

ITEM 7

PROPOSED STATEWIDE COST ESTIMATE

\$82,927

(Estimated Cost for Fiscal Year 2015-2016 is \$21.75 Million)

Education Code Section 44691(b) and (c); and Penal Code Section 11165.7(d)

As Added or Amended by:
Statutes 2014, Chapter 797 (AB 1432)

Training for School Employee Mandated Reporters

14-TC-02

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Legislative Analyst's Office, Analysis of Education Mandates, February 26, 2014

Legislative Analyst's Office, Governor's K-12 Mandates Proposal, February 16, 2012

Full-Time Equivalent (FTE) of Classified Staff 2015-16, State of California with County Information, California Department of Education, Data Reporting Office

Certified Staff by Ethnicity for 2014-15; State of California, All Certified Staff California, California Department of Education

Child Abuse Mandated Reporter Training California, Training Modules, California Department of Social Services

COMMISSION ON STATE MANDATES

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December 4, 2015

Mr. Arthur Palkowitz
 Stutz Artiano Shinoff & Holtz
 2488 Historic Decatur Road, Suite 200
 San Diego, CA 92106

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

Re: **Test Claim Decision, Draft Expedited Parameters and Guidelines,
 Schedule for Comments, and Notice of Hearing**
Training for School Employee Mandated Reporters, 14-TC-02
 Education Code Sections 44690 and 44691; and Penal Code Section 11165.7
 As Added or Amended by: Statutes 2014, Chapter 797 (AB 1432)
 Lake Elsinore Unified School District, Claimant

Dear Mr. Palkowitz:

On December 3, 2015, the Commission on State Mandates (Commission) adopted the test claim decision approving the above-entitled matter. State law provides that reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the mandated program, approval of a statewide cost estimate, a specific legislative appropriation for such purpose, a timely-filed claim for reimbursement, and subsequent review of the claim by the State Controller's Office.

Following is a description of the responsibilities of all parties and of the Commission during the parameters and guidelines phase.

Draft Expedited Parameters and Guidelines. Pursuant to California Code of Regulations, title 2, section 1183.9, the Commission staff is expediting the parameters and guidelines process by enclosing draft parameters and guidelines to assist the claimant. The proposed reimbursable activities are limited to those approved in the decision by the Commission.

Review of Draft Expedited Parameters and Guidelines. Proposed comments may be filed on staff's draft proposal by **December 24, 2015**. (Cal. Code Regs., tit. 2, § 1183.9(b).)

Rebuttals. Written rebuttals may be submitted within 15 days of service of comments. (Cal. Code Regs., tit. 2, § 1183.9(c).)

Adoption of Parameters and Guidelines. After review of the draft expedited parameters and guidelines and all proposed comments, Commission staff will prepare a proposed decision and recommend adoption by the Commission.

Reasonable Reimbursement Methodology and Statewide Estimate of Costs

Test Claimant and Department of Finance Submission of Letter of Intent. Within 30 days of the Commission's adoption of a decision on a test claim, the test claimant and the Department of Finance may notify the executive director of the Commission in writing of their intent to follow the process described in Government Code sections 17557.1–17557.2 and section 1183.11 of the Commission's regulations to develop a *joint reasonable reimbursement methodology* and *statewide estimate of costs* for the initial claiming period and budget year for reimbursement of

Mr. Palkowitz
December 4, 2015
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costs mandated by the state. The written notification shall provide all information and filing dates as specified in Government Code section 17557.1(a).

Test Claimant and Department of Finance Submission of Draft Reasonable Reimbursement Methodology and Statewide Estimate of Costs. Pursuant to the plan, the test claimant and the Department of Finance shall submit the *Draft Reasonable Reimbursement Methodology and Statewide Estimate of Costs* to the Commission. See Government Code section 17557.1 for guidance in preparing and filing a timely submission.

Review of Proposed Reasonable Reimbursement Methodology and Statewide Estimate of Costs. Upon receipt of the jointly developed proposals, Commission staff shall notify all recipients that they shall have the opportunity to review and provide written comments concerning the draft reasonable reimbursement methodology and proposed statewide estimate of costs within 15 days of service. The test claimant and Department of Finance may submit written rebuttals to Commission staff.

Adoption of Reasonable Reimbursement Methodology and Statewide Estimate of Costs. At least 10 days prior to the next hearing, Commission staff shall review comments and issue a staff recommendation on whether the Commission should approve the draft reasonable reimbursement methodology and adopt the proposed statewide estimate of costs pursuant to Government Code section 17557.2.

You are advised that comments filed with the Commission are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Please see <http://www.csm.ca.gov/dropbox.shtml> on the Commission's website for instructions on electronic filing. (Cal. Code Regs., tit. 2, § 1181.3.) If you would like to request an extension of time to file comments, please refer to section 1187.9(a) of the Commission's regulations.

The parameters and guidelines for this matter are set for hearing on **January 22, 2016**.

Sincerely,

 for
Heather Halsey
Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Sections 44690 and 44691;
and Penal Code Section 11165.7

As Added or Amended by:

Statutes 2014, Chapter 797 (AB 1432)

Filed on June 1, 2015, by

Lake Elsinore Unified School District,
Claimant

Case No.: 14-TC-02

*Training for School Employee Mandated
Reporters*

DECISION PURSUANT TO
GOVERNMENT CODE SECTION 17500
ET SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7.

(Adopted December 3, 2015)

(Served December 4, 2015)

DECISION

The Commission on State Mandates (Commission) heard and decided this test claim during a regularly scheduled hearing on December 3, 2015. Arthur Palkowitz and George Landon appeared on behalf of the claimant, Lake Elsinore Unified School District. Donna Ferebee and Kimberly Leahy appeared on behalf of the Department of Finance (Finance).

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission adopted the proposed decision to approve the test claim at the hearing by a vote of 4-0 as follows:

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

Summary of the Findings

This test claim addresses Statutes 2014, chapter 797, which imposes new child abuse and neglect training requirements on school districts (K-12 school districts and county offices of education) for employees and persons working on their behalf who are identified as mandated reporters.

The Commission finds that Education Code section 44691 and Penal Code section 11165.7, as added and amended by Statutes 2014, chapter 797, impose a reimbursable state-mandated program on K-12 school districts and county offices of education for the following activities, beginning January 1, 2015:

1. Provide annually, within the first six weeks of each school year, and within the first six weeks of employment for school personnel hired during the course of the school year, training in the detection of child abuse and neglect, the proper action that school personnel should take in suspected cases of child abuse and neglect, and information that failure to report is a misdemeanor punishable by up to six months in jail and/or up to a fine of one thousand dollars to the following persons:
 - a) Certificated and classified employees of the school district that are mandated reporters identified in the Penal Code, *except* those working for a school district police or security department; and
 - b) Those persons who are mandated reporters identified in the Penal Code that are working on a school district's behalf to carry out the school district's core mandatory function to educate students.

The training may be provided by either using the online training module developed by CDSS or an alternative training program that complies with the test claim statute. The costs to develop child abuse and neglect training are *not* mandated by the state. (Ed. Code § 44691(b)(1), (c); Penal Code § 11165.7(d).)

2. Develop a process for all persons required to receive training to provide proof of completing the training within the first six weeks of each school year or within the first six weeks of that person's employment. The process developed may include, but not necessarily be limited to, the use of a sign-in sheet or the submission of a certificate of completion to the applicable governing board or body of the school district. (Ed. Code § 44691(b)(2).)
3. If the online training provided by CDSS is not used, report to the CDE the training being used in its place. (Ed. Code § 44691(c).)

All other provisions in Education Code section 44691 and Penal Code 11167.5, as added or amended by the 2014 test claim statute, do not impose a reimbursable state-mandated program.

COMMISSION FINDINGS

I. Chronology

- 06/01/2015 This test claim was filed with the Commission.¹
- 06/04/2015 The test claim was deemed complete and issued for comment.
- 07/06/2015 The Department of Finance filed comments on the test claim.²
- 08/06/2015 Lake Elsinore Unified School District (claimant) filed rebuttal to Finance's comments.³
- 09/24/2015 Commission staff issued the draft proposed decision.⁴

II. Background

A. Prior Law

A child abuse reporting law was first added to the Penal Code in 1963, and initially required medical professionals to report suspected child abuse to local law enforcement or child welfare authorities. The law was regularly expanded to include more professions required to report suspected child abuse (now termed "mandated reporters"), and in 1980, California reenacted and substantively amended the law, entitling it the "Child Abuse and Neglect Reporting Act," or "CANRA." The court in *Planned Parenthood Affiliates v. Van de Kamp* (1986) 181 Cal.App.3d 245, pages 258-260, provides an overview of the complete Child Abuse and Neglect Reporting Act, following the 1980 reenactment in Penal Code sections 11164 et seq. (footnotes omitted):

The law is designed to bring the child abuser to justice and to protect the innocent and powerless abuse victim. (See Comment, Reporting Child Abuse: When Moral Obligations Fail (1983) 15 Pacific L.J. 189.) The reporting law imposes a mandatory reporting requirement on individuals whose professions bring them into contact with children. (Id., at pp. 189-190.) Physical abuse, sexual abuse, willful cruelty, unlawful corporal punishment and neglect must be reported.

¶...¶

The reporting law applies to three broadly defined groups of professionals: "health practitioners," child care custodians, and employees of a child protective agency. "Health practitioners" is a broad category subdivided into "medical" and "nonmedical" practitioners, and encompasses a wide variety of healing professionals, including physicians, nurses, and family and child counselors. (§§ 11165, subds. (i), (j); 11165.2.) "Child care custodians" include teachers, day care workers, and a variety of public health

¹ Exhibit A, Test Claim, page 1. Based upon the filing date of June 1, 2015, the potential period of reimbursement begins July 1, 2013. However, since the test claim statutes became effective on January 1, 2015, the potential period of reimbursement begins on the effective date of the statute that imposes a state mandate.

² Exhibit B, Department of Finance Comments on Test Claim.

³ Exhibit C, Claimant's Rebuttal to Finance Comments.

⁴ Exhibit D, Draft Proposed Decision.

and educational professionals. (§§ 11165, subd. (h); 11165.1 [first of two identically numbered sections]; 11165.5.) Employees of “child protective agencies” consist of police and sheriff’s officers, welfare department employees and county probation officers. (§ 11165, subd. (k).)

The Legislature acknowledged the need to distinguish between instances of abuse and those of legitimate parental control. “[T]he Legislature recognizes that the reporting of child abuse ... involves a delicate balance between the right of parents to control and raise their own children by imposing reasonable discipline and the social interest in the protection and safety of the child [I]t is the intent of the Legislature to require the reporting of child abuse which is of a serious nature and is not conduct which constitutes reasonable parental discipline.” (Stats. 1980, ch. 1071, § 5, p. 3425.)

