. HENDEE: Yes.

MR. DEZEMBER: Okay. Thank you.

Yes, sir?

MR. STAPLEY: Wayne Stapley, Bakersfield City School District, co-claimant. I concur with Mr. Hendee, and I will pass.

MR. DEZEMBER: Okay. Mr. Russell?

MR. RUSSELL: Yes. The issue that I'm interested in is one of efficiency of operation in the school district. For example, software is permitted in this; but fixed assets, for example, a file server may not be. Whereas in our district, if we have 40-plus schools, and we have site licenses of about 200 dollars per software issued to the school, it would be about an 8,000-dollar expense. That's more expensive than us to have a single file server with all of the SARCs coming into that single source, which also gives us better management over the quality control of what's presented to the public. It's a simple issue, but it's one that we think relates to the efficiency of our operation, and that's pretty much the issue.

MR. COX: Isn't that a management issue, though? Isn't that a decision that your superintendent makes or your management makes, in terms of whether or not you have these on individual -- you only have one Web site, correct?

MR. RUSSELL: Each school has a Web site.

MR. COX: Each school has a Web site?

1 MR. RUSSELL: Yeah -- well, actually --
2 MR. CUNNINGHAM: I think it depends, or it
3 varies from school district to school district, Mr. Cox.
4 MR. COX: But that's a decision your management
5 has made?
6 MR. CUNNINGHAM: Right, and I think what
7 Dr. Russell is saying that he believes that that is a
8 local choice, and that the locals ought to be able to
9 make that choice, and determine which of the alternatives
10 is the most cost efficient.
11 What he's addressing, is that he wants to make just
12 clear -- and I think that the parameters and guidelines
13 permit this -- but he wants to make clear that neither
14 choice would be precluded under the parameters and
15 guidelines for reimbursement; and that the school
16 district would make the determination that one option was
17 more cost effective than the other option; and that we
18 don't want to have an interpretation of the parameters
19 and guidelines that's going to preclude the school
20 district from making the choice that they think is the
21 most cost effective.
22 MR. RUSSELL: Our concern would be that the
23 guidelines would be interpreted to say that only software
24 is permitted. If that's the case, then it would force us
25 to consider that only software at each school site would
26 be acceptable. We don't think that's prudent.
27 MR. DEZEMBER: Okay.
28 MR. CUNNINGHAM: Again, for some school

1 districts, it may be more cost effective for them to buy
2 a software license for each school.
3 MR. RUSSELL: Uh-huh. I --
4 MR. DEZ'EMBER: Thank you. Before we get onto
5 that, are you going to comment on all the issues or just
6 this one in particular?
7 MR. CUNNINGHAM: I think I've got had some
8 proposed language changes that can address these
9 comments, when the Commission is prepared to do this.
10 And then I had one other issue.
11 MR. DEZEMBER: I'd kind of like to take the
12 issues one at a time. I don't know about the other
13 members, but I want to make sure I get clear on these
14 before we proceed. We're now talking about two of these
15 issues, one -- ongoing and one-time costs plus whether
16 fixed assets are reimbursed.
17 Now, let me ask a question about the creation of the
18 Web site. What our P's and G's say, is that we are
19 proposing to find that that's the most reasonable way to
20 implement this mandate; is that correct?
21 MS. HIGASHI: Yes.
22 MR. DEZEMBER: And your reaction to that is
23 what?
24 Mr. Russell, I think you dealt with the Web site
25 issues.
26 MR. RUSSELL: Actually, our data processing
27 people do that. But we have a Web page for each school,
28 and the Web sites developed for the district.

MR. DEZEMBER: So there's no particular disagreement with the result that we would say that developing a Web site is an appropriate reimbursable cost?

MR. RUSSELL: I wouldn't disagree with that.

MR. DEZEMBER: Okay, good.

MR. MINNEY: Can I comment on that?

MR. CUNNINGHAM: But we're looking at the issue also not only with respect to the site but the pages, and the current language in component two, I think, beginning on Bates page 14, in A-1 and in B-2 says, "One-time cost to add Web pages or individual school's Web pages to the site" -- whatever "the site" is.

MR. DEZEMBER: Right.

MR. CUNNINGHAM: And we don't believe that is a one-time cost or a one-time activity; it's something that may go on. And we've added three schools this year. So we have to have three new Web pages for those schools. So next year we may add four more schools, and we may have to add four more Web pages for those schools, under this law. And so it really -- it is an ongoing activity; and it shouldn't be limited, as the staff proposes, to just make it a one-time activity.

MR. DEZEMBER: Okay, Ms. Steinmeier?

MS. STEINMEIER: Mr. Cunningham, doesn't number 4 address that? "Ongoing costs to annually post," but you're saying establish as well as post?

MR. CUNNINGHAM: Yes.

MS. STEINMEIER: The ongoing cost of establishing Web pages as well as maintaining them.

MR. CUNNINGHAM: Yes, each school -- the statute requires each school, not each school district to have a Web page.

MS. STEINMEIER: To post, yeah.

MR. CUNNINGHAM: The question that staff's identified on the Web site is to say that you only need one Web site. But still, every school needs to have its own SARC page.

MS. STEINMEIER: Right, minimally a page, yes.

MR. CUNNINGHAM: So what we're saying is, I'm not sure that we disagree that there only needs to be one site, but there needs to be a number of pages for and the ability to be reimbursed for adding those pages as new schools are --

MS. STEINMEIER: Well, I think what I'm understanding is it depends on the school district and the way they decide to deliver it. And the problem is that there isn't just one way to do this.

MR. CUNNINGHAM: Right.

MS. STEINMEIER: A school district may choose just to have a district Web page that is organized and set up so that every school is covered. Some may have them as individual -- have individual school sites that are kind of amalgamated into one --

MR. CUNNINGHAM: Correct.

MS. STEINMEIER: -- super Web page, whatever

1 you want to call it.
2 MR. CUNNINGHAM: Correct.
3 MS. STEINMEIER: And so --
4 MS. HIGASHI: Staff doesn't really have any
5 disagreement with --
6 MS. STEINMEIER: -- there's no --
7 MS. HIGASHI: -- Mr. Hendee's concern because
8 the concern that we had was just there would be 50
9 iterations to create one Web page for one school. And
10 our concern was that once a Web page is created for a
11 school, it was done. So it was not designed to limit
12 this activity to new schools. So we would propose
13 language that the SARC information -- the one-time costs
14 would be for each school. Therefore, it would
15 accommodate Mr. Hendee's concern if new schools were
16 added.
17 MR. CUNNINGHAM: What we would suggest on this
18 is, this section is supposed to be describing activities
19 and not costs. And we would suggest that in each
20 instance, 1 through 6 in A, and 1 through 7 in B, is that
21 the phrase "one-time costs" or "ongoing costs" just be
22 deleted, so that we're describing activities and not
23 costs. Again, this is under the reimbursable activities
24 section. The types of costs are discussed in another
25 section. So I think what we ought to be doing is just
26 describing the activities. For example, in A-1 is the
27 activity would be to add Web page to the district's or
28 individual school's Web sites to post the school

accountability report card information.

MR. MINNEY: I think there's another good example, too, with one-time costs; and there's a place it's conceivable that we would have ongoing costs, and that's where it says number 5, "to purchase software to convert the SARC to a file format." The technology changes yearly. We may have to buy different software next year, the year after next. It just doesn't seem appropriate to limit it to one time.

MR. DEZEMBER: Is your premise based upon the potential that what you do now, to post these pages on a Web site on the Internet, may not be able to be done because of technological changes in a year or two years or five years?

MR. CUNNINGHAM: Yes.

MR. RUSSELL: Yes, that's real.

MR. DEZEMBER: Do we have any technology wizards up here?

MS. STEINMEIER: No, but I'm married to on .

MR. COX: They're absolutely right.

MS. STEINMEIER: They're right, it's just what happens.

MR. COX: There's no question about that.

MS. STEINMEIER: It becomes obsolete before you can blink unfortunately.

MR. RUSSELL: I'm a person that's lived with the headaches that come with changing of the format and software, so forth.

1 MS. STEINMEIER: You get it all right, and then
2 if it's obsolete, then you have to -- start all over
3 again.
4 MR. RUSSELL: That's right.
5 MR. BELTRAMI: Especially in the year 2000.
6 MS. STEINMEIER: I don't even want to talk
7 about that.
8 MR. COX: Do you want to get with these
9 individuals?
10 MR. DEZEMBER: Yes, I think it would be helpful
11 if we could.
12 MR. COX: It's my personal belief that they're
13 absolutely right, that there's not only the initial cost
14 of the implementation, but there is the maintenance cost
15 that's ongoing that has to be dealt with from this
16 activity.
17 MR. DEZEMBER: Now, would that address the
18 issue, if we were to say that the costs would be for
19 those school districts that don't have a Web site, to set
20 one -- to establish one; and for all schools that have
21 them and those who set them up, that maintaining that Web
22 site is also an appropriate reimbursable item?
23 MR. CUNNINGHAM: I think your staff has done
24 that by --
25 MS. HIGASHI: We've done that.
2G MR. CUNNINGHAM: -- by having an A versus a B
27 category. The B category is intended to address those
28 entities that are connected with the Internet, but yet

1 don't have a Web site. And, again, I think our fix would
2 be just to delete the one-time costs, ongoing costs
3 language from this description of activities, and then I
4 think it works.
5 MR. DEZEMBER: What -- do you have a reaction
6 to that, Paula?
7 MS. HIGASHI: The reaction I have is on the
8 software issue. I'm very sympathetic to the deletion of
9 the word "ongoing," because I'm experiencing that at the
10 office as well. I think all of us are.
11 On the other activities here, I think we would have
12 to go through this list one at a time. And I think
13 Mr. Cunningham's recommendation, in terms of the edits
14 that we make here, he's talking about the form in which
15 the language is presented, our P's and G's section to the
16 regulations does indicate that the Commission should
17 specify "one time" or ongoing costs" in the P's and G's.
18 And the Commission has done it in different ways.
19 Sometimes it's specified in the beginning of the
20 sentence; sometimes it's in parenthesis after the
21 activity.
22 But I think the question is just determining which
23 of these costs that are now listed as one time, we wish
24 to shift to "ongoing." And staff has no objection at
25 this point to the software issue.
26 MR. DEZEMBER: And when you refer to the
27 "software issue," you're referring to maintaining the Web
28 site?

MS. HIGASHI: The software that's specifically required to convert and post the data.

MR. DEZEMBER: And it would require clarification to the language we have before us to implement that?

MS. HIGASHI: It would be changing "one time" to "ongoing."

MR. DEZEMBER: And that would be under sub-one under component two --

MS. HIGASHI: It shows under --

MR. DEZEMBER: -- Bates page 14 of --

MS. HIGASHI: -- on Bates page 14, it would be item 5, at the top, in item 6 in the B section.

MR. COX: Mr. Chairman, let me just point out to you, by the way; there is no way for any organization -- school districts included -- to have the most technologically advanced product. Let me just, by way of reference, point out to you that Microsoft's -- Microsoft '95 has been replaced with Microsoft '98.

MS. BERG: That's right.

MR. COX: And that was very good for Mr. Gates. I'm not sure that it's quite as good for the person who bought Microsoft '98, even though there is -- are some improvements.

The question that is raised -- that is begged by these parameters, is that is it every version of software that you need to, in fact, stay in compliance? That's the rub that you get into; because none of us have the

1 latest version -- we just can't afford to have the latest
2 version of every single software package that's
3 generated. So I don't know how you deal with that.
4 They're absolutely right; there's an ongoing cost.
5 The question is, do they claim every new addition of
6 every single product that they have. And I think that's
7 an issue that we're probably not going to be able to
8 define in this session.
9 MR. DEZEMBER: We may be able to express an
10 intent, however, because I think the intent is -- at
11 least the way I'm hearing it -- is that the software
12 development you need to actually carry out the statutory
13 requirement, is what we're talking about.
14 MS. HIGASHI: That's what we're talking about.
15 MR. DEZEMBER: Because you can -- I had access
16 with the Internet with software two versions ago. I
17 could still have that, but I have newer software now.
18 But you certainly don't need it to comply with this
19 requirement. Now, that may get into some very difficult
20 claiming issues, but the --
21 MS. HIGASHI: The issue that I see, you know,
22 is one of how many copies, or how many licenses are an
23 appropriate number to be reimbursed. If it's L.A.
24 Unified School District versus Bakersfield with 40
25 schools or San Diego, with however many it has; or
26 Sweetwater, the number of licenses that would be needed
27 in order to comply with this mandate for an annual
28 posting requirement is going to differ.

1 MR. CUNNINGHAM: Yes. And that, again, sort of
2 walks into Dr. Russell's comments on whether it's on a
3 district-by-district level, whether it's more cost
4 effective for people to buy additional licenses or
5 whether it's more appropriate for them to buy some other
6 equipment, like a file server, that can do it for the
7 entire district.
8 MR. DEZEMBER: Do we have any other questions
9 on this particular issue?
10 MS. STEINMEIER: Just a quick comment. Every
11 time software is upgraded or changed, it causes -- I
12 mean, there's a lot of training issues involved. There's
13 a tendency to do this only when you have to. So I think
14 there's a natural thing working in our favor, that you're
15 not going to do it just because there's a new piece of
16 software out there. Usually only when yours becomes
17 obsolete or unworkable or insupportable, that's when
18 those changes are usually made, especially in government
19 where money is tight, and people are tired of making the
20 changes. So they don't tend to do it unless they have to
21 do it, because it's obsolete or unworkable or won't work
22 for their current workload.
23 MR. DEZEMBER: Okay.
24 MS. STEINMEIER: So I think that concern, for
25 me, is minimal. I don't think people are going to buy
26 software just to buy software, because that creates a lot
27 of other work that people really have a tendency not to
28 want to do.

MS. BERG: Mr. Chairman?

MR. DEZEMBER: Yes.

MS. BERG: The school districts would like to be on record that we would be perfectly happy to have you stress intent to be cost efficient. This is not, you know, a freefall for school districts. So if that makes the commissioners more comfortable, please do so, that it would be incumbent upon the school district making the claim that they, in fact, choose the most cost-efficient, effective method to achieve the statute.

MR. DEZEMBER: Okay.

Are there other questions on this issue? It seems to me -- Mr. Cunningham began to speak to it -- maybe a more fundamental issue in front of us is the issue of "connected to the Internet" and what that means, and whether we're talking about the connection of a district or all of the schools in the district and essentially what does "connected" mean.

And I think the staff has tried valiantly to put that together, and perhaps we can move onto that issue and ask you to respond to that.

MR. CUNNINGHAM: We concur with staff's analysis of what "connected" means.

MR. DEZEMBER: So "connected" is any school, in any district, has any computer that is capable of communicating on the Internet? That's essentially the way I read the definition.

MS. BERG: Right.

1 MR. DEZEMBER: Now, how do then we get -- how
2 do we get from that to a server and licenses for each
3 individual school?
4 MR. MINNEY: I think the scope of the
5 reimbursable activities is a little more limited than
6 we're discussing, because they do -- staff has
7 recommended a non-reimbursable cost section, which would
8 eliminate or deny costs for the establishment of Web
9 sites for the individual schools.
10 MR. BELTRAMI: What page are you on?
11 MR. MINNEY: Bates stamp 15, at the top of the
12 page.
13 MR. COX: 17 as well.
14 MR. DEZEMBER: So if we're looking at this
15 issue from maybe an archaic standpoint, you have one
16 district that has a 386 computer; and it has an Explorer,
17 or some Web connection -- I mean, some Internet
18 connection on it. That is the computer that now connects
19 that district to the Internet for the purposes of this
20 statute, is that what you're saying?
21 MS. BERG: Yes.
22 MR. CUNNINGHAM: Yes.
23 MR. MINNEY: Yes.
24 MR. DEZEMBER: So then it would seem to flow
25 from that, that the implementation of the statute is
26 going to be through that computer.
27 MR. CUNNINGHAM: If that computer can actually
28 handle the task. And that, again, gets back to

Dr. Russell's question on the file server. You may not have the ability to do what you need to do with the equipment that you have.

MR. DEZEMBER: Is that primarily because the P's and G's define developing a Web site as the most appropriate way to fulfill this requirement?

MR. CUNNINGHAM: I was talking from a practical standpoint, if you had a 386 computer with an old version of Microsoft that wasn't even a Windows-based software package or an operating system, you may have to update the equipment. And even though you're -- I mean, you're required under the statute to now post on the Web -- on a Web site your SARCs, but there is a tremendous amount of information that is in the SARCs. And the existing equipment that you have may not be able to do the task.

And so I think what Dr. Russell has been saying, if your existing equipment can't do the task and you need to upgrade that equipment in order to carry out the statute, then you should be entitled to reimbursement for that equipment cost.

MR. COX: Are there school districts that don't have main file servers?

MR. CUNNINGHAM: Yes.

MS. BERG: Yes.

MR. MINNEY: Yes.

MR. COX: There are.

MR. BELTRAMI: Do we see the SARC -- the SARC legislation -- as a vehicle for reporting information to

1 the state --
2 MS. BERG: Yes.
3 MR. BELTRAMI: -- or for information to the
4 public?
5 MR. CUNNINGHAM: It's more for public -- the
6 parents and the --
7 MR. BELTRAMI: Or both?
8 MR. CUNNINGHAM: I think the intent is for the
9 public.
10 MR. COX: And would it be --
11 MR. BELTRAMI: So that's why we need Web sites
12 so we the public can the information --
13 MR. CUNNINGHAM: Yes.
14 MR. BELTRAMI: -- on it?
15 MR. COX: Mr. Chairman, would it be --
16 MR. DEZEMBER: Mr. Cox?
17 MR. COX: -- would it be a dedicated file
18 server, meaning, is it only for this?
19 MR. RUSSELL: In our case, yes.
20 MR. COX: Or would you use it -- you would not
21 use it for anything else?
22 MR. RUSSELL: Not in the case that I'm speaking
23 about. But it may -- I don't know what other districts
24 might do. They may need a larger file server and then
25 want to prorate share. But in our case, it was a
26 dedicated file server.
27 MR. DEZEMBER: You're in the Bakersfield
28 Unified --

MR. RUSSELL: That's correct -- no, it's a city school district.

MR. DEZEMBER: Sorry. How many schools are we talking about?

MR. RUSSELL: We have 43 schools.

MR. DEZEMBER: 43? And you would run that through one -- one computer would be reporting all of this on the Internet?

MR. RUSSELL: Quite frankly, what we had, when you talk about archaic practices, where a principal is sometimes going down to Kinko's in the middle of the night to splice-in their hand-derived tables to make their SARC presentable. And even then, they weren't really too presentable. And we had to bring that in and make it something that we were proud of as a district. And to do that, we first began to work through a common software. And that just gets too out of sync too fast. I mean some schools keep up with the changes; others don't. And it became nearly impossible for us as a district to really get a handle on it. So to get our arms around this, we felt that the best way to do it was to bring in a file server, limit the software usage, and train our people to all use one process. It was much, much more efficient for us.

MS. HIGASHI: A sample of his work product is on Bates page 101. There are some downloaded pages.

MR. DEZEMBER: Is it necessary for you to have a file server for this purpose?

1 MR. MINNEY: No.
2 MR. RUSSELL: Well, it's not necessary; but
3 when we analyzed costs, it was certainly more
4 cost-efficient for us. And when you consider the
5 training aspects, in terms of working with all the school
6 site secretaries and so forth, it was also more
7 cost-efficient for us.
8 MR. BELTRAMI: So if I want to know the salary
9 of one of the principals in one of your 43 schools, do I
10 have to go to the school's site or the district site, or
11 is there only one site?
12 MR. RUSSELL: The district site opens, and then
13 you go to the school through that.
14 MR. BELTRAMI: Okay.
15 MS. BERG: I'd like to remind the
16 commissioners, too, that out of the 999 school districts,
17 more than 500 have less than 500 ADA.
18 MS. STEINMEIER: Those are the people that have
19 a Web site through a server somewhere else. They buy
20 access onto the Internet.
21 MR. COX: Well, when you're on the --
22 MR. DEZEMBER: Yes, Mr. Cox?
23 MR. COX: When you have a Web page, then you're
24 on the Internet. You really are using their file server
25 to store your information, and then it just becomes data
26 input, is really where you are. So I guess it comes back
27 to the question of whether or not, in my mind, a school
28 district needs a file server in order to maintain that.

1 You just have to input it; do you not?
2 MS. BERG: In his case, though, to what? There
3 would have been no place to input it.
4 MR. COX: The Internet provider is the one who
5 has the file server, and you access the file server by
6 the Internet, and the Internet is the repository of all
7 of these people running around.
8 MS. BERG: That's one way to do it, right.
9 MR. RUSSELL: No, that's not the way it works.
10 The file server is the repository of all the SARCs for
11 the various schools, and then we can access that either
12 through the school or through the district office. But
13 we have only one process that we're working with and one
14 software that we're working with.
15 MR. DEZEMBER: Sure, it may --
16 I'm sorry, Mr. Cox.
17 MR. COX: No, I --
18 MR. DEZEMBER: It may be the best way to do it,
19 but it isn't essentially the bottom line that you have to
20 do that to comply with this statute.
21 MR. RUSSELL: I suppose that's open to debate,
22 because each school could have gone ahead and put it on
23 the Internet by itself. However, we would then still
24 have the ongoing issues of whether this presented the
25 quality that we wanted to have on the Internet and some
26 of these other issues that are real issues.
27 MR. DEZEMBER: Are there schools that are not
28 under this definition of "connected to the Internet," are

there schools that are not connected?

MS. BERG: Correct.

MR. CUNNINGHAM: We believe that there are.

MR. DEZEMBER: So there's a group of schools that aren't going to do this at all, right?

MR. CUNNINGHAM: Well, currently. But if they become corrected to the Internet at some point in time in the future, then they are going to have the requirement under this statute to put their SARCs on the Web pages.

MR. RUSSELL: Our sense about this was that because there is clearly more emphasis on accountability and public information and public disclosure, that there really isn't a lot of room for option here.

MR. DEZEMBER: Now, quite frankly, I had a whole different take on the definition of "connected," so I'm going to toss that out here and see what it does to the conversation.

My definition of "connected" was, although I like dictionaries and using them in defining words -- I thought it not to be defined within the context of the statute and what it was intending to carry out, and that "connected" here could not have meant connected in a way that would not allow you to effectuate the statute. That was the way I read it. And I only read it that way about a day before yesterday, so I haven't really had any conversation with anyone about this.

What that would do, to me, it would limit the application of the statute to a school that actually

1 could carry out the statute through the connection it
2 already had with the Internet, and all of these other
3 issues would be de minimis at that point.
4 Now, does anybody have any --
5 MR. MINNEY: We talked about that in the
6 informal conference. However, I don't think you'd be
7 effectuating the intent of the statute, and that's to
8 disseminate this information to a large portion of the
9 population. And the parents that are making the
10 decisions on where to place their children, there are
11 only a handful of the 100 or so clients that I represent
12 that are large enough right now to afford a file server
13 and Web pages and can achieve that capacity. And they
14 spend a great deal of time photocopying and sending out
15 their SARCs.
16 This is actually probably if we looked at it, if
17 every school district in the state had this capability,
18 there would be enormous cost savings.
19 Once it's up, posted and on a server, no one has to
20 touch it.
21 MS. BERG: Right.
22 MR. MINNEY: No one has to deal with it. They
23 don't have to answer phone calls. They don't have so
24 their to send out copies.
25 MR. CUNNINGHAM: Not under the current statute,
26 because the current statute requires that the paper still
27 be available.
28 MS. BERG: Right, to be available upon request.

MS. STEINMEIER: Let's talk about that "connected." The statute sounds wide open. I mean, "connected" could mean anything, Robin. That's the problem. And there's two-way connections to the Internet. There's the ability to access it and gain information; and there's the ability to put out information on the Internet, and those are two different things. But the statute doesn't really seem to be clear about that.

You're using the logical interpretation, if you don't have a Web sites or some way to display information, you're saying you're not connected. But the legislation doesn't say that. It doesn't say if you have the ability to put out information, it just uses the word "connected."

MR. DEZEMBER: Right.

MS. STEINMEIER: So I agree with the staff analysis that if that was intended or not, that's what the statute says and we can only go with what's there.

MR. CUNNINGHAM: Yes, and I think if the Legislature meant to say that it was those school districts with a Web site, they would have said it, because they used the word "Web site" for where we have to post it. So I think they meant something different than a school district with a Web site.

MR. DEZEMBER: Although it stops short of mandating that every school district do this, right?

1 MS. STEINMEIER: Just short, yes.
2 MR. DEZEMBER: Okay.
3 MR. MINNEY: It's coming.
4 MR. DEZEMBER: Okay, are there other testimony?
5 We haven't heard from the Department of Finance. I want
6 to make sure you have that opportunity, Mr. Apps, if
7 you'd like to respond. And certainly jump in anytime, if
8 you wish. This is now turning into a fairly informal
9 conversation.
10 MR. APPS: Actually, the primary reason I came
11 to the table was to address the issue that Mr. Minney
12 raised in his August 18th memo, which he has since
13 withdrawn. And so --
14 MR. DEZEMBER: Excellent.
15 MR. APPS: The discussion is stimulating and on
16 point, so --
17 MR. CUNNINGHAM: I have one other comment,
18 Mr. Chair.
19 MR. DEZEMBER: Yes, Mr. Cunningham?
20 MR. CUNNINGHAM: At the bottom of page -- Bates
21 page 3, it's in the portion of the staff analysis that
22 discusses component number one, the last sentence of that
23 -- which is also the last paragraph of that
24 section -- says that the SCO also suggests that the
25 reimbursement should be limited to new or incremental
26 activities of collection, analysis, preparation and
27 updating the SARC annually.
28 Staff didn't make any changes to the proposed

1 language that the test claimants made based on this
2 comment. I believe that staff disagreed with the
3 Controller's suggestion. And I would just ask that -- I
4 don't think there's any language change that's necessary
5 to the P's and G's, but I would ask that the staff
6 analysis just include the word "staff disagrees."
7 The other sort of technical point that I'd like to
8 make is on Bates page 0006, on issue number 5, the first
9 paragraph, last sentence, "Staff agreed with claimants
10 that in order to comply with the test claim statute, a
11 district may need to purchase a new computer and
12 monitor." I think "new computer and monitor" is too
13 limiting. I think what it needs to say is a "new
14 computer, monitor, or other equipment." And I believe
15 that the parameters and guidelines themselves do not
16 limit it to just computers and monitors.
17 The fixed-asset section then, which is on Bates page
18 15 -- it's the last line, and then it carries over to the
19 top of Bates page 16 -- we prefer to see the word "fixed
20 assets" changed to something like "capital," or if we're
21 going to leave "fixed assets" in there, add the words
22 "and equipment." Because I'm not sure everybody would
23 classify a computer as a "fixed asset," under various
24 accounting terms. I think "equipment" might be a more
25 accurate, descriptive term.
26 And, in fact, that language, if you look at the top
27 of page 16, is used. It says, "List the purchase price
28 for equipment and other fixed assets." Three lines down

it talks about capital assets. And I think capital assets may be the better term.

So the fix we'd like to have there is either change the heading on paragraph 4 from "fixed assets" to "capital assets," or change it to "fixed assets and equipment." And then on the top of page 16, in the first line, change the word "fixed" to "capital."

Again, I think those are just clarification points.

MR. DEZEMBER: Thank you. Okay.

Any other questions or comments from any of the members of the board -- of the Commission?

Any further comments from any of the witnesses?

We have some proposed changes to the staff recommendations. I'd just like at this point to see if anyone would like to formulate a motion on this item.

MR. BELTRAMI: Mr. Chairman, does the staff have any --

MR. DEZEMBER: Yes?

MR. BELTRAMI: -- last comments on the recommendations?

MS. HIGASHI: I was just going to note that the parameters and guidelines draft that you have before you is the version that was submitted by the claimant and then modified by the staff. So the suggestions that are being made here by Mr. Cunningham relate back to Mr. Hendee's submittal. And we don't have any objections to the comments regarding fixed assets versus capital assets, unless the Controller's staff, if present, have

1 any objections.
2 The -- there was one other change that staff wanted
3 to put before the Commission, and it was a change that
4 was recommended by Mr. Minney, and it was language
5 relating to the description of non-reimbursable costs.
6 And he made the suggestion in a letter, and it is -- he
7 recommended changing it, so it would read, "School
8 districts shall not be reimbursed for establishing an
9 Internet connection, nor for maintaining an Internet
10 access, and shall not be reimbursed for the establishment
11 of Web sites for individual schools." And it's an edit
12 of the original language that was added by staff, and
13 it's contained in his last submittal.
14 MR. COX: Mr. Chairman, what does the motion
15 need to include? I want to be inclusive in this motion
16 in order to get all of the items that we have discussed
17 and apparently have agreement on. One has to do with the
18 initial cost for implementing. Is that -- that's part of
19 it, so the motion has to do with the implementation -- or
20 the establishment, perhaps?
21 MR. DEZEMBER: If we start off with the
22 agreed-upon items, we would accept the staff
23 recommendation as it's written; and then subject to
24 changing two items from "one-time costs" to "ongoing
25 costs," I understand, and those two items are on Bates
26 page 14.
27 MS. HIGASHI: That's correct. And also to make
28 a clarification for the one-time costs for the

1 development and addition of Web pages to be for each
2 school.
3 MR. COX: All right, let's start with that
4 motion, Mr. Chairman, and I'll let you craft it, or
5 someone who is taking notes.
6 MR. DEZEMBER: What I might suggest is, if you
7 would like to make that motion, then we could ask Paula
8 to summarize her understanding of where the Commission is
9 going.
10 MR. COX: All right.
11 MR. DEZEMBER: And if that suits your motion,
12 you can make that position.
13 MS. STEINMEIER: Okay. I'll second that, for
14 the process of discussion.
15 MR. DEZEMBER: Okay, good.
16 MS. HIGASHI: I'll start on Bates page 16 --
17 Bates page 14, component two. The first issue that we
18 discussed, was the issue about the purchase of software.
19 And in the first part of their item 5, it currently
20 states "one-time cost to purchase software, specifically
21 to convert the SARC to a file format capable of being
22 posted on the Internet." The language is also below, is
23 item 6.
24 The issue before the Commission is whether or not it
25 wishes to have the language remain as "one-time costs" or
26 if it should change to "ongoing costs." The claimants
27 have requested that that be changed to "ongoing costs."
28 MR. COX: All right, and that's my motion,

1 Mr. Chairman.
2 MR. DEZEMBER: That's what I would assume. And
3 that's the second?
4 MS. STEINMEIER: Yes.
5 MR. DEZEMBER: In terms of discussion, that is
6 an area where I would like to insert the "ongoing costs
7 are only those which are necessary to meet the
8 requirement of the statute." And that would just be a
9 limitation for whatever those ongoing costs might be.
10 MS. HIGASHI: For compliance with the mandate.
11 MS. PATTON: In subsection A?
12 MR. CUNNINGHAM: Mr. Chair, is your concern
13 addressed by the language on Bates page 15, under the
14 materials and supplies provision?
15 MS. HIGASHI: Actually -- actually, it's on the
16 same page. If you look at -- when you look at component
17 two on that same page, and you go down to the first --
18 the capital A, "School Districts with district or
19 individual Web sites are eligible to be reimbursed for
20 the following activities in compliance with this
21 mandate."
22 MR. DEZEMBER: Okay.
23 MS. HIGASHI: So "in compliance with this
24 mandate" occurs in both parts of this.
25 MR. DEZEMBER: Then why don't we take that
26 motion, which is to change the items that were just
27 described and --
28 MS. HIGASHI: Items 5 and 6.

MR. DEZEMBER: Item 5, under component 2-A and item 6, under component 2-B; correct?

MS. STEINMEIER: Uh-huh.

MR. DEZEMBER: Would you call the roll on that then.

MS. HIGASHI: Mr. Beltrami?

MR. BELTRAMI: Aye.

MS. HIGASHI: Mr. Chivaro?

MR. CHIVARO: Aye.

MS. HIGASHI: Mr. Cox?

MR. COX: Aye.

MS. HIGASHI: Ms. Patton?

MS. PATTON: Aye.

MS. HIGASHI: Ms. Steinmeier?

MS. STEINMEIER: Aye.

MS. HIGASHI: Mr. VanHouten?

MR. VANHOUTEN: Aye.

MS. HIGASHI: Mr. Dezember?

MR. DEZEMBER: Aye.

MS. HIGASHI: Okay.

MR. DEZEMBER: That item carries.

Now, are there other issues that we have discussed -- or other corrections that we have discussed now that we may want to contemplate in a motion?

MR. COX: Do we have to deal with the capital items, Mr. Chairman?

MR. DEZEMBER: Yes.

MR. COX: And do we -- do the capital items

REPORTER'S CERTIFICATE

I hereby certify that the foregoing proceedings were reported by me at the time and place therein named; that the proceedings were reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings, nor in any way interested in the outcome of the cause named in said matter.

In witness whereof, I have hereunto set my hand this 2nd day of September 1998.

Daniel P. Feldhaus

DANIEL P. FELDHAUS
CSR #6949, RDR, CRR

MINUTES

COMMISSION ON STATE MANDATES
Thursday, August 20, 1998
9:30 a.m.
Commission on State Mandates
State Capitol
Room 437
Sacramento, California

Present: Chairperson Robin Dezember
Representative of the Director of the Department of Finance
Member Bruce VanHouten
Representative of the State Treasurer
Member Richard Chivaro
Representative of the State Controller
Member Nancy Patton
Representative of the Director of the Office of Planning and Research
Member Albert Beltrami
Public Member
Member Joann Steinmeier
Representative of School Boards
Member Dave Cox
Representative of County Boards of Supervisors

I. CALL TO ORDER AND ROLL CALL

Chaii-person Dezember called the meeting to order at 9:34 a.m. All members were present. [Member Chivaro arrived during closed session.]

II. CLOSED EXECUTIVE SESSION

Closed Executive Session authorized by Government Code section 17526, subdivision (a), to consider the selection and appointment of the Administrative Advisor II (C.E.A. - Chief Counsel to the Commission) pursuant to Government Code sections 17529 and 19889 et seq.

Report from Closed Executive Session

The Chair recessed from open session into closed executive session from 9:35 a.m. to 10:06 a.m. to consider the selection and appointment of the Administrative Advisor 11, CEA, Chief Counsel to the Commission.

Chaii-person Dezember reconvened open session and announced the Commission's decision that the entire Commission will determine the process of selecting the chief counsel. All members will individually review each resume. Applicants screened positively will be interviewed by a designated interview panel consisting of Members Beltrami and Steinmeier, the Executive Director and an attorney (most likely one employed by the Attorney General's Office). In a closed meeting, the entire Commission will interview all finalists and make a selection. The Chair added that the Commission also discussed the criteria for evaluation of candidates.

III. APPROVAL OF MINUTES (action)

Item 1 July 23, 1998

Member Cox moved for approval of the minutes. Member Patton seconded the motion. Chairperson Dezember noted that a late filing publicly objecting to the minutes had been filed. The objection involved the absence of the names of the persons involved in the closed session at the July hearing. Discussion ensued as to whether the names must be listed or not. The members approved the minutes as written, with the option of amending the record if necessary.

IV. HEARINGS AND DECISIONS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7

A. TEST CLAIM (action)

Item 2 *American Government Course Document Requirement*
CSM–97-TC-02 a.k.a. (97-258-01)
San Diego Unified School District, Co-Claimant
Sweetwater Union High School District, Co-Claimant
Education Code Section 51230
Chapter 778, Statutes of 1996

Paula Higashi announced that this item was postponed at the claimant's request.

V. HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8.

A. ADOPTION OF PROPOSED AND AMENDED PARAMETERS AND GUIDELINES (action)

Item 3 *Two-Way Traffic Signal Comnzuizication* – CSM – 4504
County of Los Angeles, Claimant
Vehicle Code Section 21401
Chapter 1297, Statutes of 1994

Ms. Higashi announced that this item was also postponed.

Item 4 *Domestic Violence Arrest Policies and Standards* – CSM–96-362-02
County of Los Angeles, Claimant
Penal Code Section 13701
Chapter 246, Statutes of 1995

Camille Shelton of the Commission staff presented this item. She explained that the item had been continued from March to allow staff to address three issues: 1) whether reimbursement is required beginning on the enactment or operative date of a statute; 2) whether reimbursement is allowed for implementation of the statute after July 1, 1996; and 3) whether reimbursable activities for implementation of the statute should be broadened. After two prehearing conferences, staff recommended that the Commission find that reimbursement begins on the operative date of the statute and extends beyond the July 1, 1996 date provided in the statute and that the Commission provide a 29 minute uniform cost allowance reimbursement for responding officers to implement the arrest policies by identifying the primary aggressor. Finally, Ms. Shelton noted that staff may

have misinterpreted the second declaration of Bernice Abrams regarding the uniform cost allowance.

Leonard Kaye with Los Angeles County supported staff's recommendation.

Allan Burdick with the California State Association of Counties clarified that reimbursement should be for 29 minutes total, regardless of the number of officers that respond. All parties agreed that the uniform cost rate calculation should reflect this fact. Member Beltrami moved for approval of the item with these modifications. With a second by Member Cox, the motion carried unanimously.

Item 5 *School Accountability Report Cards* – CSM–97-TC-21
Sweetwater Unified High School District & Bakersfield Unified School District, Co-Claimants Education Code Sections 33126, 35256, 35256.1, 35258, 41409 and 41409.3
Chapter 918, Statutes of 1997 et al.

Paula Higashi introduced this item and summarized the following outstanding issues:

- Does the Commission agree with staff's interpretation of "connected to the Internet"?
- Should on-going costs or one-time costs be approved for certain elements of the mandate (relating to the purchase and acquisition of software)?
- Should fixed assets be reimbursed (i.e., should the school district be reimbursed for the pro rata portion of a computer if used to comply with this mandate)?
- Should a school district be required to create a Web site if it does not already have one?

Regarding this last issue, Ms. Higashi noted that staff did find the mandate requires school districts that are connected to the Internet to create a Web site if they do not have one.

Parties were represented as follows: Jim Cunningham with the San Diego Unified School District; Lawrence Hendee with the Sweetwater Union High School District; Wayne Stapley and Dale Russell with the Bakersfield School District; Dr. Carol Berg with the Education Mandated Cost Network; Paul Minney with Girard and Vinson, on behalf of Mandated Cost Systems; and Jim Apps with the Department of Finance. All parties indicated agreement with the issues outlined by Ms. Higashi. Mr. Minney withdrew his previously filed comment regarding reimbursement before the effective date of the statute, noting he had since learned that the issue was resolved during the statement of decision phase.

Mr. Hendee submitted that districts will have to add and develop new Web pages to maintain their Web site, which will result in on-going costs rather than one-time costs as staff suggests. He also held that the issues of software should involve on-going costs since technology changes quickly and districts will need to replace outdated software. Mr. Stapley concurred with these comments.

Mr. Russell was concerned that the parameters and guidelines would be interpreted to say that only software is permitted. He thought that a file server in a district whose schools each maintain a Web site may be more prudent than purchasing software for each school

site. Mr. Cunningham agreed that this determination of the most cost-effective option should be left to the locals.

The Chair redirected the discussion. He asked if Mr. Russell disagreed with the Commission finding that developing a Web site is an appropriate reimbursable cost. Mr. Russell did not disagree. Mr. Cunningham did not agree, however, that developing a Web site is a one-time activity. If new schools are added to a district, new pages must be added to the Web site. Member Steinmeier added that the on-going costs were to establish, as well as to maintain sites.

Ms. Higashi stated that staff did not intend such a limitation, and therefore proposed adding language that allowed for one-time costs for each school.

Mr. Cunningham requested that in the *reimbursable* **activities** section, all references be to activities and not to on-going or one-time costs. His request pertained to schools connected to the Internet that did, or did not, have a Web site. Discussion ensued regarding the rapid pace at which technology changes and the impact these changes could have on the parameters and guidelines. For instance, due to changes in technology, schools may have to buy conversion software more than once in order to keep in compliance with the mandate.