To strike the “delicate balance” between child protection and parental rights, the Legislature relies on the judgment and experience of the trained professional to distinguish between abusive and nonabusive situations. “[A]ny child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency ‘[R]easonable suspicion’ means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse.” (§ 11166, subd. (a), italics added.) As one commentator has observed, “[t]he occupational categories ... are presumed to be uniquely qualified to make informed judgments when suspected abuse is not blatant.” (See Comment, Reporting Child Abuse: When Moral Obligations Fail, *supra.*, 15 Pacific L.J. at p. 214, fn. omitted.)

The mandatory child abuse report must be made to a “child protective agency,” i.e., a police or sheriff’s department or a county probation or welfare department. The professional must make the report “immediately or as soon as practically possible by telephone.” The professional then has 36 hours in which to prepare and transmit to the agency a written report, using a form supplied by the Department of Justice. The telephone and the written reports must include the name of the minor, his or her present location, and the information that led the reporter to suspect child abuse. (§§ 11166, subd. (a); 11167, subd. (a); 11168.) Failure to make a required report is a misdemeanor, carrying a maximum punishment of six months in jail and a \$1,000 fine. (§ 11172, subd. (e).) . . .

Under the existing CANRA, all school district teachers and employees including instructional aides, teacher assistances, classified employees, and employees of a school district police or security department are mandated reporters. The previous version of CANRA also specified that employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed, however employers were not required to provide this training.

School districts that did not provide training were required to report to the California Department of Education the reasons why the training is not provided.⁵

B. Prior Commission Decisions

1. Child Abuse and Neglect Reporting Act (“CANRA”)

The Child Abuse and Neglect Reporting Act requires a mandated reporter, which includes a teacher and other types of school employees, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or has observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

The *CANRA*, 01-TC-21 test claim, filed by San Bernardino Community College District, alleged that amendments enacted between 1975 and 2001 to California’s mandatory child abuse reporting laws impose a reimbursable state-mandated program on school districts and community college districts.

On July 31, 2009, the Commission adopted the decision on the test claim, finding that K-12 school districts are not required to receive child abuse and neglect reports pursuant to Penal Code section 11165.9 and engage in follow-up reporting and investigation activities, but community college district police departments are required by the test claim statutes to perform these activities. In addition, the Commission determined that the statutes required all law enforcement agencies, including those maintained by K-12 school districts and community college districts, to receive reports of “known or suspected instances of child abuse” that require notification and cross-reporting to the appropriate agencies. However, pursuant to *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355 (*POBRA*), reimbursement under article XIII B, section 6 of the California Constitution was denied for these requirements because school districts and community college districts are authorized, but not required by the Education Code to employ peace officers and, thus, they are not mandated by state law to comply with these requirements.⁶

The Commission further concluded that Penal Code sections 11165.7 and 11174.3, as added or amended by statutes enacted between 1987 through 2001, mandate new programs or higher levels of service for K-12 school districts within the meaning of article XIII B, section 6 of the California Constitution, and impose costs mandated by the state pursuant to Government Code section 17514, beginning July 1, 2000, for the following specific new activities:

- Reporting to the State Department of Education the reasons why training is not provided, whenever school districts do not train their employees specified in Penal Code section 11165.7, subdivision (a), in the duties of mandated reporters under the child abuse reporting laws. (Pen. Code, § 11165.7(d).)⁷

⁵ Exhibit E, Senate Appropriations Committee fiscal summary of AB 1432, as amended August 4, 2014, page 1.

⁶ Education Code sections 38000 and 72330.

⁷ This activity has been deleted and replaced by the test claim statute, effective January 1, 2015.

- Informing a selected member of the staff of the following requirements prior to the interview whenever a suspected victim of child abuse or neglect is to be interviewed during school hours, on school premises, and has requested that a staff member of the school be present at the interview:

The purpose of the staff person's presence at the interview is to lend support to the child and enable him or her to be as comfortable as possible. However, the member of the staff so elected shall not participate in the interview. The member of the staff so present shall not discuss the facts or circumstances of the case with the child. The member of the staff so present, including, but not limited to, a volunteer aide, is subject to the confidentiality requirements of this article, a violation of which is punishable as specified in Penal Code section 11167.5. A staff member selected by a child may decline the request to be present at the interview. If the staff person selected agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Pen. Code, § 11174.3(a).)

2. Interagency Child Abuse and Neglect Investigation Reports (ICAN)

In a separate test claim, *Interagency Child Abuse and Neglect Investigation Reports (ICAN)*, 00-TC-22, the County of Los Angeles alleged that amendments to California's mandatory child abuse reporting laws impose a reimbursable state-mandated program on local agencies. The test claim pled a number of changes to the law, particularly a reenactment in 1980, and substantive amendments in 1997 and 2000.

The Commission approved the test claim on December 6, 2007, for any city, county, and city and county that incurs increased costs beginning July 1, 1999, or later for specified activities added by subsequent statutes for the following categories of activities:

For agencies authorized to receive reports from mandated reporters of suspected child abuse to:

- Refer those reports to the correct agency when the recipient agency lacks jurisdiction;
- Cross-report to other local agencies with concurrent jurisdiction and to the district attorneys' offices;
- Report to licensing agencies;
- Make additional reports in the case of a child's death from abuse or neglect;
- Distribute the standardized forms to mandated reporters;
- Investigate reports of suspected child abuse for purposes of preparing and submitting the state "Child Abuse Investigation Report" Form SS 8583, or subsequent designated form, to the Department of Justice;
- Forward to the Department of Justice a report in writing of every case the agency investigates of known or suspected child abuse or severe neglect which is determined to be substantiated or inconclusive;

- Notify suspected abusers of listing in the Child Abuse Central Index; and
- Retain records, as specified.

In addition, a small number of activities were also approved for county licensing agencies and district attorneys' offices, as provided.

C. The Test Claim Statute; Statutes 2014, Chapter 797 (AB 1432)

Education Code section 44691(a), as added by Statutes 2014, chapter 797, effective on January 1, 2015, requires the California Department of Education (CDE), in consultation with the Office of Child Abuse Prevention (OCAP) in the California Department of Social Services (CDSS), to:

- Develop and disseminate information to all school districts, county offices of education, state special schools and diagnostic centers operated by the state, and charter schools, and their school personnel, regarding the detection and reporting of child abuse;
- Provide statewide guidance on the responsibilities of mandated reporters who are school personnel; and
- Develop appropriate means of instructing school personnel in the detection of child abuse and neglect and the proper action that school personnel should take in suspected cases of child abuse and neglect, including, but not limited to, an online training module to be provided by CDSS.

Education Code section 44691(b) requires school districts to annually train, using an online training module provided by the CDSS or other training as specified, employees and persons working on their behalf who are mandated reporters as defined in Penal Code section 11165.7, on the mandated reporting requirements. The list of school district employees defined as mandated reporters and required to be trained is broad and includes the following: teacher; instructional aide; teacher's aide or assistant; a classified employee; an administrative officer or certificated pupil personnel employee; an employee of a county office of education whose duties bring the employee into contact with children on a regular basis; an employee of a school district police or security department; and an athletic coach, athletic administrator, or athletic director that provides any combination of instruction for K-12 pupils.⁸ The training shall be provided to school personnel hired during the course of the school year, and shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor punishable by up to six months confinement in county jail, or by a fine of \$1,000, or both. In addition, school districts are required to develop a process for all persons required to receive training under the bill to provide proof of completing this training within the first six weeks of each school year or within six weeks of that person's employment. The process may include, but not be limited to, the use of a sign-in sheet or the submission of a certificate of completion to the applicable governing body of the school district.

Finally, section 44691(c) requires school districts that do not use the online training module provided by CDSS, to report to CDE the training being used in its place.

⁸ Penal Code section 11165.7(a).

Penal Code section 11165.7 defines who is a mandated reporter and, as amended by Statutes 2014, chapter 797, replaces the requirement that schools report why they do not provide training, with the requirement that school districts and county offices of education train mandated reporters in their duties under the child abuse laws, including child abuse and neglect identification and reporting pursuant to Education Code section 44691.

According to the author of the test claim statute the additions to law are needed because:

In recent years, there has been an alarming increase in the incidents of unreported child abuse where one or more additional school employees were aware of the incident—illustrating gaping holes in these mandated reporters’ knowledge of CANRA [California Child Abuse Neglect Reporting Act]. In the Redwood City School District, a teacher was arrested in the abuse of two five-year-old special needs students. In the wake of this horrible incident, five staff members were fired for failing to report the abuse despite their knowledge of it.

In the Brentwood Union School District, eleven employees knew but failed to tell authorities about an incident in which a special education teacher, who had already been convicted of child abuse, kicked an autistic student. The incident resulted in a \$950,000 settlement to the student's family. Although district documents in the Brentwood case illustrate that school officials conducted an internal investigation into the incident, parents ultimately reported the incident to police.

Despite the Child Abuse and Neglect Reporting Act's clear reporting requirements, school districts are merely 'encouraged' rather than required to provide employees who qualify as mandated reporters with training on either abuse identification or abuse reporting. The absence of training is a failure of our system that leaves millions of students at risk every single day.⁹

According to the Child Abuse Mandated Reporter Training Project cited in the committee analysis:

[I]n California, it is estimated that four children die each day in this country as a result of child abuse and neglect. The Federal Child Abuse Reporting act was passed in 1974 to address this issue. Over the years, numerous amendments have expanded the definition of child abuse and the list of persons who are required to report suspected child abuse. The CAMRTP is funded by the DSS, Office of Child abuse Prevention (OCAP) and the goal of this project is to have free training available for mandated child abuse reporters so they may carry out their responsibilities properly. Currently the CAMRTP provides free online training modules that are specifically tailored for educators.¹⁰

⁹ Exhibit E, Assembly Committee on Public Safety bill analysis on AB 1432, as amended February 11, 2014.

¹⁰ Exhibit E, Assembly Committee on Education bill analysis on AB 1432, as amended March 26, 2014. The Federal Child Abuse Reporting Act is found in 42 United States Code, section 13031, and applies to “[a] person who, while engaged in a professional capacity or activity described in subsection (b) of this section on Federal land or in a federally operated (or contracted) facility ...”