Ms. Higashi responded that staff did not object to changing the software issue to read "on-going," but still needed to determine which of the other references to one-time costs should be shifted to on-going.

Though he agreed that there is an on-going cost, Member Cox cautioned that school districts would not need to purchase every software upgrade in order to remain in compliance with the mandate. The Chair replied that the Commission may be able to express an intent that the software development needed to actually carry out the statutory requirement is what is necessary. Member Steinmeier believed this concern was minimal.

For the record, Dr. Berg stated that school districts would not object to the requirement to choose the most cost-efficient, effective method for achieving the mandate.

On the final issue, Mr. Cunningham concurred with staff's interpretation of "connected to the Internet." Chairperson Dezember read *connected* to be "any school, in any district, [that] has any computer that is capable of communicating on the Internet." Dr. Berg agreed.

Mr. Cunningham repeated Mr. Russell's concern that, if a district's existing equipment cannot allow for compliance with the mandate and so the district must upgrade that equipment, it should be entitled to reimbursement for that equipment cost.

The Department of Finance had no comment.

Mr. Cunningham requested the following amendments: 1) To add to the analysis that "staff disagrees" with the State Controller's Office suggestion to limit reimbursement; 2) To change "new computer and monitor" in issue number 5 to "new computer, monitor, or other equipment"; 3) To change references to "fixed assets" to "capital assets," or to add the words "and equipment".

Ms. Higashi noted that the parameters and guidelines draft currently before the Commission is the version submitted by the claimant and modified by staff. Mr. Cunningham's suggestions relate back to Mr. Hendee's submittal. Though the Controller's Office may object, staff is willing to change "fixed" to "capital". Ms. Higashi added that Mr. Minney had proposed editing the description of non-reimbursable costs.

Member Cox moved to adopt the staff recommendation, as written, subject to the modifications agreed upon in today's hearing. For the process of discussion, Member Steinmeier seconded the motion. Ms. Higashi repeated the issues:

- *To change "one-time costs" to "on-going costs" in item* **5,** *component 2-A, and item 6, component 2-B.* Member Cox moved for approval, with a second by Member Steinmeier. [The Chair inserted the limitation that "on-going costs are only those which are necessary to meet the requirement of the statute", but retracted his insertion when Ms. Higashi noted that the phrase "in compliance with this mandate" occurs in both items.] On a roll call vote, the item carried unanimously.
- *To add "and equipment" to all references to "fixedassets."* Member Cox moved for approval. With a second by Member Patton, the motion passed unanimously. In response to Mr. Cunningham, Member Cox clarified that this motion included the change on Bates page 6 of "computers and monitors" to "computers, monitors, and other equipment."
- *To indicate staffs disagreement with the Controller'sposition on incremental costs.* Ms. Higashi explained that staff moved the issue into the body of the parameters and guidelines instead of relegating it to a footnote. Mr. Cunningham submitted that the Controller's comment is inconsistent with the law, and would like the record to reflect that the Commission acknowledged the comment is inappropriate. The Chair believed it was clear that the Commission intends its actions to be consistent with governing statutes. [Therefore, no action was taken on this issue.]
- *To clarify that the one-time costs* **for** *Webpage creation applies to each school, so new schools are covered.* Member Cox added this as an addendum to the motion. Member Steinmeier seconded, and, without objection Chairperson Dezember entered that as the order of the Commission.
- *To edit the description of non-reimbursable costs.* Mr. Minney submitted this would help to distinguish reimbursable from non-reimbursable costs. Ms. Higashi repeated the proposal: "School Districts shall not be reimbursed for establishing an Internet connection nor for maintaining an Internet access and shall not be reimbursed for the establishment of Web sites for individual schools." Member Cox added the proposal to his motion. Without objection, Chairperson Dezember added it to the order.
- *To strike the word "sewer" from number 4 on Bates page 14.* Mr. Minney noted this technical correction. It should read, "for the district's Web site." Without objection, the Chair added that change to the order.

Member Cox made a final motion to approve the staff analysis with all modifications, as reflected above. Member Steinmeier seconded the motion. On a roll call vote, the motion passed unanimously.

[A recess was taken from 11:15 a.m. to 11:25 a.m.]

Item 6 Caregiver Affidavits to Establish Residence for School Attendance
CSM-4497
Tustin Unified School District & San Diego Unified School District, Co-Claimants
Education Code Section 48204, Subdivision (d)
Family Code Sections 6550 and 6552
Chapter 98, Statutes of 1994

This item was postponed at the request of the claimant.

Item 7 Consolidation and Adoption:
Pupil Suspensions from School – CSM - 4456
San Diego Unified School District, Claimant
Education Code Section 48911, Subdivisions (b) and (e)
Chapter 965, Statutes of 1977, Chapter 668, Statutes of 1978, Chapter 73, Statutes of 1980, Chapter 498, Statutes of 1983, Chapter 856, Statutes of 1985, Chapter 134, Statutes of 1987 -

Pupil Expulsions from School – CSM - 4455
San Diego Unified School District, Claimant
Education Code Sections 48915, Subdivisions (a) and (b), 48915.1, 48915.2, 48916 and 48918
Chapter 1253, Statutes of 1975, Chapter 965, Statutes of 1977, Chapter 668, Statutes of 1978, Chapter 318, Statutes of 1982, Chapter 498, Statutes of 1983, Chapter 622, Statutes of 1984, Chapter 942, Statutes of 1987, Chapter 1231, Statutes of 1990, Chapter 152, Statutes of 1992, Chapter 1255, Statutes of 1993, Chapter 1256, Statutes of 1993, Chapter 1257, Statutes of 1993, Chapter 146, Statutes of 1994

Pupil Expulsion Appeals – CSM - 4463
San Diego Unified School District and San Diego County Office of Education, Co-Claimants
Education Code Sections 48919,48921-48924
Chapter 1253, Statutes of 1975, Chapter 965, Statutes of 1977, Chapter 668, Statutes of 1978, Chapter 498, Statutes of 1983

Paula Higashi introduced this item and noted that, with the Commission's vote today, it will consolidate the subject three parameters and guidelines. The issue remaining was what training should be reimbursable under the scope of all of these mandates. Staff presented three options for the members to consider.

Parties were represented as follows: Jim Cunningham with the San Diego Unified School District; Paul Minney with Girard and Vinson, on behalf of Mandated Cost Systems; and Cindy Chan and Jim Apps with the Department of Finance.

Mr. Cunningham requested the Commission adopt the first alternative, the claimant's proposal, which reimburses training for on-going costs for all of the mandated activities.

He submitted that training is an expected consequence of every new mandate, and that training is an on-going cost. He disagreed with staff's position that labor time for teachers who attend training is not reimbursable. Mr. Cunningham believed his evidence proves that there is no fixed environment exception to cost-accounting. Dr. Berg and Mr. Minney agreed with Mr. Cunningham's comments. Mr. Minney added that on-going training is the reality of the situation due to the complexity of the code.

Other than its response to the original parameters and guidelines, the Department of Finance did not have an official response to the revisions. Though Ms. Chan did not disagree with anything on the record, she commented that if training was not in the Statement of Decision, the Department would probably not have agreed.

Ms. Higashi noted that several issues exist. One issue relates to on-going training and the attendance at training sessions. Another issue is the development of training. Training for new mandates is also an issue. The Chair noted that training was not included in the parameters and guidelines. Ms. Higashi replied that, based on concerns raised by the Controller's Office, staff, and others, staff was making an effort to be more specific when training is reimbursable so claimants will be reimbursed for what is intended. She noted that the Commission needs to determine if training should be included as a reimbursable activity or as a cost component.

Member Cox clarified the difference between the claimant's proposal and staff's is that staff said "labor time for teachers is not reimbursable" and removed "but is not limited to…" He questioned if training is really a substitution for teachers, as opposed to an additional activity. Dr. Berg responded that, using the *Collective Bargaining* claim as the standard, the Controller had come forward and said that, unless training is identified in the parameters and guidelines, they would not allow reimbursement for it. She disagreed with Member Cox that there might be "slippage" in training and held that this mandate contains new training.

Mr. Cunningham noted that the rules for how, when and why a student should be expelled or suspended changes.

Member Steinmeier submitted that teachers are usually informed about these rules, perhaps in a staff meeting, as opposed to trained, She therefore held that training teachers would not be additional but training the administrators handling the action may require special training. Dr. Berg agreed.

Member Steinmeier clarified that the claimants were not as concerned with reimbursement for teacher labor time for this mandate, but they were in other claims and so did not want to set precedent.

Mr. Cunningham believed the decision should be left to the locals. He submitted that, if districts believed they needed to train teachers to carry out a mandate, they should be reimbursed. He added that, even when teachers are "trained" during a staff meeting, they have sacrificed a local issue in order to handle a state issue and should be reimbursed. Member Cox still saw it as a substitution and not an addition.

Chairperson Dezember did not believe that districts should be reimbursed for training teachers or administrators. The state may set priorities, but is only required to reimburse

for additional, or increased, costs related to those priorities. He did not believe there would be any additional costs as a result of this mandate.

Mr. Cunningham submitted that cost includes dollars, time and effort. The Chair disagreed that time and effort could be reimbursed with money.

Member Beltrami moved for adoption of the third alternative (regarding the training item). Member Cox seconded the motion. Chairperson Dezember did not agree with the reimbursement of administrators in this alternative. Member Beltrami agreed, stating that administrators have to be trained and teachers do not. The Chair believed the substitution argument applied to administrators as well.

Keith Petersen, counsel for the Education Mandated Cost Network, noted that the Commission had visited this issue years ago in Pupil Suspension From Class Counseling and again in Pupil Classroom Visits. He maintained that the Commission decided that principals and administrators were not submit to the "fixed environment" argument.

The Chair called for the roll. Member Beltrami's motion to adopt the third alternative regarding the training issue passed 5-2, with Members Chivaro and Dezember voting "No."

Mr. Minney requested two technical corrections, which were contained in his late filing on this item:

- First, regarding the County Board of Education expulsion appeal hearing, the addition of language to clarify that the expulsion appeal reimbursements are applicable to all student expulsions.
- Second, regarding the application by an expelled pupil to attend a new district, to add that the expansion of offenses subject to this process would be effective January 1, 1994.

Staff did not object to these requests.

Upon motion by Member Cox and second by Member Patton, the Commission unanimously approved the incorporation of these changes into the pararneters and guidelines.

Member Cox moved to adopt the parameters and guidelines, as amended. With a second by Member Steinmeier, the motion passed unanimously

Item 8 Consolidation and Adoption:
Collective Bargaining
Government Code Section 3540 et seq.
Chapter 961, Statutes of 1975 et al

-and-

Collective Bargaining Agreement Disclosure – CSM - 97-TC-08
Alameda County Office of Education, Claimant
Government Code Section 3547.5
Chapter 1213, Statutes of 1991
(Tentative)

Shirley Opie of the Commission staff presented this item. She noted that at an August prehearing attended by representatives of the claimant, the State Controller's Office, and the Department of Finance, there was consensus to go forward with the claimant's proposed consolidated parameters and guidelines as modified by staff. Ms. Opie noted the following additional changes for the record:

- On item 5, after the reference to the Education Management Advisory 92-1, and after the reference to the Department of Education Advisory, insert, "or subsequent replacement";
- On item 5-C, delete the sentence reading, "Indicate the date of the public hearings."

Dr. Carol Berg with the Education Mandated Cost Network, Keith Petersen representing the Alameda County Office of Education (claimant), and Jim Apps with the Department of Finance all agreed with staffs recommendation, as modified.

Member Cox moved for adoption of the staff recommendation, as amended. With a second by Member Steinmeier, the motion passed unanimously.

VI. EXECUTIVE DIRECTOR'S REPORT

Item 9 **A.** Legislation

B. Staff Proposal to Address Incorrect Reduction Claims (action)

Ms. Higashi's repoi-t consisted of the following:

- **A** proposal to authorize staff to proceed in convening workshop meetings to discuss the development of alternative approaches and processes to the handling of incorrect reduction claims (IRCs).

  Staff currently has about 89 IRCs on file. Commission regulations require a hearing on IRCs, though legislation is pending which could require the Commission to develop an expedited summary process. The Commission has nothing in place, however, to begin a series of discussions to develop alternatives which the Commission could enact on its own through regulations. Member Steinmeier moved approval of that recommendation, with a second by Member Cox. Without objection, the Chair proceeded.

- The Department of Justice has received approval to take over the space currently occupied by Commission staff within 12 to 18 months. The Department of Finance approved this request. If staff were to vacate the space, it would need to be prepared for the budget process.

ADJOURNMENT

Hearing no further business, Chairperson Dezember adjourned at 12:02 p.m.

Paula Higashi

Paula Higashi
Executive Director

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BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAIM ON: Education Code Sections 33126, 35256, 35256.1, 35258, 41409 and 41409.3 as added by Chapter 918, Statutes of 1997, et al. And filed on December 31, 1997; By Bakersfield City School District and Sweetwater Union High School District, Co-Claimants.	NO. CSM-97-TC-21 *School Accountability Report Cards* ADOPTION OF PARAMETERS AND GUIDELINES PURSUANT TO GOVERNMENT CODE SECTION 17557 AND TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 1183.2 Adopted on August 20, 1998

The Commission on State Mandates adopted the attached Parameters and Guidelines on August 20, 1998.

This Decision shall become effective on August 27, 1998,

Paula Higashi

PAULA HIGASHI,
Executive Director

Adopted: **August** 20, 1998
File Number: 97-TC-21
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PARAMETERS AND GUIDELINES

Chapter 918, Statutes of 1997
Chapter 912, Statutes of 1997
Chapter 824, Statutes of 1994
Chapter 1031, Statutes of 1993
Chapter 759, Statutes of 1992
Chapter 1463, Statutes of 1989

Education Code Section 33126
Education Code Section 35256
Education Code Section 35256.1
Education Code Section 35258
Education Code Section 41409
Education Code Section 41409.3

School Accountability Report Cards

I. SUMMARY OF THE MANDATE

Proposition 98, an initiative measure approved by the California voters, required each school in each school district to develop and issue a school accountability report card. Proposition 98 set forth thirteen items that were to be included in the school accountability report cards, Statutes adopted after the approval of Proposition 98 added new subjects to be included in the school accountability report card. The Commission on State Mandates, in its Statement of Decision adopted at the April 23, 1998 hearing, determined that the requirements in these statutes impose a new program or higher level of service upon school districts, within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514.

II. 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.

III. PERIOD OF REIMBURSEMENT

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed by the claimants on December 31, 1997. Therefore, all costs incurred on or after July 1, 1996, for Chapters 824/1994, 1031/1993, 759/1992, and 1463/1989 are eligible for reimbursement, and, all costs incurred on or after January 1, 1998, for Chapters 912/1997 and 918/1997 are eligible for reimbursement, pursuant to these parameters and guidelines.

Actual costs for one fiscal year should be included in each reimbursement claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Section 17561 (d) (1) of the Government Code, all claims for reimbursement of initial years' costs shall be submitted within 120 days of issuance of the claiming instructions by the State Controller.

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

IV, REIMBURSABLE ACTIVITIES

The direct and indirect costs of labor, materials and supplies, contracted services, equipment, travel, and training incurred for compliance with the following mandate components are eligible for reimbursement:

Component 1- Compilation, Analysis, and Reporting of Data

The collection and updating of data, preparation of analyses, and the preparation of the new mandated provisions added to the school accountability report cards (SARCs), as described below can be claimed:

For the period beginning July 1, 1996 the required data and analyses includes the reporting of the following information:

1. The degree to which pupils are prepared to enter the workforce;
2. The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level;
3. The total number of minimum days, as specified in Education Code sections 46112, 46113, 46117, and 46141, in the school year;
4. The beginning, median, and highest salary paid to teachers in the district, as reflected in the district's salary scale;
5. The average salary for school site principals in the district;
6. The salary of the district superintendent;
7. Based upon the state summary information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Education Code section 41409, the statewide average salary for the appropriate size and type of district for the following:

   a. beginning, mid-range, and highest salary paid to teachers;

   b, school site principals; and

   c. district superintendents;
8. The statewide average of the percentage of school district expenditures allocated for the salaries of administrative personnel for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of section 41409 of the Education Code;

9. The percentage allocated under the district's corresponding fiscal year expenditure for the salaries of administrative personnel, as defined in Education Code sections 1200, 1300, 1700, 1800, and 2200 of the California School Accounting Manual published by the State Department of Education;

10, The statewide average of the percentage of school district expenditures allocated for the salaries of teachers for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction, pursuant to subdivision (a) of Section 41409 of the Education Code; and,

11. The percentage of the budget that is expended for the salaries of teachers, as defined in Section 1100 of the California School Accounting Manual published by the State Department of Education.

For the period beginning January 1, 1998, the required data and analyses includes the reporting of the eleven items above plus the following district-wide and site-specific information:

1. Results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including the pupil achievement by grade level as measured by the statewide assessment developed by the state pursuant to chapter 5 (commencing with section 60600) and chapter 6 (commencing with section 60800) of part 33 of the Education Code;

2. The average verbal and math Scholastic Assessment Test scores of high school seniors to the extent such scores are provided to the school and the average percentage of seniors taking that exam for the most recent three-year period;

3. The one-year dropout rate listed in the California Basic Education Data System for the school site over the most recent three-year period;

4. The distribution of class sizes at the school site by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1 to 3, inclusive, participating in the Class *Size* Reduction Program established pursuant to chapter 6.10 (commencing with section 52120) of part 28 of the Education Code, using California Basic Education Data System information for the most recent three-year period;

5. The total number of the school's credentialed teachers] the number of teachers relying upon emergency credentials, and the number of teachers working without credentials for the most recent three-year period;

6. Any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period;

7. The annual number of schooldays dedicated to staff development for the most recent three-year period; and,

8. The suspension and expulsion rates for the most recent three-year period,

Component 2 - Annual posting of school accountability report cards on the Internet.

A school district is connected to the Internet if one or more of its schools or the administrative office has a dedicated line or a dial-up account to the Internet, These school districts are eligible for reimbursement, as follows:

A. School districts with district or individual school web sites are eligible to be reimbursed for the following activities in compliance with this mandate:

1. One-time costs to add web pages for each school to the district web site or individual school web sites to post school accountability report card (SARC) information, School districts are eligible to claim *one-time* costs to add web pages for *new schools* on subsequent claims.
2. Ongoing costs to annually convert the SARC information described in Component 1 to formats capable of being posted on the district's web site or on individual school web sites.
3. Ongoing costs to annually post the *SARC* information on the district's web site or on individual school web sites,
4. Ongoing costs to maintain electronic media storage space for the district's web site: and individual school sites for posting the SARC information.
5. On-going costs to purchase software specifically to convert the SARC to a file format capable of being posted on the Internet.
6. One-time *costs* to purchase other software limited to a pro rata portion of newly purchased software used to prepare the SARC.

B. School districts without web sites on January 1, 1998, are eligible to be reimbursed for the following activities in compliance with this mandate:

1. One-time costs to establish one web site for the district to post the SARC inforination described in Component 1.
2. One-time costs to develop and add web pages to post *SARC* information for each school. School districts are eligible to claim *one-time* costs to add web pages for *new schools* on subsequent claims.
3. Ongoing costs to convert the *SARC* information to formats capable of being posted on the district's web site or on individual school web sites.
4. Ongoing costs to annually post SARC information on the district's web site or on individual school web sites.
5. Ongoing costs to maintain electronic media storage space for the district's web site and individual school web sites for posting the SARC information,
6. On-going costs to purchase software specifically to convert the SARC to a file format capable of being posted on the Internet.
7. One-time costs to purchase other software, limited to a pro rata portion of newly purchased software used to prepare the SARC.

Non-Reimbursable Costs

School districts shall not be reimbursed for establishing an Internet connection nor for maintaining Internet access and shall not be reimbursed for the establishment of web sites for individual schools.

V. CLAIM PREPARATION

Each reimbursement claim for costs incurred to comply with this mandate must be timely filed and set forth a listing of each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified according to the two components of reimbursable activity described in Section IV of this document.

Supporting Documentation

Claimed costs should be supported by the following information:

A, Direct Costs

Direct costs are defined as costs that can be traced to specific goods, services, units, programs, activities, or functions,

1. Employee Salaries and Benefits

Identify the employee(s) and/or show the classification of the employee(s) involved. Describe the mandated functions performed by each employee and specify the time devoted to each function by each employee, productive hourly rate and the related fringe benefits. The average number of hours devoted to each reimbursable activity in these Parameters and Guidelines can be claimed if supported by a documented time study.

Reimbursement for personal services includes compensation for salaries, wages, and employee fringe benefits, Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g. annual leave, sick leave) and employer's contribution for social security, pension plans, insurance, and worker's Compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities performed by the employee,

2. Materials and Supplies

List cost of materials and supplies which have been consumed or expended specifically for the purpose of this mandate. The cost of materials and supplies, which is not used exclusively for the mandate is limited to the pro rata portion used to comply with this mandate.

3. Contracted Services

Provide 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, if applicable, show the inclusive dates when services were performed, and itemize all costs for those services. For fixed

price contracts list only the activities performed, the dates services were performed, and the contract price,

4, Equipment

List the purchase price paid for equipment and other capital assets acquired for this mandate, Purchase price includes taxes, delivery costs, and installation costs. If the equipment or other capital asset is used for purposes other than this mandate, only the pro rata purchase price can be claimed.

5. Travel

Travel expenses for mileage, transportation, per diem, lodging, parking, and other employee entitlements are reimbursable in accordance with the rules of the local school district. Provide the name(s) of the person(s) traveling, purpose of the travel, inclusive dates and time of travel, destination(s), and travel expenses.

6, Training

The cost of training for activities specified in Section IV can be claimed. Identify the employee(s) by name and job classification. Provide the name of the training session, the dates attended and the location. Reimbursement costs include, but are not limited to, salaries and benefits of personnel conducting or attending the training, registration fees, and travel expenses.

B. Indirect Costs

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

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

VI. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets to show evidence of the validity of costs, Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim was filed or *(2)* if no funds are appropriated for the fiscal year for which the claim is made, the date of the initial payment of the claim. These documents must be made available to the State Controller's Office on request,

VII. DATA FOR DEVELOPMENT OF THE STATEWIDE COST ESTIMATE

The State Controller's claiming instructions shall include a request for claimants to send an additional copy of the completed test claim specific form for each of the initial years' reimbursement claims by mail or facsimile to the Commission on State Mandates, 1300 I Street, Suite 950, Sacramento, CA 95814, Facsimile Number: (916) 445-0278. Although providing this information to the Commission on State Mandates is not a condition of

reimbursement, claimants are encouraged to provide this information to enable the Commission to develop a statewide cost estimate,

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this mandate must be deducted from the costs claimed, In addition, reimbursement for this mandate received 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.

IX. REQUIRED CERTIFICATION

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.

COMMISSION ON STATE MANDATES

NOTICE AND AGENDA

State Capitol, Room 437
Sacramento, California

March 25, 1999

9:00 A.M. - CLOSED EXECUTIVE SESSION

10:00 A.M. - PUBLIC SESSION

I. CALL TO ORDER AND ROLL CALL (Public Session)

II. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTION 11126.

PENDING LITIGATION

A. To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matters pursuant to Government Code section 11126, subdivision (e)(1):

- *Hori* v. *Commission on State Mandates, et al,* State Personnel Board Case Number 98-5009
- *Goff* v. *Commission on State Mandates, County of Sacramento et al,* remanded to Superior Court by the Court of Appeal, Third District, Case Number 95CS01215 (re County of Sacramento's First SB 1033 Application)
- *Ruberto Green and Guy D. Russie, et al* v. *California Commission on State Mandates, County of Sacramento et al,* Superior Court Case No. 96CS02068 (re County of Sacramento's Second SB 1033 Application)
- *Cynthia Bradford and Leon Copeland* v. *California Commission on State Mandates, County of Sacramento et al,* Superior Court Case Number 96CS02069 (re County of Sacramento's Second SB 1033 Application)

B. To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matter pursuant to Government Code section 11126, subdivision (e)(2):

- Based on existing facts and circumstances, there is a specific matter which presents a significant exposure to litigation against the Commission on State Mandates, its members and/or staff (Gov. Code, § 11126, subd. (e)(2)(B)(ii).)

COMMISSION ON STATE MANDATES

NOTICE AND AGENDA

State Capitol, Room 437
Sacramento, California

March 25, 1999

10:00 A.M. - PUBLIC SESSION

I. REPORT FROM CLOSED EXECUTIVE SESSION

II. PROPOSED CONSENT CALENDAR

Note: If there are no objections to any of the following action items, the Executive Director will include it on the Proposed Consent Calendar that will be presented at the hearing. The Commission will determine which items will remain on the Consent Calendar.

III. APPROVAL OF MINUTES

Item 1 Hearing of February 25, 1999

IV. HEARINGS AND DECISIONS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7

A. TEST CLAIM (action)

Item 2 *Very High Fire Hazard Severity Zones* – CSM - 97-TC-13
City of Redding, Claimant
Government Code Sections 51175 through 51187, 13132.7
Health and Safety Code Section 13108.5
Statutes of 1992, Chapter 1188; Statutes of 1994, Chapter 843; and Statutes of 1995, Chapter 333.

B. INCORRECT REDUCTION CLAIM (action)

Item 3 Request for Disqualification of the Commission Member Representing the State Controller pursuant to California Code of Regulations, Title 2, Section 1187.3, Subdivision (b), on Item 4, School Crime Statistics and Validation Reporting - 97-CSM-4371-I-01.

Request of the San Diego Unified School District, Claimant, dated February 8, 1999.

Item 4 *School Crimes Statistics and Validation Reporting* - 97-CSM-4371-I-01
San Diego Unified School District, Claimant
Penal Code Sections 628, 628.1, 628.2, and 628.6
Statutes of 1984, Chapter 1607; Statutes of 1988, Chapter 78
Statutes of 1989, Chapter 1457.

C. ADOPTION OF PROPOSED STATEMENT OF DECISION (action)

Item 5 *Michelle Montoya School Safety Act* – 97-TC-16
Lake Tahoe Unified School District and Irvine Unified School District, Co-Claimants
Statutes of 1997, Chapter 588, Sections 2, 3, and 4
Statutes of 1997, Chapter 589, Sections 1, 2, 3, and 4

V. INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8 (action)

A. ADOPTION OF PROPOSED STATEWIDE COST ESTIMATES

Item 6 *Sclzool Accountability Report Cards* – CSM–97-TC-21
Sweetwater Unified High School District & Bakersfield Unified School District, Co-Claimants
Education Code Sections 33126, 35256, 35256.1, 35258, 41409 and 41409.3
Statutes of 1989, Chapter 1463; Statutes of 1992, Chapter 759; Statutes of 1993, Chapter 1031; Statutes of 1994, Chapter 824; and Statutes of 1997, Chapters 912 and 918.

Item 7 *Caregiver Affidavits to Establish Residence for Sclzool Attendance*
CSM-4497
Tustin Unified School District & San Diego Unified School District, Co-Claimants
Education Code Section 48204, Subdivision (d)
Family Code Sections.6550 and 6552
Statutes of 1994, Chapter 98

Item 8 *Collective Bargaining Agreement Disclosure*- CSM-97-TC-08
Alameda County Office of Education, Claimant
Statutes of 1991, Chapter 1231

Item 9 *Pupil Expulsions from School* – CSM – 4455
San Diego Unified School District, Claimant
Education Code Sections 48915, Subdivisions (a) and (b), 48915.1, 48915.2, 48916 and 48918
Statutes of 1975, Chapter 1253; Statutes of 1977, Chapter 965; Statutes of 1978, Chapter 668; Statutes of 1982, Chapter 318; Statutes of 1983, Chapter 498; Statutes of 1984, Chapter 622; Statutes of 1987, Chapter 942; Statutes of 1990, Chapter 1231; Statutes of 1992, Chapter 152; Statutes of 1993, Chapters 1255, 1256, and 1257; and Statutes of 1994, Chapter 146

Pupil Expulsion Appeals – CSM - 4463
San Diego Unified School District & San Diego County Office of Education, Co-Claimants
Education Code Sections 48919,48921-48924
Statutes of 1975, Chapter 1253; Statutes of 1977, Chapter 965; Statutes of 1978, Chapter 668; Statutes of 1983, Chapter 498

Item 10 *Domestic Violence Arrest Policies and Standards* – CSM–96-362-02
County of Los Angeles, Claimant
Penal Code Section 13701
Statutes of 1995, Chapter 246

Item 11 *Sexually Violent Predator* - CSM - 4509
County of Los Angeles, Claimant
Welfare and Institutions Sections 6250 and 6600 through 6608
Statutes of 1995, Chapters 762 and 763
Statutes of 1996, Chapter 4

Item 12 *Physical Performance Tests* - CSM-96-365-01 (tentative)
San Diego Unified School District, Claimant
Education Code Section 60800
Statutes of 1995, Chapter 975
and the California Department of Education Memorandum, Dated February 16, 1996

Item 13 *American Government Course Document Requirement* (tentative)
CSM–97-TC-02 (a.k.a. 97-258-01)
San Diego Unified School District, Co-Claimant
Sweetwater Union High School'District, Co-Claimant
Education Code Section 51230
Statutes of 1996, Chapter 778

B. ADOPTION OF PROPOSED REGULATORY ACTION (action)

Item 14 Proposed Amendment to the Appendix following Article 9 of Chapter 2.5 of Division 2, Title 2 of the California Code of Regulations. The proposed amendment interprets, implements, and makes specific the provisions of the Political Reform Act (Gov. Code, § 81000, et seq.), that require state and local governments to adopt and promulgate conflict of interest codes.

VI. EXECUTIVE DIRECTOR'S REPORT (info)

Item 15 Status Report on Parameters and Guidelines Workshops

Item 16 Workload, Budget, Legislation, SB 1033

VII. NEXT AGENDA (info)

VIII. PUBLIC COMMENT

ADJOURNMENT

Hearing: March 25, 1999
Claim: CSM-97-TC-21
f:\mandates\1997\97tc21\sce
Document Date: March 5, 1999

Item #6

Proposed Statewide Cost Estimate

Education Code Sections 33126, 35256, 35256.1, 35258, 41409, and 414093

Statutes of 1989, Chapter 1463
Statutes of 1992, Chapter 759
Statutes of 1993, Chapter 1031
Statutes of 1994, Chapter 824
Statutes of 1997, Chapters 912 and 918

Schoo1 Accountability Report Cards

Executive Summary

The Commission adopted the parameters and guidelines for this claim on August 20, 1998.

Proposition 98, an initiative measure approved by the California voters, required each school in each school district to develop and issue a school accountability report card. Proposition 98 set forth thirteen items that were to be included in the school accountability report cards.

Statutes adopted after the approval of Proposition 98 added new subjects to be included in the school accountability report card. The Commission on State Mandates, in its Statement of Decision adopted at the April 23, 1998 hearing, determined that the requirements in these statutes impose a new program or higher level of service upon school districts, within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514.

The reimbursement period for the pre-1997 chapters began on July 1, 1996 and the reimbursement period for the 1997 chapters began on January 1, 1998.

Summary of the Reimbursement Process

Not later than 60 days after receiving the Commission's adopted parameters and guidelines, the Controller must issue claiming instructions for each reimbursable state mandate. (Gov. Code, § 17558.)

Each eligible local agency or school district must submit claims for initial fiscal year costs to the Controller within 120 days of the issuance date for the claiming instructions. The Controller must pay any eligible claim within 60 days after the filing deadline for reimbursement claims or 15 days after the date the appropriation is effective (i.e., the subsequent claims bill), whichever is later. Any initial reimbursement claim filed after the filing deadline will be reduced by 10 percent of the amount allowed for a timely filed claim, not to exceed one thousand dollars ($1000). The Controller may withhold payment of any late claim for initial reimbursement until

the next deadline for funded claims unless sufficient funds are available after payment of all timely filed claims. Reimbursement claims submitted more than one year after the filing deadline will not be paid. (Gov. Code, § 17560.)

Interested Party Comments

Staff will report at hearing.

Methodology

To arrive at the total statewide cost estimate, staff

- Used 531 unaudited actual claim totals filed with the State Controller for prior fiscal years for which claims were filed,[1] and
- Projected current and future fiscal year totals using the following formula:

Prior-year claim total ($) x The Implicit Price Deflator[2]

Recommendation

Staff recommends that the Commission adopt this proposed statewide cost estimate in the amount of $5,713,000 for costs incurred in complying with the provisions set forth in the test claim statutes.

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

Fiscal Year	**Total**
1996-97	$ 923,927
1997-98	$1,564,310
1998-99	$1,592,468
1999-00	$1,632,279
Total	$5,712,984
Total (rounded)	**$5,713,000**

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of $5,712,984 has been rounded to $5,713,000.

[1] Current data as of February 1999.

[2] As projected by the Department of Finance.

Statewide Cost Estimate Calculation

Education Code Sections 33126, 35256, 35256.1, 35258, 41409, and 414093

Statutes of 1989, Chapter 1463
Statutes of 1992, Chapter 759
Statutes of 1993, Chapter 1031
Statutes of 1994, Chapter 824
Statutes of 1997, Chapters 912 and 918

School Accountability Report Cards

Mandate Background

The Commission adopted the parameters and guidelines for this claim on August 20, 1998.

Proposition 98, an initiative measure approved by the California voters, required each school in each school district to develop and issue a school accountability report card. Proposition 98 set forth thirteen items that were to be included in the school accountability report cards.

Statutes adopted after the approval of Proposition 98 added new subjects to be included in the school accountability report card. The Commission on State Mandates determined that the requirements in these statutes impose a new program or higher level of service upon school districts, within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514. This decision was made on April 23, 1998.

The reimbursement period for the pre-1997 chapters began on July 1, 1996 and the reimbursement period for the 1997 chapters began on January 1, 1998.

Interested Party Comments

Staff will report at hearing,

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.

Reimbursable Activities

For each eligible claimant, the direct and indirect costs of labor, supplies and services incurred for the following mandate components are reimbursable.

Component 1 - Compilation, Analysis, and Reporting of Data

Beginning July 1, 1996, the collection and updating of data, preparation of analyses, and the preparation of the new mandated provisions added to the school accountability report cards (SARCs), as specified below:

1. The degree to which pupils are prepared to enter the workforce;
2. The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level;
3. The total number of minimum days, as specified in Education Code sections 46112, 46113, 46117, and 46141, in the school year;
4. The beginning, median, and highest salary paid to teachers in the district, as reflected in the district's salary scale;
5. The average salary for school site principals in the district;
6. The salary of the district superintendent;
7. Based upon the state summary information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Education Code section 41409, the statewide average salary for the appropriate size and type of district for the following:

   a. beginning, mid-range, and highest salary paid to teachers;

   b. school site principals;'and

   c. district superintendents;
8. The statewide average of the percentage of school district expenditures allocated for the salaries of administrative personnel for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of section 41409 of the Education Code;
9. The percentage allocated under the district's corresponding fiscal year expenditure for the salaries of administrative personnel, as defined in Education Code sections 1200, 1300, 1700, 1800, and 2200 of the California School Accounting Manual published by the State Department of Education;
10. The statewide average of the percentage of school district expenditures allocated for the salaries of teachers for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction, pursuant to subdivision (a) of Section 41409 of the Education Code; and,
11. The percentage of the budget that is expended for the salaries of teachers, as defined in Section 1100 of the California School Accounting Manual published by the State Department of Education,

For the period beginning January 1, 1998, the required data and analyses includes the reporting of the eleven items above plus the following district-wide and site-specific information:

1. Results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including the pupil achievement by grade level as measured by the statewide assessment developed by the state pursuant to chapter 5 (commencing with section 60600) and chapter 6 (commencing with section 60800) of part 33 of the Education Code;
2. The average verbal and math Scholastic Assessment Test scores of high school seniors to the extent such scores are provided to the school and the average percentage of seniors taking that exam for the most recent three-year period;
3. The one-year dropout rate listed in the California Basic Education Data System for the school site over the most recent three-year period;
4. The distribution of class sizes at the school site by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1 to 3, inclusive, participating in the Class Size Reduction Program established pursuant to chapter 6.10 (commencing with section 52120) of part 28 of the Education Code, using California Basic Education Data System information for the most recent three-year period;
5. The total number of the school's credentialed teachers, the number of teachers relying upon emergency credentials, and the number of teachers working without credentials for the most recent three-year period;
6. Any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period;
7. The annual number of schooldays dedicated to staff development for the most recent three-year period; and,
8. The suspension and expulsion rates for the most recent three-year period.

Component 2 - Annual posting of school accountability report cards on the Internet.

A. School districts with district or individual school web sites are eligible to be reimbursed for the following activities in compliance with this mandate:

   1. One-time costs to add web pages for each school to the district's or individual schools' web sites to post school accountability report card (SARC) information.
   2. Ongoing costs to annually convert the SARC information described in Component 1 to formats capable of being posted on the district's web site or on individual school web sites,
   3. Ongoing costs to annually post the SARC information on the district's web site or on individual school web sites.
   4. Ongoing costs to maintain electronic media storage space on the server for the district's web site and individual school sites for posting the SARC information.
   5. On-going costs to purchase software specifically to convert the SARC to a file format capable of being posted on the Internet.
   6. One-time costs to purchase other software limited to a pro rata portion of newly purchased software used to prepare the SARC.

B. School districts without web sites on January 1, 1998, are eligible to be reimbursed for the following activities in compliance with this mandate:

1. One-time costs to establish one web site for the district to post the SARC information described in Component 1.
2. One-time costs to develop and add web pages to post SARC information for each school.
3. Ongoing costs to convert the SARC information to formats capable of being posted on the district's web site or on individual school web sites.
4. Ongoing costs to annually post SARC information on the district's web site or on individual school web sites.
5. Ongoing costs to maintain electronic media storage space on the district's web site and individual school sites for posting the SARC information.
6. On-going costs to purchase software specifically to convert the SARC to a file format capable of being posted on the Internet.
7. One-time costs to purchase other software, limited to a pro rata portion of newly purchased software used to prepare the SARC.

Non-Reimbursable Costs

School districts shall not be reimbursed for establishing an Internet connection nor for maintaining Internet access and shall not be reimbursed for the establishment of web sites for individual schools,

Methodology

To arrive at the total statewide cost estimate, staff

- Used 531 unaudited actual claim totals filed with the State Controller for prior fiscal years for which claims were filed,[3] and
- Projected current and future fiscal year totals using the following formula:

Prior year claim total ($) x *The Implicit Price Deflator*[4]

Assumptions

Staff made the following assumptions:

- The claiming data is accurate, although unaudited.
- There will not be a significant number of late claims filed, nor will there be a significant change in the number of claimants for current or future fiscal years.

[3] Current data as of February 1999.

[4] As projected by the Department of Finance.

Recommendation

Staff recommends that the Commission adopt this proposed statewide cost estimate in the amount of $5,713,000 for costs incurred in complying with the provisions set forth in the test claim statutes.

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

Total Claimed Amounts and Projections by Fiscal Year*

FISCAL YEAR	TOTAL ESTIMATE ACTUAL & PROJECTED
1996-97	$ 923,927
1997-98	$1,564,310
1998-99 Projection (1.8%)**	$1,592,468
1999-00 Projection (2.5%)**	$1,632,279
Total	$5,712,984
Statewide Cost Estimate Total* **	**$5,713,000**

*Current data as of February 1999.
**Implicit Price Deflator, as forecasted by Department of Finance.
***The total is rounded because reported costs are prior to audit.

RECEIVED
APR 7 - 1999
COMMISSION ON
STATE MANDATES

PUBLIC HEARING

COMMISSION ON STATE MANDATES

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ORIGINAL

TIME: 9:13 a.m.