To implement the test claim statute, CDSS developed a free, self-paced online training course (“Mandated Reporter Training for Educators”), which takes between 90 and 180 minutes and includes instruction on the following topics: what the law requires of you as a mandated reporter, how to spot indicators of possible child abuse or neglect, how to talk to children about suspected abuse, how to make a report, what happens after a report is filed, and special issues related to child abuse reporting in the school environment.¹¹

In addition, for those districts that do not use the CDSS online training module, CDE has developed a form for reporting the alternative training used, in accordance with Education Code section 44691(c). The form asks the district to identify the name and title of the alternative training, the contact information for the training provider, and a description of the training, including topics covered. The form also asks an “optional” question about why alternate training was used and why the district did not use the training module created by CDSS.¹²

III. Positions of the Parties

A. Claimant

Lake Elsinore Unified School District’s June 1, 2015 test claim filing alleges that the 2014 amendments to the child abuse reporting statute in Penal Code section 11165.7, and the addition of Education code section 44691, result in reimbursable increased costs mandated by the state. The test claim alleges new activities for school districts as follows:¹³

- Provide annual training to their employees in child abuse detection and mandatory reporting obligations under CANRA, including, child abuse and neglect detection, reporting procedures, and notice that failure to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor punishable up to six months in jail, a fine of \$1,000, or both. Training must occur within six weeks of the school year, or within six weeks of employment for a new hire. (Ed. Code § 44691(b)(1); Penal Code § 11165.7(d).)
- Develop a process for all persons required to receive training under this section to provide proof of completing the training within the first six weeks of the school year or within the first six weeks of that person’s employment. (Ed. Code § 44691(b)(2).)
- Report to CDE the training being used in place of the CDSS online module, for those school districts that do not use the online training module developed by CDSS. (Ed. Code § 44691(c).)

The filing includes a declaration from the Lake Elsinore Unified School District Deputy Superintendent & Fiscal Support Services, George Landon, stating that the district will incur unreimbursed costs estimated at \$107,262 for fiscal year 2014-2015 for “the annual increased costs incurred by the claimant to implement the alleged mandate for one hour of training for

¹¹ Exhibit E, CDSS Mandated Reporter training home-page, available at: <http://educators.mandatedreporterca.com/default.htm>, accessed July 23, 2015.

¹² Exhibit E, “Reporting on Alternative Training Provided for Mandatory Reporters,” form developed by CDE, available at: <http://www.cde.ca.gov/ls/ss/ap/>, accessed July 23, 2015.

¹³ Exhibit A, Test Claim, pages 7-8, 12-13.

employees that are mandated reporters.”¹⁴ In rebuttal to Finance comments, the District reiterates its assertions from the claim filing and argues that Finance fails to address the budgeting or appropriations for funding allocated to the activities alleged in the claim.¹⁵

B. Department of Finance

On July 6, 2015, Finance submitted comments on the test claim that to the extent new responsibilities are established for local educational agencies, there are many resources and methods available to meet this responsibility effectively and cost efficiently. Finance asserts the cost to school districts for the training should be minimal due to the free online training modules provided by the CDSS; the list of in-person trainers compiled by CDSS, some at no-cost and as short as an hour; as well as other free resources made available on the CDE website specifically developed for school districts.

IV. Discussion

Article XIII B, section 6 of the California Constitution provides in relevant part the following:

Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such programs or increased level of service...

The purpose of article XIII B, section 6 is to “preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are ‘ill equipped’ to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose.”¹⁶ Thus, the subvention requirement of section 6 is “directed to state-mandated increases in the services provided by [local government] ...”¹⁷

Reimbursement under article XIII B, section 6 is required when the following elements are met:

1. A state statute or executive order requires or “mandates” local agencies or school districts to perform an activity.¹⁸
2. The mandated activity either:
 - a. Carries out the governmental function of providing a service to the public; or
 - b. Imposes unique requirements on local agencies or school districts and does not apply generally to all residents and entities in the state.¹⁹

¹⁴ Exhibit A, Test Claim, page 20.

¹⁵ Exhibit C, Claimant’s Rebuttal to Finance Comments, page 2.

¹⁶ *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.

¹⁷ *County of Los Angeles v. State of California (County of Los Angeles I)* (1987) 43 Cal.3d 46, 56.

¹⁸ *San Diego Unified School Dist. v. Commission on State Mandates (San Diego Unified School Dist.)* (2004) 33 Cal.4th 859, 874.

¹⁹ *Id.*, pages 874-875 (reaffirming the test set out in *County of Los Angeles, supra*, 43 Cal.3d 46, 56).

3. The mandated activity is new when compared with the legal requirements in effect immediately before the enactment of the test claim statute or executive order and it increases the level of service provided to the public.²⁰
4. The mandated activity results in the local agency or school district incurring increased costs, within the meaning of section 17514. Increased costs, however, are not reimbursable if an exception identified in Government Code section 17556 applies to the activity.²¹

The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6.²² The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law.²³ In making its decisions, the Commission must strictly construe article XIII B, section 6, and not apply it as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”²⁴

A. The Test Claim Statute Imposes a State-Mandate on K-12 School Districts to Provide Training to Specified School District Employees, and Specified Persons Who Are Working on a School District’s Behalf to Carry Out the School District’s Core Mandatory Function, Who Are Mandated Reporters; and to Develop a Process for All Persons Required to Receive Training Pursuant to Education Code Section 44691 to Provide Proof of Completing the Training.

1. The test claim statute requires K-12 school districts to provide annually, within the first six weeks of each school year, and within the first six weeks of employment for school personnel hired during the course of the school year, training in the detection of child abuse and neglect and the proper action that school personnel should take in suspected cases of child abuse and neglect, and to develop a process that provides proof of completion of the training. The development of training is not required by the plain language of the statute.

Education Code section 44691(b) requires K-12 school districts to provide training to “employees and persons working on their behalf who are mandated reporters as defined in Penal Code section 11165.7.” The training provided must consist of the information described in section 44691(a); i.e., training “in the detection of child abuse and neglect and the proper action that school personnel should take in suspected cases of child abuse and neglect.” In addition, the training must “include information that failure to report is a misdemeanor punishable by up to six

²⁰ *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 874-875, 878; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835.

²¹ *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (Cal. Ct. App. 1st Dist. 2000) 84 Cal.App.4th 1265, 1284; Government Code sections 17514 and 17556.

²² *Kinlaw v. State of California* (1991) 53 Cal.3d 482, 487.

²³ *County of San Diego*, *supra*, 15 Cal.4th 68, 109.

²⁴ *County of Sonoma*, *supra*, 84 Cal.App.4th 1265, 1280 [citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817].

months in jail and/or up to a fine of one thousand dollars.”²⁵ The training must be provided annually, within the first six weeks of each school year, and within the first six weeks of employment for school personnel hired during the course of the school year.²⁶

School districts can comply with the training requirement by using the free, self-paced online training module developed by the CDSS. The online training program provided by CDSS takes between 90 and 180 minutes and includes instruction on the following: what the law requires of a mandate reporter; how to spot indicators of possible child abuse or neglect; how to talk to children about suspected abuse; how to make a report; what happens after a report is filed; and special issues related to child abuse reporting in the school environment; and the potential penalties for failure to report.²⁷ Under these circumstances, only the staff time taken by school district employees and persons working on their behalf to take the training would be required.

Additionally, Education Code section 44691(b) states “[e]xcept as provided in subdivision (c)... [s]chool districts...who do not use the online training module provided by the State Department of Social Services shall report to the State Department of Education the training being used in its place.” The Commission finds that the plain language of Education Code section 44691(b) and (c) permits a school district to choose an alternative training program, and not use the training developed by CDSS. However, the statute does not require a district to develop a child abuse training program for mandated reporters. The legislative history of the test claim statute supports this conclusion as well. An earlier version of the bill, dated May 7, 2014 provided:

school districts...[shall] annually provide training, as appropriate, to their employees and persons working on their behalf, who are mandated reporters, on the mandated reporting requirements...²⁸

This version did not contain any language requiring school districts to provide the training using the online training module provided by CDSS. Thus, under this version, a school district could develop their own training course to comply with the bill. The committee analysis for this version of the bill discussed the cost that some districts had previously incurred to develop child abuse and neglect training when the training was encouraged by the state. Los Angeles Unified School District (LAUSD), for example, had previously spent \$85,000 to develop a child abuse awareness training video and an annual online assessment.²⁹

The subsequent version of the bill, amended May 23, 2015, tightened the language and stated that school districts shall:

²⁵ Education Code section 44691(b)(1); Penal Code section 11165.7(d).

²⁶ Education Code section 44691(b)(1) and (2).

²⁷ Exhibit E, CDSS Mandated Reporter training, home page, available at: <http://educators.mandatedreporterca.com/default.htm>, accessed July 23, 2015; CDSS Mandated Reporter training, lesson 2, “failure to report,” available at: <http://educators.mandatedreporterca.com/lesson2/lesson2p6.htm>, accessed September 16, 2015.

²⁸ Exhibit E, Assembly Bill No. 1432 (2013-2014 Reg. Sess.), as amended May 7, 2014.

²⁹ Exhibit E, Assembly Committee on Appropriations bill analysis on AB 1432, as amended May 7, 2014.

Except as provided in subdivision (c), *provide annual training, using the online training module provided by the department to their employees and persons working on their behalf who are mandated reporters...*³⁰

The exception provided in subdivision (c) acknowledges that some school districts, such as LAUSD, already developed training, and therefore, are permitted to continue to use the training already developed, in order to comply with the statute. The plain language of the test claim statute, as enacted, does not require school districts to develop a training program. Moreover, if a school district does not use the training developed by CDSS, it is required by Education Code section 44691(c) to report to CDE the training being used in its place.

And, finally, Education Code section 44691(b)(2) requires school districts to “develop a process for all persons required to receive training pursuant to this section to provide proof of completing the training within the first six weeks of each school year or within the first six weeks of that person’s employment.” Section 44691 further provides that the “process developed under this paragraph may include, but not necessarily be limited to, the use of a sign-in sheet or the submission of a certificate of completion to the applicable governing board or body” of the school district or county office of education.

Accordingly, the Commission finds that Education Code section 44691(b) and (c) and Penal Code section 11167.5(d), require K-12 school districts to provide annually, within the first six weeks of each school year, and within the first six weeks of employment for school personnel hired during the course of the school year, training in the detection of child abuse and neglect and the proper action that school personnel should take in suspected cases of child abuse and neglect. In addition, the training shall include information that failure to report is a misdemeanor punishable by up to six months in jail and/or up to a fine of one thousand dollars. The training may be provided by either using the online training module developed by CDSS or an alternative training program that complies with the test claim statute. If a school district does not use the training developed by CDSS, it is required by Education Code section 44691(c) to report to CDE the training being used in its place. The development of child abuse and neglect training is not required by the plain language of the statute. In addition, school districts are required to develop a process that provides proof of completion of the child abuse and neglect training.

2. The test claim statute imposes a state-mandated requirement on K-12 school districts to provide training to all school district certificated and classified employees that are mandated reporters, *except* those working for a school district police or security department, and to provide training to those persons who are mandated reporters that are working on a school district’s behalf to carry out the school district’s core mandatory function to educate students.