DATE: Thursday, March 25, 1999

PLACE: Commission on State Mandates
State Capitol, Room 437
Sacramento, California

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

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Reported By: DANIEL P. FELDHAUS
CSR #6949, RDR, CRR

A P P E A R A N C E S

COMMISS E II

ANNETTE PORINI, Chair
Representative for B. TIMOTHY GAGE, Director
State Department of Finance

ALBERT P. "AL" BELTRAMI
Public Member

BARRETT McINERNEY
Representative for KATHLEEN CONNELL
State Controller

LORETTA LYNCH, Director
State Office of Planning and Research

WILLIAM SHERWOOD
Representative for PHIL ANGELIDES
State Treasurer

JOANN E. STEINMEIER
School Board Member
Arcadia Unified School District

COMMISSION STAFF PRESENT

PAULA HIGASHI, Executive Director

CAMILLE SHELTON, Staff Counsel

PUBLIC TESTIMONY

Appearing Re Item 2:

For City of Redding:

PAMELA A. STONE, Senior Manager/Legal Counsel
DMG Maximus
4320 Auburn Boulevard, Suite 2000
Sacramento, CA 95841

STEPHEN J. ECKARD, Fire Marshal
City of Redding
1050 Parkview Avenue
Redding, CA 96001-3396

STEVE STRONG, Finance Officer
City of Redding
760 Parkview Avenue
Redding, CA 96001

APPEARANCES

Appearing Re Item 2: *continued*

For City of Redding and California State Association of Counties:

ALLAN P. BURDICK, Director
California State Association of Counties
SB 90 Service
4320 Auburn Boulevard, Suite 2000
Sacramento, CA 95841

For California Department of Finance:

JAMES M. APPS
Principal Program Budget Analyst
State of California
Department of Finance
915 L Street
Sacramento, CA 95814

Appearing Re Item Number 3:

For San Diego Unified School District:

JAMES A. CUNNINGHAM
Legislative Mandate Specialist
San Diego City Schools
Education Center
4100 Normal Street, Room 3159
San Diego, CA 92103-2682

For Los Angeles County:

LEONARD KAYE
Certified Public Accountant
Office of Auditor-Controller
County of Los Angeles
603 Hall of Administration
Los Angeles, CA 90012

For Education Mandated Cost Network:

KEITH B. PETERSEN
Special Counsel
Education Mandated Cost Network
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

APPEARANCES

Appearing Re Item 3: *continued*

For County of San Bernardino:

MARCIA C. FAULKNER
Manager, Reimbursable Projects
County of San Bernardino
Office of the Auditor/Controller-Recorder
222 West Hospitality Lane, Fourth Floor
San Bernardino, CA 92415-0018

For League of California Cities Advisory Committee on State Mandates:

ALLAN P. BURDICK

Appearing Re Item 4

For State Controller's Office:

PAIGE VORHIES
State Controller's Office

SONIA HEHIR, Staff Counsel
State Controller's office

For Education Mandated Cost Network:

CAROL A. BERG, Ph.D.
Executive Vice-president
School Services of California, Inc.
1121 L Street, Suite 1060
Sacramento, CA 95814

For San Diego Unified School District:

JAMES A. CUNNINGHAM

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III. Report from Closed Executive Session

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B. Adoption of Proposed Statement of Decision:

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C. Adoption of Proposed Statewide Cost Estimates

Item 6 School Accountability Report Cards CSM-97-TC-21 Sweetwater Unified High School District and Bakersfield Unified School District 10

Item 7 Caregiver Affidavits to Establish Residence of School Attendance CSM-4497 Tustin Unified School District and San Diego Unified School District 10

Item 8 Collective Bargaining Agreement Disclosure - CSM-97-TC-08 Alameda County Office of Education 10

Item 9 Pupil Expulsions from School CSM-4455 San Diego Unified School District. 10

Item 10 Domestic Violence Arrest Policies and Standards - CSM-96-362-02 County of Los Angeles 10

1 legal counsel, for consideration and action, as necessary
2 and appropriate, upon pending litigation listed on the
3 published notice and agenda.
4 In addition, the Commission conferred with and
5 received advice from legal counsel, for consideration and
6 action, as necessary and appropriate, upon pending
7 litigation served upon the Commission after the agenda
8 was published, pursuant to Government Code section
9 11126.3 subdivision (d).
10 Postponing these new cases to the April meeting
11 would have prevented the Commission from complying with
12 statutory and legally imposed deadlines.
13 The new cases are Gary D. Hori versus Commission on
14 State Mandates, et al., case number 99AS01517, in the
15 Superior Court of the State of California, County of
16 Sacramento; and County of Sonoma versus Commission on
17 State Mandates, et al., case number SCV221243, in the
18 Superior Court of California, County of Sonoma.
19 All right, with that, we will move on to item number
20 two, our proposed consent calendar.
21 Do members have any items they wish to be removed?
22 MEMBER BELTRAMI: Are there any changes on the
23 list that you sent us?
24 MS. HIGASHI: No. Staff is recommending the
25 same list of items for the consent calendar. The
26 Department of Finance has not filed any objections to any
27 of the statewide cost estimates.
28 MEMBER BELTRAMI: Madam Chair, I would move

1 approval of the consent calendar.
2 MEMBER McINERNEY: Second.
3 CHAIR PORINI: We have a motion and a second.
4 All those in favor?
5 COMMISSION MEMBERS (in unison): Aye.
6 CHAIR PORINI: Opposed?
7 All right, approval of the minutes from our
8 February 25th meeting
9 MS. HIGASHI: That's part of the consent
10 calendar.
11 CHAIR PORINI: I'm sorry.
12 MEMBER LYNCH: In terms of that, I'd like to
13 abstain from approval of the minutes.
14 MS. HIGASHI: Okay.
15 MEMBER BELTRAMI: Paula, it might not be better
16 not to include the minutes on the consent item, because
17 you're always going to have that situation where some
18 folks are there or absent.
19 MS. HIGASHI: Okay.
20 CHAIR PORINI: All right, our next item?
21 MS. HIGASHI: Our next item is the test claim
22 hearing. It's item 2, Very High Fire Hazard Severity
23 Zones. This item will be presented by Camille Shelton of
24 our staff.
25 MS. SHELTON: Good morning. This is a test
26 claim filed by the City of Redding on legislation
27 requiring that "very high fire hazard severity zones" be
28 identified throughout the state. The process begins when

REPORTER'S CERTIFICATE

I hereby certify that the foregoing proceedings were reported by me at the time and place therein named; that the proceedings were reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings, nor in any way interested in the outcome of the cause named in said matter.

In witness whereof, I have hereunto set my hand this 5th day of April 1999.

Daniel P. Feldhaus

DANIEL P. FELDHAUS
CSR #6949, RDR, CRR

MINUTES
COMMISSION ON STATE MANDATES
Thursday, March 25, 1999
State Capitol, Room 437
Sacramento, California

Present: Chairperson Annette Porini
Representative of the Director of the Department of Finance
Member William Sherwood
Representative of the State Treasurer
Member Loretta Lynch
Director of the Office of Planning and Research
Member Barrett McInerney
Representative of the State Controller
Member Albert Beltrami
Public Member
Member Joann Steinmeier
Representative of School Boards

Vacant: Representative of County Supervisors or City Council Members

There being a quorum present, at 9:05 a.m., Chairperson Porini called the meeting to order and introduced the Commission's newest member, Loretta Lynch, Director of the Office of Planning and Research.

Chairperson Porini stated that *Gary* D. *Hori* v. *the Commission on State Mandates] et al.*, case number 99AS01517, in the Superior Court of California, County of Sacramento, and *County* of *Sonoma* v. *the Commission on State Mandates, et al.*, case number SCV221243, in the Superior Court of California, County of Sonoma, were served upon the Commission after the agenda was published. However, postponing these cases to the April meeting would have prevented the Commission from Complying with statutory and other legally imposed deadlines. Therefore, in closed executive session, the Commission would confer with and receive advice from legal counsel for consideration and action, as necessary and appropriate, upon these new cases as well as on the litigation listed on the published notice and agenda.

She moved into closed executive session to discuss the following:

PENDING LITIGATION

A. To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matters pursuant to Government Code section 11126, subdivision (e)(1):

- *Hori* v. *Commission on State Mandates, et al,* State Personnel Board Case Number 98-5009
- *Goff* v. *Commission on State Mandates, County of Sacramento et al,* remanded to Superior Court by the Court of Appeal, Third District, Case Number 95CS01215 (re County of Sacramento's First SB 1033 Application)

- *Ruberto Green and Guy D. Russie, et al* v. *California Commission on State Mandates, County of Sacramento et al*, Superior Court Case No. 96CS02068 (re County of Sacramento's Second SB 1033 Application)
- *Cynthia Bradford and Leon Copeland* v. *California Commission on State Mandates, County of Sacramento et al*, Superior Court Case Number 96CS02069 (re County of Sacramento's Second SB 1033 Application)

B. To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matter pursuant to Government Code section 11126, subdivision (e)(2):

> Based on existing facts and circumstances, there is a specific matter which presents a significant exposure to litigation against the Commission on State Mandates, its members and/or staff (Gov. Code, § 11126, subd. (e)(2)(B)(ii).)

Chairperson Porini reconvened open session at 10:40 a.m. She restated that the Commission had conferred with and received advice from legal counsel for consideration and action, as necessary and appropriate, on the two new cases, *Gary D. Hori* v. *the Commission on State Mandates, et al.*, and *County of Sonoma* v. *the Commission on State Mandates, et al.*, as well as on the litigation listed in the published agenda.

I. PROPOSED CONSENT CALENDAR

APPROVAL OF MINUTES

Item 1 Hearing of February 25, 1999

ADOPTION OF PROPOSED STATEMENT OF DECISION (action)

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Statutes of 1997, Chapter 589, Sections 1, 2, 3, and 4

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San Diego Unified School District & San Diego County Office of Education, Co-Claimants
Education Code Sections 48919, 48921-48924
Statutes of 1975, Chapter 1253; Statutes of 1977, Chapter 965; Statutes of 1978, Chapter 668; Statutes of 1983, Chapter 498

Item 10 *Domestic Violence Arrest Policies and Standards* – CSM–96-362-02
County of Los Angeles, Claimant
Penal Code Section 13701

Statutes of 1995, Chapter 246

Item 11 Sexually Violent Predator - *CSM - 4509*
County of Los Angeles, Claimant
Welfare and Institutions Sections 6250 and 6600 through 6608
Statutes of 1995, Chapters 762 and 763
Statutes of 1996, Chapter 4

Item 12 Physical Performance Tests - *CSM-96-365-01 (tentative)*
San Diego Unified School District, Claimant
Education Code Section 60800
Statutes of 1995, Chapter 975
and the California Department of Education Memorandum, Dated February 16, 1996

ADOPTION OF PROPOSED REGULATORY ACTION (action)

Item 14 Proposed Amendment to the Appendix following Article 9 of Chapter 2.5 of Division 2, Title 2 of the California Code of Regulations.
The proposed amendment interprets, implements, and makes specific the provisions of the Political Reform Act (Gov. Code, § 81000, et seq.), that require state and local governments to adopt and promulgate conflict of interest codes.

Member Beltrami moved for approval of the consent calendar. Member McInerney seconded the motion. The motion was unanimously approved, with Member Lynch abstaining from Item 1. Paula Higashi, Executive Director to the Commission, agreed with Member Beltrami's suggestion not to include minutes in the consent calendar to avoid members abstaining due to absence.

11. HEARINGS AND DECISIONS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7

A. TEST CLAIM (action)

Item 2 *Very High Fire Hazard Severity Zones* – CSM - 97-TC-13
City of Redding, Claimant
Government Code Sections 51175 through 51187, 13132.7
Health and Safety Code Section 13108.5
Statutes of 1992, Chapter 1188; Statutes of 1994, Chapter 843; and Statutes of 1995, Chapter 333.

Camille Shelton, Staff Counsel, introduced this item. Parties were represented as follows: Pam Stone on behalf of the City of Redding; Stephen Eckard, Fire Marshal, City of Redding; Allan Burdick, on behalf of the City of Redding and the California Association of Counties; Steve Strong, Finance Officer for the City of Redding; and Jim Apps for the Department of Finance.

Mr. Burdick distributed a one-page summary of points for discussion. He agreed with staff's recommendation in terms of what items are reimbursable, but did not agree with staff's idea of "partial" reimbursement. Mr. Burdick asserted that the program requires the following: 1) the state must identify severity zone areas and create maps of those zones; 2) local agencies have 30 days to publicize state findings; 3) local agencies must adopt an ordinance consistent with the model ordinance provided by the state, and have 120 days after receipt to enact that ordinance; and 4) to implement the ordinance, local agencies must create and notify people of prevention programs and also create and uphold enforcement programs. He agreed with staff that enforcement is not reimbursable, but did believe that information, education, and prevention activities are reimbursable.

Mr. Eckard testified that it is far easier to prevent or develop defensible positions than it is to come in after the fact when this does not exist. He asserted that the most effective implementation of the mandate was a self-certification program with a return mailer and a follow-up for unreturned mailers.

Ms. Stone agreed that, because it is dynamic, the most efficacious methodology for implementation of this program on an ongoing basis is to have an annual mailer notifying property owners of the requirements and requiring them to self-certify. She held that this portion falls within the ambit of fire prevention and notification to the property owners and is not enforcement.

Mr. Burdick added that there is a requirement for the state to come back and evaluate the program every five years.

Mr. **Apps** agreed with staffs recommendation. Beyond the development of the zoning and the ordinance, he believed the Legislature intended to leave considerable discretion to local officials as to how to follow through with a plan to reduce the incidence of fire.

In response to Chairperson Porini, Ms. Shelton indicated that the Department of Forestry was invited to this hearing, received a copy of the draft analysis, filed a brief in response, and received a copy of the final analysis.

Member McInerney asked what portion of the mandate would not be covered under the Pubic Records Act and its preexisting reimbursable mandate. Ms. Stone responded that the Act requires local entities to have documents available for public inspection and allows for actual reproduction charges only. She asserted that this legislation requires a new category of information to be made available, and that fees for copies do not cover the total costs of making copies available to the public.

Ms. Shelton stated that this legislation goes beyond the Public Records Act because it requires local agencies to put the information in an understandable and accessible manner, such as, but not limited to, maps.

Mr. Burdick asserted that local agencies read the mandate to require locals to implement some type of prevention program as it relates to this program. The question is whether the Controller finds the implementation reasonable in terms of what was intended by an information and prevention program.

Member Beltrami asked if a maintenance requirement existed in the legislation. In response, Ms. Shelton explained that, when a violation of maintenance requirements occurs, it is an infraction or misdemeanor, which staff claims falls under the section 17556 (g) exception to reimbursement.

Member Beltrami supported staff's report, but wanted to include the information/education aspects. Mr. Burdick suggested allowing the mandate activities discussion to come back to the Commission in the form of parameters and guidelines. Claimants could then bring back the issue in terms of very specific items that would make clearer where to draw the line between educatiodprevention and enforcement.

Member Lynch expressed concern that the Commission would unintentionally adopt a broad principle, without understanding the implications. Ms. Higashi suggested the Commission adopt staffs recommendation and direct staff to prepare a Statement of Decision further clarifying the issues. Staff could circulate the proposal to claimants before the hearing. Member Lynch remained troubled about adopting a broad principle. At Ms. Higashi's suggestion, the Chair directed staff to bring the issue back as a supplement to this staff analysis and also as a proposed Statement of Decision.

B. INCORRECT REDUCTION CLAIM (action)

Item 3 Request for Disqualification of the Commission Member Representing the State Controller pursuant to California Code of Regulations, Title **2,** Section 1187.3, Subdivision (b), on Item 4, School Crime Statistics and Validation Reporting - 97-CSM-4371-1-01.

Request of the San Diego Unified School District, Claimant, dated February 8, 1999.

Ms. Higashi introduced this item. Parties were represented as follows: Jim Cunningham for the San Diego Unified School District; Leonard Kaye for Los Angeles County; Keith Petersen, Special Counsel for the Education Mandated Cost Network; Marcia Faulkner for the County of San Bernardino; and Allan Burdick, League of California Cities Advisory Committee on State Mandates. Ms. Higashi swore in the parties,

Mr. Cunningham outlined the claimant's three independent bases for the request for disqualification of the State Controller's Office (SCO) representative:

1) Due process requires an independent decision-maker. As a party in the action, the State Controller cannot also serve as a decision-maker in that action.

2) A potential decision-maker must be disqualified if a reasonable person would doubt that hearing officer's impartiality.

3) There have been a number of instances in which the member representing the Controller has admitted to improper ex-parte communications with the Controller or other Controller staff members.

The claimant contends that the SCO representative should recuse himself, or that the other members should vote to disqualify him from participation.

Mr. Petersen noted that the Education Mandated Cost Network endorses the claimant's position. He added that, in the past, recusals have been requested. Mr. Petersen explained he was exercising the right that exists in Title 2, and that "actual" bias is not being alleged. He said that no person should be in a position to judge the efficiency of their own staffs work. He noted that the SCO has the power to prevent the claim from even coming forward, because, unlike a test claim, the Controller can pay off an incorrect reduction claim (IRC). Mr. Petersen stated that that is a great deal of power that exists in one office.

Mr. Kaye noted that, in the past, the Department of Finance has recused itself when it is a real party in interest. He added that, without due and efficient processing of IRCs, claimants will have to resort to litigating the matter in courts, which is what the Commission was established to avoid.

Ms. Faulkner questioned whether the SCO could realistically have two different opinions within one office.

Mr. Burdick clarified that this request was not personally against the current member. He suggested the SCO have a representative hear these cases, as it has done in the past, so claimants can avoid returning to the Commission.

In response, Member McInerney offered the following comments:

- The SCO is never a party to the action, even for IRCs, because it does not have a financial or any other pecuniary interest at risk.
- When claims come back as IRCs, there is no requirement for the Controller or her representative to agree with decisions made by the accounting staff. In fact, all of those decisions are considered on a de novo basis.
- Regarding bias, the case authority presented deals with a situation that was specifically limited to unique circumstances. There is no showing of bias in this case.
- Regarding ex parte communications, any contact with the Controller, SCO staff, or Commission staff is an attempt to gain knowledge on the issues and any decision prior to the hearing is, at

best, an indicated decision which is always open to rereview or reanalysis. Member McInerney claimed he would not sit on the board if this were not the case.

- The SCO representative's decisions are being made based upon the totality of the circumstances and facts, including the information presented by the claimants before and at the hearing.

Member Steinmeier asked Member McInerney's opinion of the suggestion to create an intermediary step in the SCO to look at IRCs before they reach the Commission. He responded that it depends on the situation—if the issue deals with numbers, it may be appropriate. If the issue deals with legal interpretation of the parameters and guidelines, for instance, it may be more appropriate to come back to the Commission.

Member Steinmeier asked why the SCO representative was not excluded from IRCs when the Commission was created. Ms. Higashi did not know, but noted that the issue arose in another context when the Commission was looking to adopt operating rules.

Member Sherwood suggested that, in the past, the burden has been on the member to recuse himself if he felt he could not be impartial. Mr. Petersen agreed.

Member Beltrami clarified that the SCO representative has the authority to vote his conscience after a public hearing based on the testimony he has heard. Member McInerney agreed and added that this was true on this and the 35 other commissions he sits on. He explained that he briefs the Controller, offers a tentative decision, gets input, and agrees on a tentative decision. Regardless, at the hearing he has the authority to make the decisions that need to be made.

Member Lynch asked the claimants if it was their position that, despite possible protections, there is a *per* se conflict. Mr. Cunningham cited the Code of Civil Procedure section 170.1(a)(6)(C), and the *Haas* case, and held that, if a reasonable person aware of the facts would entertain a doubt as to whether or not the decision-maker could be impartial, then disqualification is required. Mr. Petersen clarified that it does not have to be *per* se, rather, it is the appearance of possible impropriety.

The Chair called for final comments from the members. Member Beltrami understood that the claimants were not attacking the SCO, rather, they were bringing up a valid concern. However, he believed the Commissioners would decide to rely on each individual having the professional competence to decide to recuse themselves or not.

No motion was made on this item.

Item 4 *School Crimes Statistics and Validation Reporting* - 97-CSM-4371-1-01
San Diego Unified School District, Claimant
Penal Code Sections 628, 628.1, 628.2, and 628.6
Statutes of 1984, Chapter 1607; Statutes of 1988, Chapter 78
Statutes of 1989, Chapter 1457.

Camille Shelton presented this item. Parties were represented as follows: Jim Cunningham for the San Diego Unified School District; Carol Berg for the Education Mandated Cost Network; Paige Vorhies, Bureau Chief, and Sonia Hehir, Staff Counsel, for the State Controller's Office. Ms. Higashi swore in the witnesses.

Mr. Cunningham agreed with staffs conclusion, though disagreed with including certain portions of the report in the statement of decision. Specifically, he disagreed that an overlap of reimbursable activities exists regarding gathering data required to determine whether a report is necessary and

with how to complete that form. Mr. Cunningham contended that, though these issues may come before the Commission on other claims, they are not at issue in this claim.

Dr. Berg agreed with staff's recommendation, but urged the Commission to focus on the issue that exists in the claim. She argued that the right of claimants to file for reimbursement for identifying the crime committed occurs before completing the form. Dr. Berg submitted that each Incorrect Reduction Claim must stand before the Commission on its own merit for each district, and that other claims on this same issue are pending before the Commission.

Ms. Hehir maintained that investigation is not a reimbursable cost because those activities were mandated under prior law. She noted that the State Controller's Office disagrees with staff's analysis that districts had discretion to report these incidents before this legislation. Ms. Hehir alleged that data collection does not include the criminal investigatory process. She explained that, if a student claims she has been raped, the principal could get all of the necessary information to complete the form from the student. A police investigation is necessary, but not for completing the form. She claimed that, prior to 1985, this incident would have been reported and investigated. Ms. Hehir contended that the intent of the Legislature was to insure that districts, local government and the Legislature have sufficient data and information about the type and frequency of campus crimes for the development of effective programs and techniques to combat crimes in schools.

Member McInerney was concerned that the form may actually be intended simply for an accounting of crimes and that reimbursement of campus police may be "boot-strapped" onto that. If the Commission is going to include the investigation process, he warned the members to distinguish the point at which reimbursement begins.

Member Steinmeier noted that most districts are too small to have school police. She asked the claimant to respond to Ms. Hehir's comments about when data collection actually begins. She noted that the representative did not mention that the investigator must determine which Penal Code section to cite on the report.

Mr. Cunningham replied that San Diego is not attempting to boot-strap the entire investigation as part of this mandate, rather, they are only asking for the time school police spend to determine whether or not a crime is reportable and to determine the information required to complete the forms. He claimed this issue was not restricted to districts with police, and that districts without school police have had similar reductions from the Controller's Office. He added that Ms. Hehir cited no authority for her pre-1985 argument, and that the Commission had already determined that those activities are reimbursable.

Dr. Berg submitted that, in her experience as school principal, although she never had a rape, homicide or gun on campus, she had a difficult time figuring out whether a crime was an assault or a fight, or what box she was supposed to use once she determined a crime was reportable. She added that 98 percent of the marks on those boxes were sent to the county office for tallying. It was important to have a common definition of the crime. She claimed that the Legislators rewrote the law and demanded districts have better reporting - the intention was to help school administrators to determine whether the crime is reportable, and if so, reportable where.

Ms. Hehir alleged that the claimant's argument today, whether a crime is reportable, and if so, where, was new to her. The claimant's written documentation was not clear about the exact point the preexisting duties changed to reimbursable duties. She noted that Los Angeles, who claimed two minutes per incident, seems to have a more restrictive interpretation of the mandate than San Diego, who claimed one and a half hours per incident.

Member Sherwood recognized that the state is requiring districts to determine if the crime is reimbursable, and, if so, where. He asked if the Commission should clarify this issue. Ms. Shelton cautioned the members about getting into audit issues rather than legal issues. Mr. Cunningham agreed that the Controller has never raised the issue of reasonableness and that is not the issue before the Commission today.

Ms. Hehir clarified that, when she spoke earlier of San Diego's one and a half hours claimed on the documentation provided, the State Controller's Office had thought that time encompassed the full criminal investigation. Specifically, one of the documents says, "led to arrest" versus "arrest," which led them to believe that a full criminal investigation was being conducted by police.

Member Sherwood suggested the Commission allow an investigation, and then define it without including timelines.

Member Steinmeier moved the staff recommendation. With a second by Member Lynch, the motion passed 5 to 1, with Member McInerney voting "No."

III. EXECUTIVE DIRECTOR'S REPORT (info)

Item 15 Status Report on Parameters and Guidelines Workshops

Ms. Higashi announced that the material in the agenda binders presents a chronology of the meetings the Commission has had to date, includes the documents prepared by claimants, the State Controller's Office and Commission staff, and reports the general status of the parameters and guidelines workshops. The date for the next workshop has not been set, though several related issues and a rule-making that will amend the sections of the Commission's regulations governing parameters and guidelines are pending before the Commission.

Item 16 Workload, Budget, Legislation, SB 1033

Ms. Higashi reported the following:

- With today's adoption of several statewide cost estimates, the Local Claims Bill proposal will be for 106 million dollars.
- The Assembly Local Government Committee is proposing an Omnibus bill, which typically includes non-controversial items. CSAC and EMCN have proposed some items for inclusion in that bill. Staff will look seriously at the fiscal impact. Though staff does not usually prepare a recommendation for the Commission on legislation, it will if requested.
- Commission staff has received official notice to move by the end of the year and will work with the Department of Finance to create a budget change proposal for moving costs.
- Both budget subcommittees have approved the Commission's budget on consent calendar.
- Closed executive session for the April hearing will be scheduled.

Chairperson Porini announced that Member Steinmeier had resigned from the personnel subcommittee and that she had agreed to replace her.

Member Beltrami was concerned by the number of Incorrect Reduction Claim (IRC) filings Ms. Higashi noted that IRCs do not have timelines, though CSAC is co-sponsoring legislation to impose a six-month timeline. If this provision is enacted, it would have significant fiscal and workload impacts on the Commission. Member McInerney suggested finding sample cases

characteristic of issues similar in many other claims. Ms. Higashi explained that the issue is basically the same. In December, there was some objection to her suggestion to assign cases to a hearing officer, and so staff had not brought that proposal back. She was waiting for volunteers and monitoring the budget to see if that is even a possibility. The Chair asked staff to report on the issue next month, and asked members to think about their positions.

ADJOURNMENT

Hearing no further business, Chairperson Porini adjourned the meeting at 12:20 p.m.

PAULA HIGASHI
Executive Director

F:meetings\minutes\1999\032599

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAIM ON: Education Code Sections 33126, 35256, 35256.1, 35258, 41409 and 41409.3 as added by Statutes of 1989, Chapter 1463, Statutes of 1992, Chapter 759, Statutes of 1993, Chapter 1031, Statutes of 1994, Chapter 824, and Statutes of 1997, Chapters 912 and 918; And filed on December 31, 1997; By Bakersfield City School District and Sweetwater Union High School District, Co-Claimants.	NO. CSM-97-TC-21 *School Accountability Report Cards* ADOPTION OF STATEWIDE COST ESTIMATE UNDER GOVERNMENT CODE SECTION 17557 AND CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1183.3

ADOPTED STATEWIDE COST ESTIMATE

On March 25, 1999, the attached Statewide Cost Estimate was adopted by the Commission on State Mandates as its Decision in the above-entitled matter. The total estimate is $5,713,000 (r) for fiscal years 1996-1997 through 1999-2000, inclusive.

Date: March 26, 1999

Paula Higashi

PAULA HIGASHI, Executive Director

Adopted: March 25, 1999
Claim: CSM-97-TC-21
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Document Date: March 5, 1999

Item #6

Proposed Statewide Cost Estimate

Education Code Sections 33126, 35256, 35256.1, 35258, 41409, and 41409.3

Statutes of 1989, Chapter 1463
Statutes of 1992, Chapter 759
Statutes of 1993, Chapter 1031
Statutes of 1994, Chapter 824
Statutes of 1997, Chapters 912 and 918

School Accountability Report Cards

Executive Summary

The Commission adopted the parameters and guidelines for this claim on August 20, 1998.

Proposition 98, an initiative measure approved by the California voters, required each school in each school district to develop and issue a school accountability report card. Proposition 98 set forth thirteen items that were to be included in the school accountability report cards.

Statutes adopted after the approval of Proposition 98 added new subjects to be included in the school accountability report card. The Commission on State Mandates, in its Statement of Decision adopted at the April 23, 1998 hearing, determined that the requirements in these statutes impose a new program or higher level of service upon school districts, within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514.

The reimbursement period for the pre-1997 chapters began on July 1, 1996 and the reimbursement period for the 1997 chapters began on January 1, 1998.

Summary of the Reimbursement Process

Not later than 60 days after receiving the Commission's adopted parameters and guidelines, the Controller must issue claiming instructions for each reimbursable state mandate. (Gov. Code, § 17558.)

Each eligible local agency or school district must submit claims for initial fiscal year costs to the Controller within 120 days of the issuance date for the claiming instructions. The Controller must pay any eligible claim within 60 days after the filing deadline for reimbursement claims or 15 days after the date the appropriation is effective (i.e., the subsequent claims bill), whichever is later. Any initial reimbursement claim filed after the filing deadline will be reduced by 10 percent of the amount allowed for a timely filed claim,

not to exceed one thousand dollars ($1000). The Controller may withhold payment of any late claim for initial reimbursement until the next deadline for funded claims unless sufficient funds are available after payment of all timely filed claims. Reimbursement claims submitted more than one year after the filing deadline will not be paid. (Gov. Code, § 17560.)

Interested Party Comments

Staff will report at hearing.

Methodology

To arrive at the total statewide cost estimate, staff

- Used 531 unaudited actual claim totals filed with the State Controller for prior fiscal years for which claims were filed,[1] and
- Projected current and future fiscal year totals using the following formula:

Prior year claim total ($) X The Implicit Price Deflator[2]

Recommendation

Staff recommends that the Commission adopt this proposed statewide cost estimate in the amount of $5,713,000 for costs incurred in complying with the provisions set forth in the test claim statutes.

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

Fiscal Year	**Total**
1996-97	$ 923,927
1997-98	$1,564,310
1998-99	$1,592,468
1999-00	$1,632,279
Total	$5,712,984
Total (rounded)	**$5,713,000**

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of $5,712,984 has been rounded to $5,713,000.

[1] Current data as of February 1999.

[2] As projected by the Department of Finance.

Statewide Cost Estimate Calculation

Education Code Sections 33126, 35256, 35256.1, 35258,41409, and 414093

Statutes of 1989, Chapter 1463
Statutes of 1992, Chapter 759
Statutes of 1993, Chapter 1031
Statutes of 1994, Chapter 824
Statutes of 1997, Chapters 912 and 918

School Accountability Report Cards

Mandate Background

The Commission adopted the parameters and guidelines for this claim on August 20, 1998.

Proposition 98, an initiative measure approved by the California voters, required each school in each school district to develop and issue a school accountability report card. Proposition 98 set forth thirteen items that were to be included in the school accountability report cards.

Statutes adopted after the approval of Proposition 98 added new subjects to be included in the school accountability report card. The Commission on State Mandates determined that the requirements in these statutes impose a new program or higher level of service upon school districts, within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514. This decision was made on April 23, 1998.

The reimbursement period for the pre-1997 chapters began on July 1, 1996 and the reimbursement period for the 1997 chapters began on January 1, 1998.

Interested Party Comments

Staff will report at hearing

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.

Reimbursable Activities

For each eligible claimant, the direct and indirect costs of labor, supplies and services incurred for the following mandate components are reimbursable.

Component 1 - Compilation, Analysis, and Reporting of Data

Beginning July 1, 1996, the collection and updating of data, preparation of analyses, and the preparation of the new mandated provisions added to the school accountability report cards (SARCs), as specified below:

1. The degree to which pupils are prepared to enter the workforce;
2. The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level;
3. The total number of minimum days, as specified in Education Code sections 46112, 46113, 46117, and 46141, in the school year;
4. The beginning, median, and highest salary paid to teachers in the district, as reflected in the district's salary scale;
5. The average salary for school site principals in the district;
6. The salary of the district superintendent;
7. Based upon the state summary information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Education Code section 41409, the statewide average salary for the appropriate size and type of district for the following:

   a. beginning, mid-range, and highest salary paid to teachers;

   b. school site principals; and

   c. district superintendents;
8. The statewide average of the percentage of school district expenditures allocated for the salaries of administrative personnel for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of section 41409 of the Education Code;
9. The percentage allocated under the district's corresponding fiscal year expenditure for the salaries of administrative personnel, as defined in Education Code sections 1200, 1300, 1700, 1800, and 2200 of the California School Accounting Manual published by the State Department of Education;
10. The statewide average of the percentage of school district expenditures allocated for the salaries of teachers for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction, pursuant to subdivision (a) of Section 41409 of the Education Code; and,
11 The percentage of the budget that is expended for the salaries of teachers, as defined in Section 1100 of the California School Accounting Manual published by the State Department of Education.

For the period beginning January 1, 1998, the required data and analyses includes the reporting of the eleven items above plus the following district-wide and site-specific information:

1. Results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period, including the pupil achievement by grade level as measured by the statewide assessment developed by the state pursuant to chapter 5 (commencing with section 60600) and chapter 6 (commencing with section 60800) of part 33 of the Education Code;
2. The average verbal and math Scholastic Assessment Test scores of high school seniors to the extent such scores are provided to the school and the average percentage of seniors taking that exam for the most recent three-year period;
3. The one-year dropout rate listed in the California Basic Education Data System for the school site over the most recent three-year period;
4. The distribution of class sizes at the school site by grade level, the average class size, and the percentage of pupils in kindergarten and grades 1 to 3, inclusive, participating in the Class Size Reduction Program established pursuant to chapter 6.10 (commencing with section 52120) of part 28 of the Education Code, using California Basic Education Data System information for the most recent three-year period;
5. The total number of the school's credentialed teachers, the number of teachers relying upon emergency credentials, and the number of teachers working without credentials for the most recent three-year period;
6. Any assignment of teachers outside of their subject area of competence for the first two years of the most recent three-year period;
7. The annual number of schooldays dedicated to staff development for the most recent three-year period; and,
8. The suspension and expulsion rates for the most recent three-year period.

Component 2 - Annual posting of school accountability report cards on the Internet.

A. School districts with district or individual school web sites are eligible to be reimbursed for the following activities in compliance with this mandate:

1. One-time costs to add web pages for each school to the district's or individual schools' web sites to post school accountability report card (SARC) information.
2. Ongoing costs to annually convert the SARC information described in Component 1 to formats capable of being posted on the district's web site or on individual school web sites.
3. Ongoing costs to annually post the SARC information on the district's web site or on individual school web sites.
4. Ongoing costs to maintain electronic media storage space on the server for the district's web site and individual school sites for posting the *SARC* information.
5. On-going costs to purchase software specifically to convert the SARC to a file format capable of being posted on the Internet.

6. One-time costs to purchase other software limited to a pro rata portion of newly purchased software used to prepare the SARC.

B. School districts without web sites on January 1, 1998, are eligible to be reimbursed for the following activities in compliance with this mandate:

1. One-time costs to establish one web site for the district to post the SARC information described in Component 1.
2. One-time costs to develop and add web pages to post SARC information for each school.
3. Ongoing costs to convert the SARC information to formats capable of being posted on the district's web site or on individual school web sites.
4. Ongoing costs to annually post SARC information on the district's web site or on individual school web sites.
5. Ongoing costs to maintain electronic media storage space on the district's web site and individual school sites for posting the SARC information.
6. On-going costs to purchase software specifically to convert the SARC to a file format capable of being posted on the Internet.
7. One-time costs to purchase other software, limited to a pro rata portion of newly purchased software used to prepare the SARC.

Non-Reimbursable Costs

School districts shall not be reimbursed for establishing an Internet connection nor for maintaining Internet access and shall not be reimbursed for the establishment of web sites for individual schools.

Methodology

To arrive at the total statewide cost estimate, staff:

- Used 531 unaudited actual claim totals filed with the State Controller for prior fiscal years for which claims were filed,[3] and
- Projected current and future fiscal year totals using the following formula:

Prior year claim total ($) x The Implicit Price Deflator[4]

Assumptions

Staff made the following assumptions:

- The claiming data is accurate, although unaudited.

[3] Current data as of February 1999.

[4] As projected by the Department of Finance.

- There will not be a significant number of late claims filed, nor will there be a significant change in the number of claimants for current or future fiscal years.

Recommendation

Staff recommends that the Commission adopt this proposed statewide cost estimate in the amount of $5,713,000 for costs incurred in complying with the provisions set forth in the test claim statutes.

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

Total Claimed Amounts and Projections by Fiscal Year*

FISCAL YEAR	TOTAL ESTIMATE ACTUAL & PROJECTED
1996-97	$ 923,927
1997-98	$1,564,310
1998-99 Projection (1.8%)**	$1,592,468
1999-00 Projection (2.5%)**	$1,632,279
Total	$5,712,984
Statewide Cost Estimate Total* **	**$5,713,000**

*Current data as of February 1999.
**Implicit Price Deflator, as forecasted by Department of Finance.
***The total is rounded because reported costs are prior to audit.

STATE OF CALIFORNIA

PETE WILSON, *Governor*

COMMISSION ON STATE MANDATES
1300 I STREET, SUITE 950
SACRAMENTO, CA 95814
523-3562

February 6, 1998

Mr. Lawrence L. Hendee, Coordinator/Mandated Costs
Sweetwater Union High School District
1130 Fifth Avenue
Chula Vista CA 91911-2896

Mr. Wayne Stapley, Director/Financial Services
Bakersfield City Elementary School District
1300 Baker Street
Bakersfield CA 93305-4399

And Affected State Agencies (See Attached Mailing ***List)***

RE: *Test Claim: School Accountability Report Cards*
97-TC-21
Chapter 918, Statutes of 1997, et al

This test claim will not be set for the February 26, 1998, Commission hearing. At this time, there is no staff recommendation.

Additional time is needed to receive and review the model School Accountability Report Card developed by the Superintendent of Public Instruction. Once this information is received, staff will be prepared to recommend a finding for the March hearing.

This test claim is assigned to Commission staff, Mr. David Scribner.

Sincerely,

Paula Higashi
Executive Director

c: mailing list

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FILE COPY

Commission on State Mandates

Mailing List

06-Feb-98

CSM/SB# and Claim Title 97-TC-21 Claim of Sweetwater UHSD and Bakersfield City Elementary SD

Government Code Sec.

Chapters 918/97

Originated: 08-Jan-98

Issue School Accountability Report Cards

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STATE OF CALIFORNIA

PETE WILSON, *Governor*

COMMISSION **ON** STATE MANDATES
1300 I STREET, SUITE 950
SACRAMENTO, **CA** 95814
323-3562

March 10, 1998 *Via Fax*

To: Mr. Lawrence L. Hendee, Sweetwater Union High School District, Co-Claimant
Mr. Wayne Stapely, Bakersfield City Elementary School District, Co-Claimant
Mr. James Apps, Department of Finance

And Interested Parties (See Attached Mailing List)

RE: 97-TC-21: *School Accountability Report Cards*
Chapter 918, Statutes of 1997, et al

Staff is unable to complete its review of this test claim before the March 26, 1998 hearing. Staff requests information regarding whether school districts are required to provide Internet access. If Internet access is not mandated by the state, staff's tentative recommendation is to deny that portion of the test claim pertaining to the posting of a district's school accountability report card(s) on the Internet. Responses should be filed with the Commission *no later than* 4:00 p.m., **March 31, 1998.**

Upon receipt of any supplemental responses, staff will complete its analysis of this test claim. This test claim is tentatively set for the **April 23, 1998,** hearing,

Sincerely,
PAULA HIGASHI
Executive Director

By DAVID E. SCRIBNER
Commission Staff

cc: mailing list

c:\mandates\des\97tc21\031098.doc

Commission on State Mandates

Mailing List

10-Mar-98

CSM/SB# and Claim Title 97-TC-21 Claim of Sweetwater UHSD and Bakersfield City Elementary SD

Government Code Sec.