The activities required by the test claim statute are legally compelled and, thus, mandated by state law.³¹ However, the scope of the mandate to provide the training needs further analysis. Education Code sections 44691(a),(b) and Penal Code section 11167.5(d) mandate school districts to provide child abuse and neglect training for “their *employees and persons working on*

³⁰ Exhibit E, Assembly Bill No. 1432 (2013-2014 Reg. Sess.), as amended May 23, 2014.

³¹ *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* (2009) 30 Cal.4th 727, 731.

their behalf who are mandated reporters” as defined in Penal Code section 11165.7(a). As described below, the Commission finds that the test claim statute imposes a state-mandated program on K-12 school districts to provide training to all school district certificated and classified employees who are mandated reporters, except those working for a school district police or security department, and those persons who are mandated reporters that are working on a school district’s behalf to carry out the school district’s core mandatory function to educate students.

- a) *K-12 school districts are not mandated by the state to provide child abuse and neglect training for employees of a school district police or security department.*

As stated above, the test claim statute requires school districts to provide child abuse and neglect training for school district employees who are mandated reporters. Penal Code section 11165.7(a)(16) identifies “an employee of a school district police or security department” as a mandated reporter. The Commission finds, however, that school districts are not mandated by the state to provide child abuse and neglect training for employees “of a school district police or security department” because the cost of these activities is triggered by a local discretionary decision.

In 2009, the Department of Finance challenged a decision of the Commission, arguing that school districts were not mandated by state law to comply with the requirements of the Peace Officer Procedural Bill of Rights Act (POBRA) because school districts were authorized, but not required to hire peace officers or maintain a police department. The court in *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355 (*POBRA*) stated there was no dispute that school districts are not legally compelled by state law to hire police and security officers based on the plain language of Education Code section 38000.³² Education Code section 38000(a) specifically states that “[t]he governing board of a school district *may establish a security department* under the supervision of a chief of security as designated by, and under the direction of, the superintendent of the school district.” Section 38000(b) states that “[t]he governing board of a school district *may establish a school police department* under the supervision of a school chief of police and, in accordance with Chapter 5 (commencing with Section 45100) of Part 25, may employ peace officers, as defined in subdivision (b) of Section 830.32 of the Penal Code, to ensure the safety of school district personnel and pupils, and the security of the real and personal property of the school district.”

The court also held there was no concrete evidence in the record that school districts are practically compelled to maintain their own police or security departments when they can rely on the general law enforcement resources of cities and counties. The court agreed that police protection is an essential and basic function of cities and counties, and that the requirements imposed by the POBRA statutes for city and county law enforcement personnel were “prima facie reimbursable,” even though cities and counties have discretion as to the number of personnel they hire. However, police protection is not an essential and basic function of a school district. “It is not essential unless there is a showing that, as a practical matter, exercising the authority to hire peace officers is the only reasonable means to carry out their core mandatory functions” to educate students. A finding of practical compulsion requires a concrete showing that reliance upon the general law enforcement resources of cities and counties will result in such

³² *Department of Finance (POBRA)*, *supra*, 170 Cal.App.4th 1355, 1366.

severe adverse consequences. Accordingly, although school districts were required by law to comply with the POBRA statutes, reimbursement was not required because the statutes did not impose a state-mandated program on school districts.³³

The court's holding in *Department of Finance (POBRA)* decision applies in this case. School districts are not legally compelled by state law to hire police and security personnel. In addition, there is no evidence in the record that school districts are practically compelled to hire such personnel when they can rely on the general law enforcement resources of cities and counties.

Accordingly, the Commission finds that school districts are not mandated by the state to provide child abuse and neglect training pursuant to Education Code section 44691 (b),(c), and Penal Code section 11165.7(d), for employees "of a school district police or security department."

b) *Providing child abuse and neglect training for all other school district employees and persons working on the district's behalf to carry out the school district's core mandatory function to educate students is mandated by the state.*

The following employees of a K-12 school district are currently defined as mandated reporters in Penal Code section 11165.7(a): teacher; instructional aide; teacher's aide or assistant employed by a public school; a classified employee of a public school; a certificated pupil personnel employee of a public school; an administrator or employee of a public organization whose duties require direct contact and supervision of children; an employee of a county office of education whose duties bring the employee into contact with children on a regular basis; and an athletic coach, athletic administrator, or athletic director that provides any combination of instruction for K-12 pupils.³⁴

There are other mandated reporters listed in Penal Code section 11165.7(a) that may also be employed by a school district, including nurses and psychologists licensed under the Business and Professions Code.³⁵ Under existing law, school districts are required to "give diligent care to the health and physical development of pupils, and may employ certified persons for the work."³⁶ Pursuant to Education Code section 49426, nurses may be employed by a school district if the person is a registered nurse licensed under the Business and Professions Code who has completed the additional educational requirements for a health and development services credential. School nurses perform several duties, which include conducting immunization programs, accessing and evaluating the health and developmental status of pupils to identify specific physical disorders or other factors relating to the learning process, and contributing significant information in order to modify the pupils' educational plans.³⁷ Similarly, psychologists are identified as mandated reporters³⁸ and, pursuant to Education Code sections 49422 and 49424, school psychologists employed by a district must hold a services credential with a specialization in health, a school psychologist credential, or a general pupil personnel

³³ *Id.*, pages 1367-1368.

³⁴ Penal Code section 11165.7(a)(1)-(5), (8), (9), (42).

³⁵ Penal Code section 11165.7(a)(21).

³⁶ Education Code section 49400.

³⁷ Education Code section 49426.

³⁸ Penal Code section 11165.7(a)(21).

services credential. The primary objective of a school psychologist “is the application of scientific principles of learning and behavior to ameliorate school-related problems and to facilitate the learning and development of children in the public schools of California.”³⁹

The test claim statute also requires school districts to provide training to persons working on their behalf who are mandated reporters under the Penal Code. For example, federal law requires states to guarantee to disabled pupils the right to receive a free and appropriate public education that emphasizes special education and related services.⁴⁰ The term “related services” means those services necessary for a pupil to receive a free and appropriate education and may include counseling, psychological, rehabilitation, and medical services, and these services are required to be provided by school districts.⁴¹ The Legislature has stated its intent that psychological and health services for individuals with exceptional needs shall be available to each school site.⁴² To implement legislative intent, Education Code sections 56361.5, 56366, and 56369 provide that a school district may contract with hospitals, nonpublic and nonsectarian schools, and other public agencies to provide special education or related services to individuals with exceptional needs. If a person is employed by a hospital, nonpublic and nonsectarian school, or another public agency that contracts with a school district to provide special education services, and is also identified as a mandated reporter (i.e., a physician, psychologist, nurse, or counselor licensed under the Business and Professions Code; or a teacher’s aide employed at a private school),⁴³ then the school district is required by the test claim statute to provide to those persons the child abuse and neglect training.

The list of mandated reporters required to receive child abuse and neglect training by a school district is broad and includes certificated and classified employees, and many of those persons working on behalf of a district. As recognized by the courts, school districts may have discretion with respect to the number of employees they hire and how they carry out their core mandatory function to educate students. Nevertheless, when carrying out their core mandatory function, new activities required by state law are mandated by the state.⁴⁴

Accordingly, the Commission finds that the test claim statute imposes a state-mandate on K-12 school districts to provide training to all school district certificated and classified employees that are mandated reporters, except those working for a school district police or security department, and those persons who are mandated reporters that are working on a school district’s behalf to carry out the school district’s core mandatory function to educate students.

B. The State Mandated Activities Impose a New Program or Higher Level of Service Within the Meaning of Article XIII B, Section 6 of the California Constitution.

³⁹ Education Code section 49424.

⁴⁰ Title 20, United States Code, section 1401(26); Code of Federal Regulations, title 34, section 300.34.

⁴¹ Education Code sections 56000, 56030, and 56363.

⁴² Education Code section 56001(l).

⁴³ Penal Code section 11165.7(a)(2), (21).

⁴⁴ *Department of Finance (POBRA)*, *supra*, 170 Cal.App.4th 1355, page 1367; *San Diego Unified School Dist.*, *supra*, 33 Cal.4th page 888.

As stated above, the Commission finds that the following activities are newly required and mandated by the state on K-12 school districts beginning January 1, 2015:

1. Provide annually, within the first six weeks of each school year, and within the first six weeks of employment for school personnel hired during the course of the school year, training in the detection of child abuse and neglect, the proper action that school personnel should take in suspected cases of child abuse and neglect, and information that failure to report is a misdemeanor punishable by up to six months in jail and/or up to a fine of one thousand dollars to the following persons:
 - a) Certificated and classified employees of the school district who are mandated reporters identified in the Penal Code, *except* those working for a school district police or security department; and
 - b) Those persons who are mandated reporters identified in the Penal Code who are working on a school district's behalf to carry out the school district's core mandatory function to educate students.

The training may be provided by either using the online training module developed by CDSS or an alternative training program that complies with the test claim statute. The costs to develop child abuse and neglect training are *not* mandated by the state. (Ed. Code § 44691(b)(1), (c); Penal Code § 11165.7(d).)

2. Develop a process for all persons required to receive training to provide proof of completing the training within the first six weeks of each school year or within the first six weeks of that person's employment. The process developed may include, but not necessarily be limited to, the use of a sign-in sheet or the submission of a certificate of completion to the applicable governing board or body of the school district. (Ed. Code § 44691(b)(2).)
3. If the online training provided by CDSS is not used, report to the CDE the training being used in its place. (Ed. Code § 44691(c).)

These activities constitute a new program or higher level of service within the meaning of article XIII B, section 6 of the California Constitution because they are unique to local school districts and provide an increased level of service to the public.⁴⁵ As described in the Background, the test claim statute increases the level of service provided to the public because it was enacted in light of the finding that “there has been an alarming increase in the incidents of unreported child abuse where one or more additional school employees were aware of the incident—illustrating gaping holes in these mandated reporters’ knowledge of CANRA.”⁴⁶ According to the Assembly Floor analysis, “[t]he absence of training is a failure of our system that leaves millions of students at risk every single day.”⁴⁷ The Commission finds that providing training to ensure reporting of child abuse provides a service to the public.

⁴⁵ *Carmel Valley Fire Protection Dist. v. State of California* (1987) 190 Cal.App.3d 521, 537.

⁴⁶ Exhibit E, Assembly Committee on Public Safety bill analysis on AB 1432, as amended February 11, 2014.

⁴⁷ Exhibit E, Assembly Floor analysis on AB 1432, as amended August 4, 2014.

Accordingly, the newly required activities impose a state-mandated new program or higher level of service within the meaning of article XIII B, section 6 of the California Constitution.

C. The Test Claim Statute Imposes Costs Mandated by the State Pursuant to Article XIII B, Section 6 of the California Constitution and Government Code Section 17514.

Government Code section 17514 provides in relevant part the following:

“Costs mandated by the state” means any *increased costs* which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975...which mandates a new program or higher level of service within the meaning of Section 6 of Article XIII B of the California Constitution. (Emphasis added.)

Government Code section 17564(a) requires that a test claim need only allege costs exceeding \$1,000. In addition, section 17556 provides several exceptions to “costs mandated by the state.”

The claimant, Lake Elsinore Unified School District, submitted a declaration from George Landon, Deputy Superintendent & Fiscal Support Services, which declares on May 21, 2015 that an additional \$107,262 will be incurred for “the annual increased costs incurred by the claimant to implement the alleged mandate for one hour of training for employees that are mandated reporters.” Claimant also asserts that the statewide cost to implement the alleged mandate is estimated at \$10,000,000.⁴⁸ There is no analysis or evidence provided regarding how this estimate was calculated. There is no evidence that the exceptions in Government Code section 17556 apply to this test claim, or evidence disputing the claimant’s assertion of costs.

Therefore, the Commission finds that the test claim statute imposes costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, with the period of reimbursement beginning January 1, 2015.

V. Conclusion

Based on the foregoing analysis, the Commission finds that Education Code section 44691 and Penal Code section 11165.7, as added and amended by Statutes 2014, chapter 797, impose a reimbursable state-mandated program on K-12 school districts and county offices of education for the following activities, beginning January 1, 2015:

1. Provide annually, within the first six weeks of each school year, and within the first six weeks of employment for school personnel hired during the course of the school year, training in the detection of child abuse and neglect, the proper action that school personnel should take in suspected cases of child abuse and neglect, and information that failure to report is a misdemeanor punishable by up to six months in jail and/or up to a fine of one thousand dollars to the following persons:
 - a) Certificated and classified employees of the school district who are mandated reporters identified in the Penal Code, *except* those working for a school district police or security department; and

⁴⁸ Exhibit A, Test Claim, page 14.

- b) Those persons who are mandated reporters identified in the Penal Code who are working on a school district's behalf to carry out the school district's core mandatory function to educate students.

The training may be provided by either using the online training module developed by CDSS or an alternative training program that complies with the test claim statute. The costs to develop child abuse and neglect training are *not* mandated by the state. (Ed. Code § 44691(b)(1) and (c); Penal Code § 11165.7(d).)

- 2. Develop a process for all persons required to receive training to provide proof of completing the training within the first six weeks of each school year or within the first six weeks of that person's employment. The process developed may include, but not necessarily be limited to, the use of a sign-in sheet or the submission of a certificate of completion to the applicable governing board or body of the school district. (Ed. Code § 44691(b)(2).)
- 3. If the online training provided by CDSS is not used, report to the CDE the training being used in its place. (Ed. Code § 44691(c).)

All other provisions in Education Code section 44691 and Penal Code 11167.5, as added or amended by the 2014 test claim statute, do not impose a reimbursable state-mandated program.

COMMISSION ON STATE MANDATES

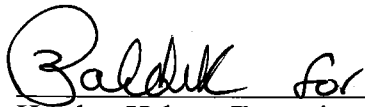
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RE: **Decision**

Training for School Employee Mandated Reporters, 14-TC-02
Education Code Sections 44690 and 44691; Penal Code Section 11165.7
As Added or Amended by: Statutes 2014, Chapter 797 (AB 1432)
Lake Elsinore Unified School District, Claimant

On December 3, 2015, the foregoing decision of the Commission on State Mandates was adopted on the above-entitled matter.

A handwritten signature in cursive script, appearing to read 'Halsey for'.

Heather Halsey, Executive Director

Dated: December 4, 2015

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

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

On December 4, 2015, I served the:

**Test Claim Decision, Draft Expedited Parameters and Guidelines,
Schedule for Comments, and Notice of Hearing**

Training for School Employee Mandated Reporters, 14-TC-02

Education Code Sections 44690 and 44691; and Penal Code Section 11165.7

As Added or Amended by: Statutes 2014, Chapter 797 (AB 1432)

Lake Elsinore Unified School District, Claimant

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 4, 2015 at Sacramento, California.



Jill L. Magee

Commission on State Mandates

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(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 10/29/15

Claim Number: 14-TC-02

Matter: Training for School Employee Mandated Reporters

Claimant: Lake Elsinore Unified School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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COMMISSION ON STATE MANDATES

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January 27, 2016

Mr. Arthur Palkowitz
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Ms. Jill Kanemasu
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And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Decision and Parameters and Guidelines**
Training for School Employee Mandated Reporters, 14-TC-02
Education Code Section 44691(b) and (c); and Penal Code Section 11165.7(d)
As Added or Amended by: Statutes 2014, Chapter 797 (AB 1432)
Lake Elsinore Unified School District, Claimant

Dear Mr. Palkowitz and Ms. Kanemasu:

On January 22, 2016, the Commission on State Mandates adopted the decision and parameters and guidelines on the above-entitled matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Halsey'.

Heather Halsey
Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES
ON:

Education Code Sections 44691(b) and (c);
and Penal Code Section 11165.7(d)

As Added or Amended by:
Statutes 2014, Chapter 797 (AB 1432)

The period of reimbursement begins
January 1, 2015.

Case No.: 14-TC-02

*Training for School Employee Mandated
Reporters*

DECISION PURSUANT TO
GOVERNMENT CODE SECTION 17500
ET SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7

(Adopted January 22, 2016)

(Served January 27, 2016)

DECISION

The Commission on State Mandates (Commission) heard and decided these parameters and guidelines during a regularly scheduled hearing on January 22, 2016.

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

The Commission adopted the proposed decision to approve the parameters and guidelines on consent, with Commission members Alex, Hariri, Olsen, Ortega, and Ramirez voting to adopt the consent calendar. Commission members Chivaro and Saylor were not present for the vote.

I. Summary of Mandate

On December 3, 2015, the Commission on State Mandates (Commission) adopted a decision finding that Education Code section 44691(b) and (c), and Penal Code section 11165.7(d), as added and amended by the test claim statute, impose a reimbursable state-mandated program on school districts (K-12 school districts and county offices of education) within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission approved this test claim for the following reimbursable activities, beginning January 1, 2015:

1. Provide annually, within the first six weeks of each school year, and within the first six weeks of employment for school personnel hired during the course of the school year, training in the detection of child abuse and neglect, the proper action that school personnel should take in suspected cases of child abuse and neglect, and information that failure to report is a misdemeanor punishable by up to six months in jail and/or up to a fine of one thousand dollars to the following persons:

- a. Certificated and classified employees of the school district who are mandated reporters identified in the Penal Code, *except* those working for a school district police or security department; and
- b. Those persons who are mandated reporters identified in the Penal Code who are working on a school district's behalf to carry out the school district's core mandatory function to educate students.

The training may be provided by either using the online training module developed by California Department of Social Services (CDSS) or an alternative training program that complies with the test claim statute. The costs to develop child abuse and neglect training are *not* mandated by the state. (Ed. Code § 44691(b)(1) and (c); Pen. Code § 11165.7(d).)

2. Develop a process for all persons required to receive training to provide proof of completing the training within the first six weeks of each school year or within the first six weeks of that person's employment. The process developed may include, but not necessarily be limited to, the use of a sign-in sheet or the submission of a certificate of completion to the applicable governing board or body of the school district. (Ed. Code § 44691(b)(2).)
3. If the online training provided by CDSS is not used, report to the California Department of Education the training being used in its place. (Ed. Code § 44691(c).)

All other provisions in Education Code section 44691 and Penal Code 11165.7, as added or amended by the 2014 test claim statute, do not impose a reimbursable state-mandated program.

II. Procedural History

On December 3, 2015, the Commission adopted a decision approving the test claim on *Training for School Employee Mandated Reporters*.¹ On December 4, 2015, Commission staff issued the draft expedited parameters and guidelines.² The State Controller's Office filed comments recommending no changes on the draft expedited parameters and guidelines on December 24, 2015.³

III. Commission Findings

The parameters and guidelines for this program include the findings adopted by the Commission in its test claim decision with respect to the period of reimbursement⁴, eligible claimants, and reimbursable activities. None of the parties filed comments recommending changes. The Commission therefore finds that the parameters and guidelines are supported by the findings in the test claim decision.

¹ Exhibit A, Test Claim Decision, adopted December 3, 2015.

² Exhibit B, Draft Expedited Parameters and Guidelines, issued December 4, 2015.

³ Exhibit C, State Controller's Office comments, filed December 24, 2015.

⁴ Based upon the filing date of the test claim on June 1, 2015, the potential period of reimbursement begins July 1, 2013, pursuant to Government Code section 17557(e). However, since the test claim statute became effective on January 1, 2015, the period of reimbursement begins on the effective date of the statute that imposes the state-mandated program.

IV. Conclusion

Based on the foregoing, the Commission hereby adopts the proposed decision and parameters and guidelines as its decision in this matter.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES
FOR:

Education Code Section 44691(b) and (c); and
Penal Code Section 11165.7(d)

As Added or Amended by:
Statutes 2014, Chapter 797 (AB 1432)

Period of reimbursement begins
January 1, 2015.

Case No.: 14-TC-02

*Training for School Employee Mandated
Reporters*

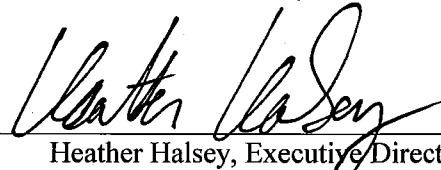
DECISION PURSUANT TO
GOVERNMENT CODE SECTION
17500 ET SEQ.; CALIFORNIA CODE
OF REGULATIONS, TITLE 2,
DIVISION 2, CHAPTER 2.5,
ARTICLE 7.

(Adopted January 22, 2016)

(Served January 27, 2016)

PARAMETERS AND GUIDELINES

The Commission on State Mandates adopted the attached parameters and guidelines on January 22, 2016.


Heather Halsey, Executive Director

PARAMETERS AND GUIDELINES

Education Code Section 44691(b) and (c); and Penal Code Section 11165.7(d)

As Added or Amended by:

Statutes 2014, Chapter 797 (AB 1432)

Training for School Employee Mandated Reporters

14-TC-02

Period of reimbursement begins January 1, 2015

I. SUMMARY OF THE MANDATE

On December 3, 2015, the Commission on State Mandates (Commission) adopted a decision finding that Education Code section 44691(b) and (c), and Penal Code section 11165.7(d), as added and amended by the test claim statute, impose a reimbursable state-mandated program on school districts (K-12 school districts and county offices of education) within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission approved this test claim for the following reimbursable activities, beginning January 1, 2015:

1. Provide annually, within the first six weeks of each school year, and within the first six weeks of employment for school personnel hired during the course of the school year, training in the detection of child abuse and neglect, the proper action that school personnel should take in suspected cases of child abuse and neglect, and information that failure to report is a misdemeanor punishable by up to six months in jail and/or up to a fine of one thousand dollars to the following persons:
 - a. Certificated and classified employees of the school district who are mandated reporters identified in the Penal Code, *except* those working for a school district police or security department; and
 - b. Those persons who are mandated reporters identified in the Penal Code who are working on a school district's behalf to carry out the school district's core mandatory function to educate students.