Chapters 918/97

Originated: 08-Jan-98

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STATE OF CALIFORNIA

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VIA FACSIMILE ONLY

July 2, 1998

Mr. Lawrence L. Hendee, Coordinator/Mandated Costs
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Mr. Wayne Stapley, Director/Financial Services
Bakersfield City Elementary School District
1300 Baker Street
Bakersfield CA 93305-4399

And Interested Parties (See Attached Mailing List)

RE: Hearing on Proposed Parameters and Guidelines, *School Accountability Report Cards*
97-TC-21 - July 23, 1998
Chapter 918, Statutes of 1997, et al

The Proposed Parameters and Guidelines for this test claim are tentatively scheduled for adoption on July 23, 1998.

The Commission requested that staff review the June 24, 1998 letter from Mr. Paul Minney, addressing Education Code section 35258, and his proposed interpretation of this provision.

Claimants and interested parties are invited to comment on Staff's recommendation for the June 25, 1998 hearing and Mr. Minney's letter, These comments are due on July 8, 1998. Commission staff will review the submittals and the transcript and prepare a supplemental analysis and recommendation. The supplemental staff report will be issued on or about July 13, 1998.

If you have any further questions or concerns, please contact me at (916) 323-3562.

Sincerely,

Paula Higashi

PAULA HIGASHI
Executive Director

Mailing List

02-Jul-98

CSM/SB# and Claim Title 97-TC-21 Claim of Sweetwater UHSD and Bakersfield City Elementary SD

Government Code Sec.

Chapters 918/97

Originated: 08-Jan-98

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CSM/SB# and Claim Title 97-TC-21

Claim of Sweetwater UHSD and Bakersfield City Elementary SD

Government Code Sec.

Chapters 918/97

Originated: 08-Jan98

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STATE MANDATES

August 18, 1998

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Paula Higashi, Executive Director
Commission on State Mandates
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Sacramento, CA 95814

Re: 97-TC-21 Proposed Parameters and Guidelines
School Accountability Report Cards
Chapter 918, Statutes of 1997, et al.

Dear Ms. Higashi:

The following are comments regarding the staff analysis of the proposed parameters and guidelines for the above-referenced test claim. I received the staff analysis for tlie School Accountability Report Card's parameters and guidelines on August 12, 1998. I make the following comments on behalf of my client, Mandated Cost Systems, Inc.

I am in almost total agreement with the Commission staff's analysis of the proposed parameters and guidelines, however, there are just a few areas where I feel further clarity inay be added in order to avoid the potential for disagreement at a later date. I have reviewed tlie State Controller's concerns regarding this test claim and the proposed parameters and guidelines and am cognizant and aware of these interests as I propose the following:

Component 2 -- Annual Posting of School Accountability Report Cards on Internet (as proposed by staff with a document of August 7,1998):

1. I would suggest that the following statutory mandate language be added:

> *"Each school district that is connected to the Internet shall make the information contained in the School Accountability Report Card developed pursuant to Section **35256** accessible on the Internet. The School Accountability Report Casd information shall be updated annually.*
>
> A school district is connected to the Internet if one or more of its schools or tlie administrative office has a dedicated line or dial-up account to the Internet. These school districts are eligible for reimbursement, as follows: ..."

2. **Fixed Assets:** The staff's analysis and the proposed parameters and guideliues could be read to limit the potential for fixed assets (hardware costs, etc.) to only those districts without access to tlie Internet or websites as of January 1, 1998. There are, however, potential situations where a school district with access to the Internet and website capability inay not have sufficient hardware in order to accommodate the mandate. A school's systems may be too small or too slow in order to satisfactorily post a School Accountability Report Card for all of its sites. There are conceivably situations where additional liardware would need to be purchased. (This concern is addressed by making all the changes indicated herein).

3. **Non-Reimbursable** Costs: The proposed parameters and guidelines exclude the cost of "Internet connection fees in establishing a website for individual schools" from potential reimbursable costs. 'Ilks statement is overly broad. For example, a scliool district may contract with an Internet Service Provider (ISP) to gain website capability. A lot of tlie Internet service providers bundle website costs (claimable) with its Internet access connection fees (not claimable).

All parties are in agreement that the costs of becoming connected to the Internet and tlie ongoing costs of maintaining a connection to the Internet sliould not be reimbursable. However, any additional costs over and above an Internet connection in order to maintain website access should be reimbursable. Therefore, I recommend that the non-reimbursable costs section be amended as follows:

> *"School districts shall not be reimbursed* for *establishing an Internet connection nor* for *maintaining an Internet access and shall not be reimbursed for. the establishment of websites* fur *individual schools."*

3. **School Districts with Websites as of January 1, 1998:** The proposed parameters and guidelines breaks out its reimbursable activities into two sections: (1) school districts with websites; and **(2)** school districts without websites as of January 1, 1998. The differentiation between the two reimbursable activities seems to limit the cost for developing and establishing a website to only those districts which did not have a website as of January 1, 1998. However, Government Code §17565 states in pertinent part:

> "If a local agency or school district, at its option, has been incurring costs which are subsequently mandated by the state, tlie state shall reimburse the local agency or scliool district for those costs incurred after the operative date of the inandate."

Therefore, those scliool districts which have previously incurred costs in order to develop websites -- which are now required for those scliool districts which have access to the Internet -- should now be allowed to claim the costs of developing the website as

reimbursable costs. Consequently, tlie distinction between scliool districts with a website and without a website should be eliminated and tlie reimbursable activities section for scliool districts without a website sliould be adopted.

4. Use **of "One-Time Costs" Limitation:** Tlie proposed parameters and guidelines use tlie term "one-time costs" or "oiigoing costs" to delineate each reimbursable activity. Unfortunately, however, in each case wliere the "one-time cost" limitation is used there are conceivably situations wliere additional costs for this type of reimbursable activity may be incurred after the initial cost. For example, under subsection [A][1] the reimbursable activity is limited to:

> "One-time cost to add web pages to the district's or individual school site's websites to post Scliool Accountability Report Cards *(SARC)* information."

However, if the Legislature decides at a later date to add additional elements -- which it undoubtedly will -- the current mandate will require school districts to revise their SARCs and most likely add additional web pages to their sites. This mandate will still stein from tlie test claim statute herein and the parameters and guidelines should not limit the reimbursable activity to a one-time cost.

By way of another example, subdivision [A][5] limits one-time costs to "purchase software specifically to convert tlie SARC to a file format capable of being posted on tlie Internet." However, tlie type of software necessary to post to the Internet may change in the future, but tlie obligation to post to tlie Internet will not. Therefore, in all cases wliere costs are limited to "one-time costs" these references should be eliminated.

5. **Period of Reimbursement:** The reference to January 1, 1998 in the text of the reimbursable activities iniglit be confusing and is probably not necessary. The Period of Reimbursement section (Section [111] of the parameters and guidelines) already limits reimbursement for the activities of Component 2 (Posting the SARC on tlie Internet) to those costs incurred "on or after January 1, 1998."

6. **Proposed Parameters and Guidelines:** A suggested version of Component **2** (Annual Posting of School Accountability Report Cards on tlie Internet) of the parameters and guidelines is attached herewith.

In addition, I would like to request via this letter (as per your correspondence of August 6, 1998), that I be added to tlie list of potential people who testify to this item in the upcoming Commission of August 20, 1998.

Please do not hesitate to contact me witli any questions or comments you may have regarding this information. Thank you for your time and consideration.

Very truly yours,

GIRARD & VINSON

Paul C. Minney
Attorney at Law

Attachment

PCM/shsd

cc: Steve Smith, President, Mandated Cost Systems, Inc.
All Interested Parties

C:\gandv8\mcs\pcm\higashi sarc comments on p's & g's 226.le.wpd

Proposed Revisions 8/18/98 — Paul Minney

Component 2 - Annual posting of school accountability report cards on the Internet.

Tach school district that is connected to the Internet shall make the information contained in the School Accountability Report Card developedpursuant to Section 35256 accessible on the Internet. The School Accountability Report Card information shall be updated annually.

A school district is connected to the Internet if one or more of its schools or the administrative office has a dedicated line or a dial-up account to the Internet. These school districts are eligible for reimbursement as follows:

~~A. School districts with district or individual school web sites are eligible to be reimbursed for the following activities in compliance with this mandate:~~

~~1. One-time costs to add web pages to the district's or individual schools' web sites to post school accountability report card (SARC) information.~~

~~2. Ongoing costs to annually convert the SARC information described in Component 1 to formats capable of being posted on the district's web site or on individual school web sites.~~

~~3. Ongoing costs to annually post the SARC information on the districts' web site or on individual school web sites.~~

~~4. Ongoing costs to maintain electronic media storage space on the server for the district's web site and individual school sites for posting the SARC information.~~

~~5. One-time costs to purchase software specifically to convert the SARC to a file format capable of being posted on the Internet.~~

~~6. One-time costs to purchase other software limited to a pro rata portion of newly purchased software used to prepare the SARC.~~

~~B. School districts without web sites on January 1, 1998, are eligible to be reimbursed for the following activities in compliance with this mandate:~~

1. ~~One-time~~ Costs to establish ~~one~~ *a* web site for the district *for the purpose of posting* ~~to post~~ the SARC information described in Component 1.

2. ~~One-time~~ Costs to develop and add web pages for posting SARC information on specific schools.

3. Ongoing costs to convert the SARC information to formats capable of being posted on the district's web site or on individual school web sites.

4. Ongoing costs to annually post SARC information on the district's web site or on individual school web sites.

5. Ongoing costs to maintain electronic media storage space on the *serverfor the* district's web site and individual school sites for posting the SARC information.

6. ~~One-time~~ Costs to purchase software specifically to convert the SARC to a file format capable of being posted on the Internet.

7. ~~One-time~~ Costs to purchase other software, limited to a pro rata portion of newly purchased software used to prepare the SARC.

Non-Reimbursable Costs

School districts shall not be reimbursed for *establishing an* Internet connection ~~fees and~~ *norfor maintaining Internet access and shall not be reimbursed for the* establishment of *more than one* web site (e.g., for individual schools).

D:\GandV2\MCS\SARC proposed P & G revision 8.18.98.wpd

Re: **97-TC-21 Proposed Parameters and Guidelines**
School Accountability Report Cards
Chapter 918, Statutes of 1997, et al.

PROOF OF SERVICE

I am employed in the County of Contra Costa, State of California. I am over the age of 18 and not a party to the within action; my business address is 1676 North California Blvd., Suite 450, Walnut Creek, California 94596.

On the date indicated below I served the following documents:

1. Letter Regarding 97-TC-21 Proposed Parameters and Guidelines

on all parties in said action as addressed below by causing a true and cor-rect copy thereof to be:

[XX] **BY FACSIMILE (TELECOPIER)** - I personally sent to the addressee's telecopier number a true and cor-rect copy of the above described document(s) and verified transmission. Thereafter, I placed a tixe copy in a sealed envelope with first class postage affixed and mailed to the addressee(s) below. [*California Rules of Court*, Rule 20041

[ ] **BY MAUL** - I placed in a sealed envelope with postage thereon fully prepaid, to be placed in tlie United States mail at Walnut Creek, California. [*California Code of Civil Procedure*, §§1013 and 1013(a), et seq.]

[ ] **BY CERTIFIED MAIL** - I placed in a sealed envelope with postage thereon fully prepaid, return receipt requested, in the United States mail at Walnut Creek, California.

[ ] **BY OVERNIGHT MAUL** - Fully prepaid to the person and the address indicated below.

Paula Higashi, Executive Director
Commission on State Mandates
1300 "I" Street, Suite 950
Sacramento, CA 95814

See attached mailing list for this test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and coi-rect, and that this declaration was executed on August 18, 1998, at Walnut Creek, California.

TERRY L. CHRISTENSEN

MAILING LIST

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AUG 20 1998

August 17, 1998

Paula Higashi Executive Director
Commission on State Mandates
1300 I Street Suite 950
Sacramento CA 95814

RE: Parameters and Guidelines submitted by Sweetwater Union High School District and Bakersfield City School District
Chapter 918, Statutes of 1997 et al.
School Accountability Report Cards

Dear Ms. Higashi,

Upon reviewing the staff analysis dated August 10, 1998, for Item #5 (August 20 agenda), the only concern that I have is related to the staff response to Issue 5 (Page 0006) "Does the test claim statute require school districts to purchase fixed assets, i.e., computers?" Your staff response agrees with the Controllers position that the mandate does not require fixed assets but also agrees with the claimants that they may need to purchase computers and monitors which are fixed assets. What seems to be missing here, mid, in my opinion needs to be stated, is the fact that the mandate also **does not** prohibit the purchase of fixed assets.

In regard to the Claimants Proposed Parameters and Guidelines as amended by Commission Staff I have the following concern. Contrary to the belief of some agencies, the posting of SARC information is an ongoing requirement of this mandate. Therefore:

- The use of the term "One-time" in regard to developing and adding web pages is not valid. School districts will grow and add new schools, thereby requiring new pages to be added to existing web sites for the purpose of posting SARCs for new schools; and,
- The use of the term "One-time" in regard to software purchases is not valid. The world of technology is rapidly changing. As such, the time will come when today's methods of converting file formats and posting data to the Internet will become obsolete and probably unusable.

Might I suggest eliminating the term "One-time" and replacing it with "adding", "developing" and "purchase of" instead.

Sincerely,

Lawrence L. Hendee
Coordinator/Mandated Costs

PROOF OF SERVICE

Test Claim: SCHOOL ACCOUNTABILITY REPORT CARD
Test Claim No. 97-TC-21

I, Sharon Cunningham, declare as follows:

I am employed by the Sweetwater Union High School District, located in the county of San Diego, State of California. I am 18 years of age or older and not a part to the within entitled cause. My business address is 1130 Fifth Avenue, Chula Vista CA 91910.

On August 18, 1998, I served the attached responses of the Sweetwater Union High School District in said cause, to the Commission on State Mandates and by placing a true copy thereof: (1) to the individuals and agencies identified on the attached Mailing List enclosed in a sealed envelope with postage thereon fully prepaid in the U.S. Mail at Chula Vista, California; or (2) in the normal pick-up location for interagency mail.

I declare under the 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 August 18, 1998, at Chula Vista, California.

Sharon Cunningham

MAILING LIST

CSM 97-TC-21
Chapter 918, Statutes 1997 et. al.
Sweetwater Union High School District/Bakersfield City School District (Claimants)
August 18,1998

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FINANCIAL ACCOUNTING DEPARTMENT
MANDATED COST UNIT, ROOM 3159

RECEIVED
OCT 26 1998
COMMISSION ON
STATE MANDATES

Via Facsimile, copy via U. S. mail

October 22, 1998

Jeff Yee, Supervisor
Bureau of Local Reimbursements
Division of Accounting
State Controller
P.O. Box 942850
Sacramento, CA 94250-5875

Re: Claiming Instructions – Pupil Suspensions, Expulsions and Expulsion Appeals; School Accountability Report Cards; and Caregiver Affidavits.

Dear Mr. Yee:

Thank you for the opportunity to review the draft Claiming Instructions for the Pupil Suspensions, Expulsions and Expulsion Appeals; School Accountability Report Cards; and Caregiver Affidavits mandates. Unfortunately, the draft Claiming Instructions once again violate Government Code section 17558, which requires the Claiming Instructions to be derived from the Parameters and Guidelines approved by the Commission on State Mandates ("Commission"), and Government Code sections 11342 *et seq.*, which require state agencies to adopt rules of general application through specified regulation adoption procedures that the State Controller did not follow in this instance. Thus, many of the proposed provisions in the draft Claiming Instructions will be void if they are not amended as set forth in this letter. Further, any attempt by the Controller to enforce these void rules will also be a void action. The required amendments follow.

1. Draft October 27 Memorandum.

On page 3, the second paragraph of the "Audit of Costs" section contains an incorrect statement of the law. The third sentence in this paragraph attempts to define "filed" to mean the later of the claim filing deadline or the date of claim receipt by the State Controller's Office. There is no basis for this proposed definition. Government Code section 17558.5 states that the audit period expires two years after the fiscal year in which the reimbursement claim is filed or

last amended. If the Legislature had meant to provide for the later of the claim filing deadline or the date filed, they would have included that language in section 17558.5. Filed must be used in its ordinary sense: the date of delivery or date of mailing (postmark date). The third sentence must be deleted.

2. Pupil Suspensions, Expulsions, and Expulsion Appeals.

a. On page 6, the first paragraph of section 7 deletes language from the Parameters and Guidelines regarding the types of reimbursable costs. This paragraph must be amended as follows:

> For each eligible school district and county board of education, the direct and indirect costs of labor, materials and supplies, ~~and~~ contracted services, and travel incurred for the following mandated components are reimbursable:

b. On pages 11-12, sections 9 **A** (1), (2), (3), and (4) make substantive changes to the language in the Parameters and Guidelines approved by the Commission. For example, the last two sentences in the first paragraph of section (1) regarding time studies, and the last paragraph in each section regarding source documents are not derived from the Parameters and Guidelines. These sections must be rewritten to match the language from the Parameters and Guidelines.

c. On page 13, sections E and F, which attempt to define direct costs and indirect costs, should be deleted. These sections are not derived from the Parameters and Guidelines. Further, for school districts and county offices of education, the indirect costs are determined according to forms J-380 and J-580, respectively. There is no reason to include a definition of indirect costs.

d. On form PSEA-1, section (03) and the corresponding instructions on the reverse side (dealing with claim statistics) should be deleted. The Commission did not request claim statistics for this mandate. There is no reason to increase the filing burden on claimants.

e. On form PSEA-1, at line (07) and the corresponding instructions on the reverse side, the State Controller's Office is attempting to eliminate reimbursement for indirect costs on contracted services. School districts incur indirect costs on contracted services, and the Parmeters and Guidelines require reimbursement for indirect costs for contracted services. The formula on line (07) must read "[Line (06) x line (05)(e)]" and the instructions must place a period after "line (05)(e)" in the second line.

f. On form PSEA-1, the instructions to line (10) incorrectly state the law from Government Code section 17556(e). This phase "reimbursed any portion of' in lines 3-4 of these instructions should be amended to read "were specifically intended to fund the costs of, . . ."

g. On form PSEA-2, the instructions for line (04) are redundant (and in some instances conflict) with the instructions in section 9 A. In addition, there is a reference to "officer's relocation" that is not appropriate for this mandate. All of the instructions after the first sentence should be deleted,

h. In addition to these substantive changes, there are the following typographical errors:

(1) On page 6, in the last line of subsection 7 A (b), the reference to section 48915 should be to section 48916.

(2) On page 13, in the second line of section 9 D, the term "year's" should be "years'."

(3) On form FAM-27, the title "Caregiver Affidavits" should be changed to "Pupil Suspensions, Expulsions, and Expulsion Appeals."

(4) On form PSEA-1, the instructions for line (02), the phase "do not complete form PSEA-1" at the end of the fifth sentence is redundant and should be deleted.