The training may be provided by either using the online training module developed by California Department of Social Services (CDSS) or an alternative training program that complies with the test claim statute. The costs to develop child abuse and neglect training are not mandated by the state. (Ed. Code § 44691(b)(1) and (c); Pen. Code § 11165.7(d).)

2. Develop a process for all persons required to receive training to provide proof of completing the training within the first six weeks of each school year or within the first six weeks of that person's employment. The process developed may include, but not necessarily be limited to, the use of a sign-in sheet or the submission of a certificate of completion to the applicable governing board or body of the school district. (Ed. Code § 44691(b)(2).)

3. If the online training provided by CDSS is not used, report to the California Department of Education (CDE) the training being used in its place. (Ed. Code § 44691(c).)

All other provisions in Education Code section 44691 and Penal Code 11165.7, as added or amended by the 2014 test claim statute, do not impose a reimbursable state-mandated program.

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

Government Code section 17557(e), states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimant, Lake Elsinore Unified School District, filed the test claim on June 1, 2015, establishing eligibility for reimbursement for the 2013-2014 fiscal year. However, the test claim statute did not become operative until January 1, 2015. Therefore, costs incurred for the activities in these parameters and guidelines are eligible for reimbursement beginning January 1, 2015.

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.
2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller’s Office (Controller) within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560(a), a school district may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a school district filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Gov. Code § 17560(b).)
5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. REIMBURSABLE ACTIVITIES

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

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, “I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct,” and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

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

For each eligible claimant that incurs increased costs, the following activities are reimbursable beginning January 1, 2015:

1. Provide annually, within the first six weeks of each school year, and within the first six weeks of employment for school personnel hired during the course of the school year, training in the detection of child abuse and neglect, the proper action that school personnel should take in suspected cases of child abuse and neglect, and information that failure to report is a misdemeanor punishable by up to six months in jail and/or up to a fine of one thousand dollars to the following persons:
 - a. Certificated and classified employees of the school district who are mandated reporters identified in the Penal Code, *except* those working for a school district police or security department; and
 - b. Those persons who are mandated reporters identified in the Penal Code who are working on a school district’s behalf to carry out the school district’s core mandatory function to educate students.

The training may be provided by either using the online training module developed by CDSS or an alternative training program that complies with the test claim statute. The costs to develop child abuse and neglect training are *not* mandated by the state. (Ed. Code § 44691(b)(1) and (c); Pen. Code § 11165.7(d).)
2. Develop a process for all persons required to receive training to provide proof of completing the training within the first six weeks of each school year or within the first six weeks of that person’s employment. The process developed may include, but not necessarily be limited to, the use of a sign-in sheet or the submission of a certificate of completion to the applicable governing board or body of the school district. (Ed. Code § 44691(b)(2).)
3. If the online training provided by CDSS is not used, report to the CDE the training being used in its place. (Ed. Code § 44691(c).)

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

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

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

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

3. Contracted Services

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

4. Fixed Assets

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

5. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element A.1., Salaries and Benefits, and A.2., Materials and Supplies. Report the cost of Consultants who conduct the training according to the rules of cost element A.3., Contracted Services.

B. Indirect Cost Rates

Indirect costs are costs that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. After direct costs have been determined and assigned to other activities, as appropriate, indirect costs are those remaining to be allocated to benefited cost objectives. A cost may not be allocated as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been claimed as a direct cost.

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

School districts must use the CDE's approved indirect cost rate for the year that funds are expended.

VI. RECORD RETENTION

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

VII. OFFSETTING REVENUES AND REIMBURSEMENTS

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

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from these parameters and guidelines and the decisions on the test claim and parameters and guidelines adopted by the Commission.

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

Pursuant to Government Code section 17561(d)(1), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. REMEDIES BEFORE THE COMMISSION

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557(d), and California Code of Regulations, title 2, section 1183.17.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The decisions adopted for the test claim and parameters and guidelines are legally binding on all parties and provide the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record. The administrative record is on file with the Commission.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

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

On January 27, 2016 I served the:

Decision and Parameters and Guidelines

Training for School Employee Mandated Reporters, 14-TC-02

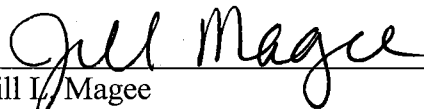
Education Code Section 44691(b) and (c); and Penal Code Section 11165.7(d)

As Added or Amended by: Statutes 2014, Chapter 797 (AB 1432)

Lake Elsinore Unified School District, Claimant

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 27, 2016 at Sacramento, California.



Jill L. Magee

Commission on State Mandates

980 Ninth Street, Suite 300

Sacramento, CA 95814

(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/14/16

Claim Number: 14-TC-02

Matter: Training for School Employee Mandated Reporters

Claimant: Lake Elsinore Unified School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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Exhibit C

October 4, 2016

Mr. Arthur Palkowitz
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Ms. Jill Kanemasu
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Accounting and Reporting
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Sacramento, CA 95816

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

Re: **Draft Proposed Statewide Cost Estimate, Schedule for Comments,
and Notice of Hearing**
Training for School Employee Mandated Reporters, 14-TC-02
Education Code Section 44691(b) and (c); and Penal Code Section 11165.7(d)
As Added or Amended by: Statutes 2014, Chapter 797 (AB 1432)
Lake Elsinore Unified School District, Claimant

Dear Mr. Palkowitz and Ms. Kanemasu:

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

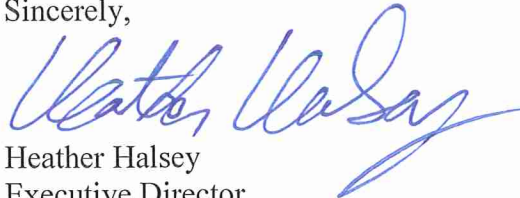
Written Comments

Written comments on this matter may be filed by **October 14, 2016**.

Hearing

This matter is set for hearing on **Friday, October 28, 2016**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. This matter is proposed for the Consent Calendar. Please let us know in advance if you oppose having this item placed on consent and wish to testify at the hearing or have a representative testify on your behalf, and if other witnesses will appear.

Sincerely,



Heather Halsey
Executive Director

ITEM 7

DRAFT PROPOSED STATEWIDE COST ESTIMATE

\$82,927

(Estimated Cost for Fiscal Year 2015-2016 is \$21.75 Million.)

Education Code Section 44691(b) and (c); and; Penal Code Section 11165.7(d)

As Added or Amended by:
Statutes 2014, Chapter 797 (AB 1432)

Training for School Employee Mandated Reporters

14-TC-02

STAFF ANALYSIS

Background and Summary of the Mandate

This mandated program imposes new child abuse and neglect training requirements on school districts (K-12 school districts and county offices of education) for employees and persons working on their behalf who are identified as mandated reporters.

On December 3, 2015, the Commission on State Mandates (Commission) adopted the Test Claim Decision¹ finding that Education Code section 44691(b) and (c), and Penal Code section 11165.7(d), as added and amended by Statutes 2014, chapter 797, impose a reimbursable state-mandated program upon school districts (K-12 school districts and county offices of education), within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The Parameters and Guidelines were adopted on January 22, 2016.²

Eligible claimants were required to file initial reimbursement claims for costs incurred for January 1, 2015 through June 30, 2015 with the State Controller's Office (Controller) by August 24, 2016. Late initial reimbursement claims may be filed until August 24, 2017. Claims for fiscal year 2015-2016 must be filed with the Controller by February 15, 2017. Claims filed more than one year after the filing deadline will not be accepted.

Eligible Claimants and Period of Reimbursement

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.

¹ Exhibit A, Test Claim Decision.

² Exhibit B, Decision and Parameters and Guidelines.

Government Code section 17557(e) states that "... A test claim shall be submitted on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year." The claimant filed the test claim on June 1, 2015, following fiscal year 2013-2014 to establish the reimbursement period beginning July 1, 2013. However, the operative date of the test claim statute was January 1, 2015, thus, establishing the reimbursement period beginning January 1, 2015.

Reimbursable Activities

The Parameters and Guidelines authorize reimbursement of each eligible claimant for the following activities, beginning January 1, 2015:

1. Provide annually, within the first six weeks of each school year, and within the first six weeks of employment for school personnel hired during the course of the school year, training in the detection of child abuse and neglect, the proper action that school personnel should take in suspected cases of child abuse and neglect, and information that failure to report is a misdemeanor punishable by up to six months in jail and/or up to a fine of one thousand dollars to the following persons:
 - a) Certificated and classified employees of the school district who are mandated reporters identified in the Penal Code, *except* those working for a school district police or security department; and
 - b) Those persons who are mandated reporters identified in the Penal Code who are working on a school district's behalf to carry out the school district's core mandatory function to educate students.

The training may be provided by either using the online training module developed by CDSS or an alternative training program that complies with the test claim statute. The costs to develop child abuse and neglect training are not mandated by the state. (Ed. Code § 44691(b)(1) and (c); Pen. Code § 11165.7(d).)

2. Develop a process for all persons required to receive training to provide proof of completing the training within the first six weeks of each school year or within the first six weeks of that person's employment. The process developed may include, but not necessarily be limited to, the use of a sign-in sheet or the submission of a certificate of completion to the applicable governing board or body of the school district. (Ed. Code § 44691(b)(2).)
3. If the online training provided by CDSS is not used, report to the CDE the training being used in its place. (Ed. Code § 44691(c).)

All other provisions in Education Code section 44691 and Penal Code 11165.7, as added or amended by the 2014 test claim statute, do not impose a reimbursable state-mandated program.

Offsetting Revenues and Reimbursements

The Parameters and Guidelines provide the following:

Any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate

from any source, including but not limited to, service fees collected, federal funds, and other state funds, shall be identified and deducted from this claim.

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

Statewide Cost Estimate

Assumptions

Staff reviewed the reimbursement claims submitted by 19 school districts and data compiled by the Controller.³ The unaudited reimbursement claims total \$82,927 for January 1, 2015 through June 30, 2015. Based on the claims data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program.

- *The annual amount claimed for reimbursement may increase and exceed this Statewide Cost Estimate.*

There are currently 1050 school districts in California. Of those, only 19 school districts filed reimbursement claims, totaling \$82,927 for the initial reimbursement period of January 1, 2015 through June 30, 2015. If other eligible claimants file late or amended claims, the amount of reimbursement claims may exceed the Statewide Cost Estimate. Late initial claims for January 1, 2015 through June 30, 2015 may be filed until August 24, 2017.

There also may be several reasons that non-claiming districts did not file reimbursement claims, including but not limited to: they did not incur costs of more than \$1,000 within the six-month reimbursement period of January 1, 2015 through June 30, 2015.

- *The future annual costs for this program will depend on the time an employee takes to complete the required training.*

The future annual costs of this program have a direct correlation with the time to complete the required training. This assumption is based on the actual claims, which calculate training costs by multiplying the employee's salary by the time to complete the training. The average training time claimed for Fiscal Year 2014-2015 is 60 minutes. However, the self-paced *Child Abuse Mandated Reporter Training*, School Personnel Training module, offered online by the California Department of Social Services (CDSS)⁴ could take 90-180 minutes.⁵ If a school district provides an alternative training program that complies with the test claim statute and requires more time to complete, then the future annual costs of the program would be higher. If the district's training program takes less time, future annual costs per employee, would be lower.

- *The future annual costs will increase or decrease proportionately with the growth or*

³ Claims data reported as of August 31, 2016.

⁴ The test claim statute authorizes school districts to use the CDSS's online training module. See Parameters and Guidelines, page 3.

⁵ Exhibit X, See Website on Child Abuse Mandated Reporter Training California provided by CDSS: <http://mandatedreporterca.com/training/training.htm>, as accessed on September 28, 2106.

reduction in the number of personnel, employed with or working on behalf of a school district, who are identified as mandated reporters.

The growth or reduction in the number of school district personnel will increase or decrease the future annual costs of the program based on the requirement for school districts to provide annual training to all personnel, employed with or working on behalf of a school district, who are identified as mandated reporters.

- *The total amount of reimbursement for this program may be lower than the Statewide Cost Estimate based on the Controller's audit findings.*

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

- *The future annual costs of this program may vary depending on whether this program is added to the K-12 Mandate Block Grant program, and the level of school district participation in the K-12 Mandate Block Grant program.*

If this mandated program is added to the K-12 Mandate Block Grant **and** a school district voluntarily participates in the block grant program, then costs cannot be claimed through the state's reimbursement process. A school district or county office of education that receives block grant funding is not eligible to submit claims to the Controller for reimbursement pursuant to Government Code section 17560 for any costs of any state mandates included in the statutes and executive orders identified in Government Code section 17581.6(e).⁶ The block grant allows school districts to receive a per pupil allocation to carry out reimbursable mandated activities. In 2013-2014, 84 percent of school districts and 79 percent of county offices of education participated in the block grant.⁷ As a result, the future annual costs of this program may be lower than the Statewide Cost Estimate.

- *At maximum, this mandated program is estimated to cost between \$21.75 million and \$99 million.*

According to the reimbursement claims filed for 2014-2015, the training hours constituted 60 percent of the total program cost, the cost of developing a process to record proof of completing training constituted 25 percent of total costs, the cost of reporting alternative training to CDE was 10 percent of costs claimed, and indirect costs represented 5 percent of costs claimed. Assuming for fiscal year 2015-2016 that every school district in the state trained every one of its employees and submitted a timely reimbursement claim of up to three⁸ training hours per employee, the *maximum* annual

⁶ See website on the Mandate Block Grant: <http://www.cde.ca.gov/fg/fo/profile.asp?id=3894>.

⁷ Exhibit X, Legislative Analyst's Office *Analysis of Education Mandates*, February 26, 2014, pages 9-10.

⁸ CDSS' Online Training Instructions estimate between 90-180 minutes for School Personnel Training. See website on Child Abuse Mandated Reporter Training California provided by CDSS: <http://mandatedreporterca.com/training/training.htm>, as accessed on September 28, 2106.

cost estimate for fiscal year 2015-2016 could range from \$59 million and \$265 million⁹. However, while such high costs are possible, they are not probable because historically, less than half of eligible school districts have participated in the mandate reimbursement process by submitting reimbursement claims to the Controller.¹⁰ Additionally, it is highly unlikely that school districts will claim as 25 percent of their ongoing costs, the cost of developing a process to record proof of completing training once a process has been established by the district (though this is not limited as a one-time cost). Therefore, the future *maximum* cost of this program is more likely to range between \$21.75 million and \$99 million.

Methodology

The Statewide Cost Estimate for the period of January 1, 2015 through June 30, 2015 is based on the unaudited, reimbursement claims submitted by 19 school districts totaling \$82,927.

Reimbursement Period	Number of Claims Filed	Total Cost
January 1, 2015 through June 30, 2015	19	\$82,927

The Statewide Cost Estimate for fiscal year 2015-2016 was developed by multiplying the total number of school certified and classified employees in California - 589,320 (346,167 certified plus 243,153 classified) as reported by CDE¹¹ by the average hourly salary of school employees - \$55¹², which is then multiplied by the average one training hour for the CDSS online School Personnel module¹³ to equal \$32.4 million in training costs. From the actual claiming data, employee training constitutes 60 percent of the total program cost; developing a process to record proof of completing training is 25 percent; reporting alternative training to CDE is 10 percent; and indirect costs are five percent. Therefore, the total is \$54 million. However, assuming the historical trend that less than half of districts will file reimbursement claims and that it is unlikely that districts will continue to claim as 25 percent of their on-going costs the cost of developing a process to record proof of completing training once a process has been established by the district, the Statewide Cost Estimate for fiscal year 2015-2016 is \$21.75 million.

⁹ This estimate uses the average school employee salary rate assumed from the claiming data that ranges from \$20-\$90 per hour.

¹⁰ Exhibit X, Legislative Analyst's Office, Governor's K-12 Mandates Proposal, February 16, 2012, page 1.

¹¹ Exhibit X, California Department of Education's staffing reports: *Full-Time Equivalent (FTE) of Classified Staff 2015-16*, *State of California with County Information*, and *Certified Staff by Ethnicity for 2014-15*; *State of California, All Certified Staff California*. The 2015-2016 certified staffing data was not available prior to issuing this Statewide Cost Estimate.

¹² The average salary rate is assumed from the claiming data that ranges from \$20-\$90.

¹³ The average time to complete training is assumed from the claiming data.

Fiscal Year 2015-2016	Cost of Employee Training	Cost of Reporting to CDE	Indirect Costs	Annual Total Cost	Historical Trend Total Cost
\$ in millions	\$32.4	\$5.4	\$2.7	\$43.5	\$21.75

Staff Recommendation

Staff recommends that the Commission adopts this proposed Statewide Cost Estimate of \$82,927 for the period January 1, 2015 through June 30, 2015 and the estimated cost for fiscal year 2015-2016 of \$21.75 million.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

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

On October 4, 2016 I served the:

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

Training for School Employee Mandated Reporters, 14-TC-02

Education Code Section 44691(b) and (c); and Penal Code Section 11165.7(d)

As Added or Amended by: Statutes 2014, Chapter 797 (AB 1432)

Lake Elsinore Unified School District, Claimant

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 4, 2016 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 9/14/16

Claim Number: 14-TC-02

Matter: Training for School Employee Mandated Reporters

Claimant: Lake Elsinore Unified School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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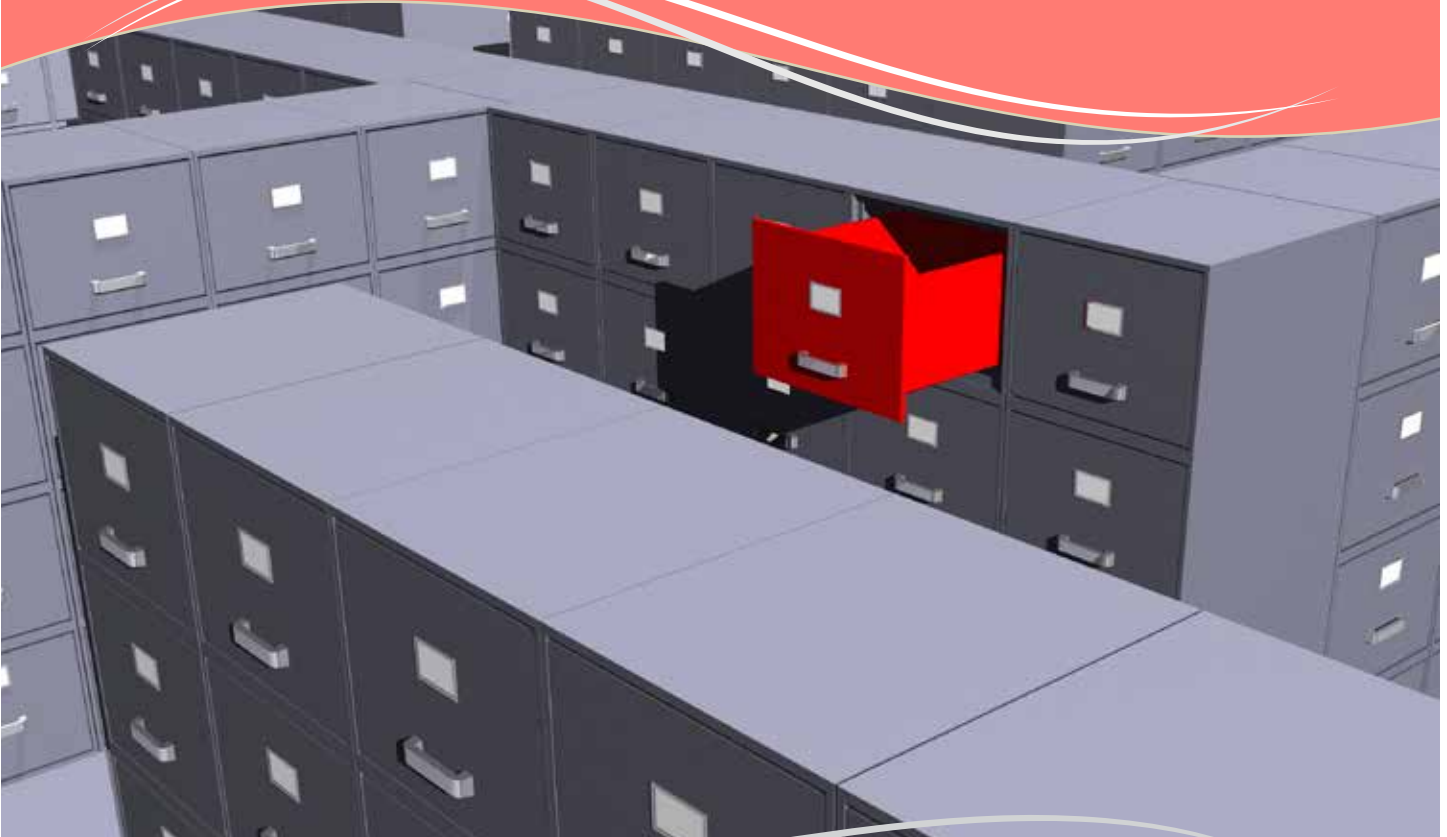
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Analysis of Education Mandates



MAC TAYLOR • LEGISLATIVE ANALYST • FEBRUARY 26, 2014

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EXECUTIVE SUMMARY

Overview

The California Constitution requires the state to reimburse local governments for new programs or higher levels of service the state imposes on them. In the area of education, local governments that qualify for reimbursement include school districts, county offices of education (COEs), and community colleges—collectively referred to as local educational agencies (LEAs).