3. School Accountability Report Cards.

a. On page 1, the first paragraph in section 1 misstates the mandate by deleting the phrase "each school in" prior to the phrase "each school district" in the first line.

b. On page 3, the first paragraph of section 6 deletes language from the Parameters and Guidelines regarding the types of reimbursable costs. This paragraph must be amended as follows:

> For each eligible school district and county board of education, the direct and indirect costs of labor, materials and supplies, ~~and~~ contracted services, equipment, travel, and training incurred for the following mandated components are reimbursable:

c. On pages **3-4,** section 6 A completely misstates the Commission's decisions. None of the 19 listed items were required by Proposition 98. The draft Claiming Instructions purport to eliminate reimbursement for activities that the Cornmission found to be reimbursable. This section should be rewritten exactly as written in the Parameters and Guidelines.

d. On page 6, section 7 B again conflicts with the Parameters and Guidelines. None of the listed items were required by Proposition 98. This section must be deleted.

e. On pages 6-7, sections 8 **A** (1), (2), (3), (4), (5), and (6) make substantive changes to the language in the Parameters and Guidelines approved by the Commission. For example, the

last two sentences in the first paragraph of section (1) regarding time studies, and the last paragraph in each section regarding source documents are not derived from the Parameters and Guidelines. Further, there is no basis in the Parameters and Guidelines 'or in law €or the depreciated value limitations in section 8 A (4). IRS regulations do not apply to school districts, depreciation is not applicable to school district assets, and neither IRS regulations nor depreciation concepts can be used as a basis for reducing the state's obligation under the California Constitution to reimburse school districts for the costs of state-mandated programs. These sections must be rewritten to match the language from the Parameters and Guidelines.

f. On page 8, sections E and F, which attempt to define direct costs and indirect costs, should be deleted. These sections are not derived from the Parameters and Guidelines. Further, for school districts and county offices of education, the indirect costs are determined according to forms J-380 and J-580, respectively. There is no reason to include a definition of indirect costs.

g. On form SARC-1, at line (07) and the corresponding instructions on the reverse side, the State. Controller's Office is attempting,to eliminate reimbursement for indirect costs on contracted services. School districts incur indirect costs on contracted services, and the Parameters and Guidelines require reimbursement for indirect costs for contracted services. The formula on line (07) must read "[Line (06) X line (05)(e)]" and the instructions must place a period after "line (05)(e)" in the second line.

h. On form SARC-1, the instructions to line (10) incorrectly state the law from Government Code section 17556(e). This phase "reimbursed any portion of' in lines 3-4 of these instructions should be amended to read "were specifically intended to fund the costs of. . . ."

i. On form SARC-2, the instructions for line (04) are redundant (and in some instances conflict) with the instructions in section 8 A. In addition, there is a reference to "officer's relocation" that is not appropriate for this mandate. All of the instructions after the first sentence should be deleted.

j. In addition to these substantive changes, there are the following typographical errors:

(1) On page 1, in the last paragraph of section 1. The date of the Commission hearing should be April 23, not April 28.

(2) On page 7, in the second line of section 8 D, the term "year's" should be "years'."

(3) On form SARC-1, the instructions for line (02), the phase "do not complete form SARC-1" at the end of the fifth sentence is redundant and should be deleted.

4. Caregiver Affidavits.

a. On page 2, the first paragraph of section 6 deletes language from the Parmeters and Guidelines regarding the types of reimbursable costs. This paragraph must be amended as follows:

> For each eligible school district and county board of education, the direct and indirect costs of labor, materials and supplies, ~~and~~ contracted services, equipment, travel, and training incurred for the following mandated components are reimbursable:

b. On page 3, the first paragraph in section 6 D is missing the phrase "the labor time of administrators and other school district personnel who" after the word "and" at the end of the fourth line. This section should be rewritten exactly as written in the Parameters and Guidelines.

c. On pages 4-5, sections 8 A (1), (2), (3), (4), (5), and (6) make substantive changes to the language in the Parameters and Guidelines approved by the Commission. For example, the last two sentences in the first paragraph of section (1) regarding time studies, and the last paragraph in each section regarding source documents are not derived from the Parameters and Guidelines, Further, there is no basis in the Parmeters and Guidelines or in law for the depreciated value limitations in section 8 A (4). IRS regulations do not apply to school districts, depreciation is not applicable to school district assets, and neither IRS regulations nor depreciation concepts can be used as a basis for reducing the state's obligation under the California Constitution to reimburse school districts for the costs of state-mandated programs. These sections must be rewritten to match the language from the Parameters and Guidelines,

d. On page 6, sections E and F, which attempt to define direct costs and indirect costs, should be deleted. These sections are not derived from the Parameters and Guidelines. Further, for school districts and county offices of education, the indirect costs are determined according to forms J-380 and J-580, respectively. There is no reason to include a definition of indirect costs.

e. On form CA-1, section (03) and the corresponding instructions on the reverse side (dealing with claim statistics) should be deleted. The Commission did not request claim statistics for this mandate. There is no reason to increase the filing burden on claimants.

f. On form CA-1, at line (07) and the corresponding instructions on the reverse side, the State Controller's Office is attempting to eliminate reimbursement for indirect costs on contracted services. School districts incur indirect costs on contracted services, and the Parameters and Guidelines require reimbursement for indirect costs for contracted services. The formula on line (07) must read "[Line (06) x line (05)(e)]" and the instructions must place a period after "line (05)(e)" in the second line.

g. On form CA-I, the instructions to line (10) incorrectly state the law from Government Code section 17556(e). This phase "reimbursed any portion of' in lines **3-4** of these instructions should be amended to read "were specifically intended to fund the costs of. . . ."

h. On form CA-2, the instructions for line (04) are redundant (and in some instances conflict) with the instructions in section 8 A. In addition, there is a reference to "officer's relocation" that is not appropriate for this mandate. All of the instructions after the first sentence should be deleted.

i. In addition to these substantive changes, there are the following typographical errors:

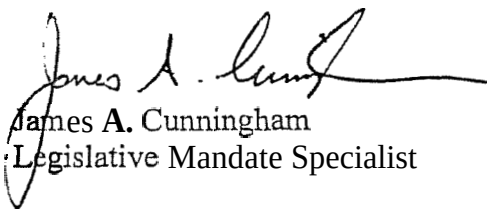
(1) On page 5, in the second line of section 8 D, the term "year's" should be "years'."

(3) On form CA-I, the instructions for line (02), the phase "do not complete form CA-1" at the end of the fifth sentence is redundant and should be deleted.

Please make these changes so that claimants are not forced into filing administrative actions with the Commission for review of the Claiming Instructions and Incorrect Reduction Claim to correct these errors.

Please let me know if you have any questions regarding these comments.

Sincerely,



James A. Cunningham
Legislative Mandate Specialist

cc: Paula Higashi, Commission on State Mandates
Dr. Carol Berg, Education Mandated Cost Network
Lawrence Hendee, Sweetwater Union High School District
Bradley Lantz, Tustin Unified School District
Keith Petersen, Education Mandated Cost Network
Wayne Stapley, Bakersfield City School District

S' F CALIFORNIA GRAY DAVIS, *Governor*

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February 8, 1999

To: *All Interested Parties (See enclosed mailing lists)*

Re: Prehearing Confesence for *Physical Performance Tests*
Statewide Cost Estimates Scheduled for the March 25, 1999 Hearing

A prehearing conference will be held on February 26, 1999, at 1:00 p.m. in the Commission's conference room to discuss a statewide cost estimate survey methodology for *Physical Performance Tests*. This item is tentatively scheduled for the March agenda. For inclusion in this year's claims bill, estimates must be adopted at the March Commission hearing. Since the SCO deadline for this claim is April 14, 1999, staff cannot use that data to develop a proposed estimate.

The following statewide cost estimates are scheduled for the March 2.5, 1999 Commission hearing:

- *Pupil Expulsions from School* – CSM-4455
  San Diego Unified School District, Claimant
  Education Code Sections 48915, Subdivisions (a) and (b),
  48915.1, 48915.2, 48916 and 48918
  Chapter 1253, Statutes of 1975, Chapter 96.5, Statutes of 1977,
  Chapter 668, Statutes of 1978, Chapter 318, Statutes of 1982,
  Chapter 498, Statutes of 1983, Chapter 622, Statutes of 1984,
  Chapter 942, Statutes of 1987, Chapter 1231, Statutes of 1990,
  Chapter 152, Statutes of 1992, Chapter 1255, Statutes of 1993,
  Chapter 1256, Statutes of 1993, Chapter 1257, Statutes of 1993,
  Chapter 146, Stahites of 1994
  -and-
  Pupil Expulsion Appeals – CSM-4463
  San Diego Unified School District and San Diego County
  Office of Education, Co-Claimants
  Education Code Sections 489 19, 48921-48924
  Chapter 1253, Statutes of 1975, Chapter 965, Statutes of 1977,
  Chapter 668, Statutes of 1978, and Chapter 498, Statutes of 1983

- *Domestic Violence Arrest Policies and Standards* – CSM 96-362-02
  County of Los Angeles, Claimant
  Penal Code Section 13701
  Chapter 246, Statutes of 1995

- *School Accountability Report Cards* – CSM 97-TC-21
  Sweetwater Unified High School District & Bakersfield Unified
  School District, Co-Claimants Education Code Sections 33126, 35256, 35256.1, 35258, 41409 and 41409.3
  Chapter 918, Statutes of 1997 et al.
- *Caregiver Affidavits to Establish Residence for School Attendance* – CSM-4497
  Tustin Unified School District & San Diego Unified School District, Co-Claimants
  Education Code Section 48204, Subdivision (d)
  Family Code Sections 6550 and 6552
  Chapter 98, Statutes of 1994
- *Collective Bargaining Agreement Disclosure* – CSM 97-TC-08
  Chapter 961, Statutes of 1975
  Chapter 1213, Statutes of 1991
- *Sexually Violent Predators* – CSM-4509
  Welfare and Institutions Sections 6250 and 6600 through 6608
  Chapter 762, Statutes of 1995
  Chapter 763, Statutes of 1995
  Chapter 4, Statutes of 1996
  County of Los Angeles, Claimant
- *Physical Performance Tests* – CSM 96-365-01 *(Tentative)*
  San Diego Unified School District, Claimant
  Education Code Section 60800
  Statutes of 1995, Chapter 975
  California Department of Education Memorandum dated February 16, 1996

The State Controller's Office (SCO) deadline for *Sexually Violent Predators* claims is March 30, 1999. To develop its proposed estimate, staff will use either data from claims filed early with the SCO or data gathered from staff's survey requesting uncertified claim estimates.

For the remaining claims, staff will use actual and estimated claiming data filed with the SCO to develop the proposed statewide cost estimates. The SCO deadline for submitting these claims is February 24, 1999.

Staff does not anticipate distributing proposed estimates before March 11, 1999. All statewide cost estimates will be placed on the proposed Consent Calendar, unless a party requests otherwise. If you have any questions, please contact Piper Rodrian at (916) 323-8218.

Sincerely,

Shirley Opie

Paula Higashi,
Executive Director

Enclosures

MAIL TO: ML, LST
DATE: 2/8/99
INITIAL: CJ

mmission on State Mandc

Mailing List

05-Feb-99

SM/SB# and Claim Title CSM-4455, 4456, 4463 Claim of San Diego Unified School District

Government Code Sec. Ed. Code 48919-48924, et al

Chapters 498/83, 668178, 965177, 1253175, et al

Originated: 02-Apr-96

issue Pupils Expulsion Appeals, Expulsions, Suspensions

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SM/SB# and Claim Title CSM-4455, 4456, 4463 Claim of San Diego Unified School District
overnment Code Sec. Ed. Code 48919-48924, et al
Chapters 498183,668178, 965/77, 1253175, et al
Issue Pupils Expulsion Appeals, Expulsions, Suspensions

Originated: 02-Apr-96

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Mailing List

05-Feb-99

SM/SB# and Claim Title CSM 96-362-02 Claim of the County of Los Angeles

Government Code Sec. Penal Code Section 13701

Chapters 246/95

Originated: 31-Dec-96

Issue Domestic Violence Arrest Policies and Standards

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05-Feb-99

SM/SB# and Claim Title 97-TC-21 Claim of Sweetwater UHSD and Bakersfield City Elementary SD

Originated: 08-Jun-98

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CHULA VISTA CA 91911-2896 FAX: (619) 498-4727

'SB# and Claim Title 97-TC-21 Claim of Sweetwater UHSD and Bakersfield City Elementary SD

ment Code Sec.

Chapters 918/97 Originated: 08-Jan-98

Issue School Accountability Report Cards

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Mailing List

05-Feb-99

SM/SB# and Claim Title CSM-4497 Claim of Tustin USD

iovernment Code Sec. Family Code 6550 & 6552; Ed. Code Section 48204d

Chapters 98/94

Issue Caregiver Affidavits

>riginated: 02-Apr-96

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S' 'SB# and Claim Title CSM-4497 Claim of Tustin USD

ɔc ıment Code Sec. Family Code 6550 & 6552; Ed. Code Section 48204d

Chapters 98/94

Issue Caregiver Affidavits

)riginated: 02-Apr-96

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Mailing List

05-Feb-99

SM/SB# and Claim Title 97-TC-08 Claim of Alameda County Office of Education

Government Code Sec. Gov. Code Section 3547.5

Chapters Chapter 1231, Statutes of 1991

Originated: 30-Dec-97

Issue Collective Bargaining Agreement Disclosure

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Department of Finance

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S 3# and Claim Title 97-TC-08 Claim of Alameda County Office of Education

Government Code Sec. Gov. Code Section 3547.5

Chapters Chapter 1231, Statutes of 1991

Originated: 30-Dec-97

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05-Feb-99

SM/SB# and Claim Title CSM-4509 Test Claim of County of Los Angeles

Government Code Sec. Welfare & Institutions Code sections 6250 and 6600 et seq.

Chapters 762/95, 763/95, and 4/96

Issue Sexually Violent Predators (SVP)

Originated: 07-Jun-96

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Sl ?# and Claim Title CSM-4509 Test Claim of County of Los Angeles

Government Code Sec. Welfare &Institutions Code sections 6250 and 6600 et seq.

Chapters 762/95, 763/95, and 4/96 Originated: 07-Jun-96

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SM/SB# and Claim Title CSM-4509 Test Claim of County of Los Angeles
Government Code Sec. Welfare &Institutions Code sections 6250 and 6600 et seq.
Chapters 762195,763195, and 4/96
Issue Sexually Violent Predators (SVP)

Originated: 07-Jun-96

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05-Feb-99

SM/SB# and Claim Title CSM 96-365-01 Claim of San Diego USD

Government Code Sec.

Chapters 975/95

Originated: 30-Dec-96

Issue Physical Performance Tests

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'B# and Claim Title CSM 96-365-01 Claim of San Diego USD

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Chapters 975/95

Originated: 30-Dec-96

Issue Physical Performance Tests

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GRAY DAVIS, Governor

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February 19, 1999

To: *All Interested Parties (See enclosed mailing lists)*

Re: Prehearing Conference for Statewide Cost Estimates
Scheduled for the March 25, 1999 Hearing

A prehearing conference will be held on Thursday, February 25, 1999, at 1:00 p.m. in the Commission's conference room to discuss statewide cost estimates tentatively scheduled for the March agenda. (*Note*: Due to scheduling conflicts, this date has changed from February 26, 1999, as indicated in our February 8, 1999, letter.)

The first item on the agenda will be school district claims. Discussion of county claims will not begin before 2:00 p.m.

The following statewide cost estimates will be addressed:

- ***Pupil*** *Expulsions from School* – CSM-4455
  San Diego Unified School District, Claimant
  Education Code Sections 48915, Subdivisions (a) and (b),
  48915.1, 48915.2, 48916 and 48918
  Chapter 1253, Statutes of 1975, Chapter 965, Statutes of 1977,
  Chapter 668, Statutes of 1978, Chapter 318, Statutes of 1982,
  Chapter 498, Statutes of 1983, Chapter 622, Statutes of 1984,
  Chapter 942, Statutes of 1987, Chapter 1231, Statutes of 1990,
  Chapter 152, Statutes of 1992, Chapter 1255, Statutes of 1993,
  Chapter 1256, Statutes of 1993, Chapter 1257, Statutes of 1993,
  Chapter 146, Statutes of 1994
  -and-
  Pupil Expulsion Appeals – CSM-4463
  San Diego Unified School District and San Diego County
  Office of Education, Co-Claimants
  Education Code Sections 48919, 48921-48924
  Chapter 1253, Statutes of 1975, Chapter 965, Statutes of 1977,
  Chapter 668, Statutes of 1978, and Chapter 498, Statutes of 1983
- *Domestic Violence Arrest Policies and Standards* – CSM 96-362-02
  County of Los Angeles, Claimant
  Penal Code Section 13701
  Chapter 246, Statutes of 1995

- *School Accountability Report Cards* - CSM 97-TC-21
  Sweetwater Unified High School District & Bakersfield Unified
  School District, Co-Claimants Education Code Sections 33126, 35256, 35256.1, 35258, 41409 and 41409. 3
  Chapter 918, Statutes of 1997 et al.
- *Caregiver Affidavits to Establish Residence for School Attendance* - CSM-4497
  Tustin Unified School District & San Diego Unified School District, Co-Claimants
  Education Code Section 48204, Subdivision (d)
  Family Code Sections 6550 and 6552
  Chapter 98, Statutes of 1994
- *Collective Bargaining Agreement Disclosure* - CSM 97-TC-08
  Chapter 961, Statutes of 1975
  Chapter 1213, Statutes of 1991
- *Sexually Violent Predators* - CSM-4509
  Welfare and Institutions Sections 6250 and 6600 through 6608
  Chapter 762, Statutes of 1995
  Chapter 763, Statutes of 1995
  Chapter 4, Statutes of 1996
  County of Los Angeles, Claimant
- *Physical Performance Tests* - CSM 96-365-01
  San Diego Unified School District, Claimant
  Education Code Section 60800
  Statutes of 1995, Chapter 975
  California Department of Education Memorandum dated February 16, 1996
- *Two-Way Traffic Signal Communication*
  Vehicle Code Section 21401
  Chapter 1297, Statutes of 1994

If you have any questions, please contact Piper Rodrian at (916) 323-8218.

Sincerely,

Shirley Opie

Paula Higashi,
Executive Director

Enclosures

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ailing List

19-Feb-99

SM/SB# and Claim Title CSM-4504 Claim of Los Angeles County

Government Code Sec. Amending Section 21401

Chapters 1297/94

Originated: 03-Apr-96

Issue The Vehicle Code Two-Way Traffic Signal Communication

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19-Feb-99

SM/SB# and Claim Title CSM 96-362-02 Claim of the County of Los Angeles

Government Code Sec. Penal Code Section 13701

Chapters 246/95

Originated: 31-Dec-96

Issue Domestic Violence Arrest Policies and Standards

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SM/SB# and Claim Title 97-TC-08 Claim of Alameda County Office of Education

Government Code Sec. Gov. Code Section 3547.5

Chapters Chapter 1231, Statutes of 1991

Originated: 30-Dec-97

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SM/SB# and Claim Title 97-TC-08 Claim of Alameda County Office of Education

Government Code Sec. Gov. Code Section **3547.5**

Chapters Chapter 1231, Statutes of 1991

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19-Feb-99

SM/SB# and Claim Title CSM 96-365-01 Claim of San Diego USD

iovernment Code Sec.

Chapters 975/95

Originated: 30-Dec-96

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SM/SB# and Claim **Title** CSM 96-365-01 Claim of San Diego USD

Government Code Sec.

Chapters 975/95

Originated: 30-Dec-96

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lailing List

19-Feb-99

SM/SB# and Claim Tile CSM-4497 Claim of Tustin USD

Government Code Sec. Family Code 6550 & 6552; Ed. Code Section48204d

Chapters 98/94

Originated: 02-Apr-96

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SM/SB# and Claim Title CSM-4497 Claim. of Tustin USD

Government Code Sec. Family Code 6550 & 6552; Ed. Code Section 48204d

Chapters 98/94

Issue Caregiver Affidavits

Originated: 02-Apr-96

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19-Feb-99

SM/SB# and Claim Title 97-TC-21 Claim of SweetwaterUHSD and Bakersfield City Elementary SD

overnment Code Sec.

Chapters 918/97

Issue School Accountability Report Cards

Originated: 08-Jan-98

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SM/SB# and Claim Title 97-TC-21 Claim of Sweetwater UHSD and Bakersfield City Elementary SD

Government Code Sec.

Chapters 918/97 Originated: 08-Jan-98

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ailing List

19-Feb-99

SM/SB# and Claim Title CSM-4455, 4456, 4463 Claim of San Diego Unified School District

Government Code Sec. Ed. Code 48919-48924, et al

Chapters 498/83, 668/78, 965/77, 1253/75, et al

Originated: 02-Apr-96

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SM/SB# and Claim Title CSM-4455,4456,4463 Claim of San Diego Unified School District

Government Code Sec. Ed. Code 48919-48924, et al

Chapters 498183,668178, 965177, 1253/75, et al

Originated: 02-Apr-96

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19-Feb-99

SM/SB# and Claim Title CSM-4509 Test Claim of County of Los Angeles

Government Code Sec. Welfare & Institutions Code sections 6250 and 6600 et seq.

Chapters 762/95, 763/95, and 4/96

Originated: 07-Jun-96

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Chapters 762/95, 763/95, and 4/96

Originated: 07-Jun-96

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