Assessment of Mandate Funding Process

Traditional Mandate Reimbursement Process Based on Claimed Costs. Under the traditional mandate reimbursement process, the Commission on State Mandates (CSM) first determines whether an activity is a mandate. Next, LEAs are required to document in detail how much they spent on a particular mandate. The LEAs then are required to submit this information on an ongoing basis to the State Controller's Office (SCO) for review and approval.

Problems With Traditional Reimbursement Process. Because reimbursements under the traditional process are based on actual costs, LEAs lack an incentive to perform required activities as efficiently as possible. The traditional process also does not consider how well an activity is performed. Because of these shortcomings, the state can end up paying some LEAs notably more than other LEAs even if they perform notably worse.

State Recently Created Two Alternative Reimbursement Systems. To address some of the flaws associated with the traditional process, the state in recent years created two alternative reimbursement systems.

- ***Reasonable Reimbursement Methodology (RRM).*** In 2004, the state created a new reimbursement process called an RRM. Rather than requiring LEAs to submit detailed documentation of actual costs, an RRM uses general allocation formulas or other approximations of costs. An RRM may be proposed by the Department of Finance (DOF), SCO, an affected state agency, the claimant, or any other interested party. An RRM must be approved by CSM.
- ***Education Mandates Block Grants.*** As part of the 2012-13 budget, the state created two block grants for education mandates. One block grant is for school districts, COEs, and charter schools (for which some mandated activities apply). The other block grant is for community colleges. Instead of submitting detailed claims on an ongoing basis that track how much time and money was spent on each mandated activity, LEAs can choose to receive funding for all mandated activities included in the block grants. Block grant funding is provided on a per-student basis, with different rates for different LEAs.

Recommend Repealing RRM Process for Education Mandates. Though the intent of both the block grants and RRM is to provide a simpler way to distribute mandate funding to LEAs, the block

grants have several advantages. With the block grants, the Legislature can adjust funding annually based on expected costs. Moreover, the state has a strong incentive to ensure block grant funding is reasonable so that LEAs continue to participate. In contrast, RRM's are determined by CSM and disagreements over them must be resolved through litigation. For these reasons, we recommend the Legislature repeal the RRM process for education mandates. (We recommend continuing to allow the RRM process, however, for other local governments, as they do not have access to a block grant.)

Recommend Assessing Multiple Sources of Information to Adjust Block Grant Funding. When the block grants were created in 2012-13, the state did not specify either how new mandates would be added to the block grants or how block grant funding would be adjusted moving forward. We recommend the Legislature make block grant funding adjustments by considering a variety of factors, including: (1) the variation in initial mandate claims submitted by LEAs, (2) the number of LEAs performing the activity, and (3) the likelihood that some initial claims may be overstated. In select cases, we recommend the Legislature also consider requesting DOF or our office to provide independent cost estimates.

Also Recommend Adjusting Block Grants for Future Cost Increases. We recommend the Legislature apply a cost-of-living adjustment (COLA) to the block grants whenever it applies a COLA to other education programs. In 2014-15, providing a 0.86 percent COLA to the block grants (consistent with other programs) would cost \$1.9 million for schools and \$0.3 million for community colleges.

Assessment of New Mandates

CSM Recently Approved Seven New Education Mandates. The CSM recently approved seven new mandates. Six of these mandates apply to schools while two apply to community colleges. (One mandate applies to both.) Most of these mandates were enacted over a decade ago, but CSM only recently completed them due to a backlog in its workload.

Governor's Budget Addresses Four of the Seven New Mandates. The Governor proposes to add three of these new mandates to the block grant and repeal one, with no adjustments to block grant funding. (The administration indicates it inadvertently omitted one other mandate from its budget proposal and intentionally omitted two other mandates because CSM had not finished them prior to the release of the Governor's budget.)

Recommend Legislature Take More Nuanced Approach. In contrast to the Governor's approach to fund or eliminate entire mandates, we recommend the Legislature assess each activity contained within a mandate. (Mandates can include anywhere from one to dozens of different requirements.) For each activity, we recommend the Legislature consider whether the requirement serves a compelling state purpose. We also recommend the Legislature consider whether the mandate produces positive results and whether less costly alternatives exist. Based on these criteria, we recommend the Legislature repeal four mandates in their entirety and take a mixed approach on three mandates. In these three latter cases, we recommend funding certain activities while repealing or modifying others. Because we estimate the costs associated with the retained activities to be minimal, we think the Legislature does not need to increase block grant funding.

INTRODUCTION

This report is about certain education activities determined to be state mandates. The report consists of two parts. In the first part, we provide background information on the state’s traditional process for reimbursing education mandates, discuss recent efforts by the state to improve this process, and recommend ways to address unresolved issues relating to reimbursements. In the second part of the report, we assess seven new

education mandates—including four mandates addressed by the Governor in his 2014-15 budget proposal—and provide recommendations on whether to fund, suspend, repeal, or modify them. The second part of this report fulfills a requirement for our office to analyze new mandates, as specified by Chapter 1124, Statutes of 2002 (AB 3000, Committee on Budget).

MANDATE REIMBURSEMENT PROCESS

TRADITIONAL PROCESS

In this section, we describe the state’s process for determining whether an activity is a reimbursable state mandate. We also describe the traditional process used by the state to provide reimbursement for these activities.

Constitution Requires the State to Reimburse Local Governments for Mandated Activities. In 1979, voters passed Proposition 4, which added a requirement to the California Constitution that local governments be reimbursed for new programs or higher levels of service the state imposes on them. In the area of education, school districts, COEs, and community colleges—collectively referred to as LEAs—may seek reimbursement for undertaking mandated activities. (Though some mandated activities also apply to charter schools, the state does not consider charter schools to be local governments.)

Multistep Process Used to Determine if an Activity Is a Mandate. As part of its response to Proposition 4, the Legislature created CSM to hear and decide claims that a state law, executive order, or regulation imposes new requirements on LEAs. Following the enactment of a new requirement, LEAs have one year to file a “test claim” with

CSM asserting the new requirement imposes a new program or higher level of service on them. Based on statutory guidelines and case law governing mandate reimbursements, CSM adopts a “Statement of Decision” articulating the reasons for determining whether a test claim is a mandate. (The box on the next page provides more detail on the rules governing mandate determinations.) Following adoption of the Statement of Decision, CSM adopts “Parameters and Guidelines” that list the specific activities that are reimbursable.

LEAs Submit Claims for Reimbursement.

After CSM has approved a list of reimbursable activities for a mandate, SCO prepares claim forms. These forms require LEAs to document in detail how much they spent on a particular mandate. For example, LEAs may be required to submit copies of time sheets for staff whose job responsibilities include performing the mandated activity. The SCO then reviews these claims for the required documentation and, subject to funding in the state budget, provides reimbursement. The SCO in some cases also conducts detailed audits of claims.

Funding for New Mandates Considered in State Budget. Typically, within one year of LEAs submitting initial claims for reimbursement, CSM

prepares a statewide cost estimate based on these initial claims. After the cost estimate is prepared, mandates typically are considered for funding in the state budget. The Legislature generally has four options at this point: to fund, modify, suspend, or repeal the mandate. (Suspending a mandate relieves LEAs of performing the activity for one year only, while repealing a mandate permanently eliminates it.) As shown in Figure 1, schools and community colleges have about 40 and 14 active mandates, respectively, that are included in the state budget. Schools and community colleges each have another dozen mandates currently suspended.

State Has Considerable Backlog of Unpaid Mandate Claims. In many years, particularly during times of budgetary shortfalls, the state

has not provided funding to pay for education mandates, effectively deferring these costs. (Though a superior court in 2008 found the state's practice of deferring education mandate payments unconstitutional, constitutional separation of powers means the courts cannot force the Legislature to make appropriations for mandates.) The state's decisions to defer payments for mandates has contributed to a considerable backlog of unpaid mandate claims. Another factor contributing to the sizeable backlog are recent CSM decisions approving retroactive payments for two extremely expensive education mandates—Graduation Requirements and Behavioral Intervention Plans (BIP). Currently, we estimate the state's backlog of unpaid mandate claims to total about \$4.5 billion.

Factors for Making Mandate Determinations

In making a mandate determination, the Commission on State Mandates (CSM) relies upon various rules that have been established in state law and through court rulings. To start, CSM must first consider whether the activity (1) is a new governmental program and (2) requires a higher level of governmental service. For example, state laws that apply equally to the public and private sector (such as minimum wage laws) are not considered state reimbursable mandates because they are not considered to be a "governmental program." Even if an activity satisfies these two main criteria, various other rules can exclude an activity from being reimbursable. The main exclusions are:

- ***Federal Requirements.*** An activity required under federal law is not reimbursable even if state law requires the same activity.
- ***Voter-Imposed Requirements.*** An activity required as the result of a voter-approved measure is not reimbursable.
- ***Downstream Costs Associated With Optional Activities.*** If a local educational agency has the option of undertaking an activity, then it is not reimbursable, even if specific rules govern how the activity is to be performed.
- ***Offsetting Savings and Revenues.*** Even if an activity is found to be a mandate, it may not qualify for state reimbursement if there are offsetting savings generated by performing the activity. Similarly, any revenues available to pay for the activity may be applied as an offset.
- ***Requirements Enacted Prior to 1975.*** If a requirement was enacted prior to 1975, then it is not reimbursable.

Figure 1**Education Mandates^a**

Schools	
Active	
Absentee Ballots	Interdistrict Attendance Permits
Academic Performance Index	Intradistrict Attendance
Agency Fee Arrangements	Juvenile Court Notices II
AIDS Prevention/Instruction	Law Enforcement Agency Notification ^c
Annual Parent Notification ^b	Notification of Truancy
CalSTRS Service Credit	Open Meetings/Brown Act Reform
Caregiver Affidavits	Physical Performance Tests
Charter Schools I, II, and III	Prevailing Wage Rate
Child Abuse and Neglect Reporting	Pupil Suspensions, Expulsions, and Expulsion Appeals
COE Fiscal Accountability Reporting	Pupil Suspensions and Expulsions II
Collective Bargaining	Pupil Health Screenings
Comprehensive School Safety Plans	Pupil Promotion and Retention
Criminal Background Checks I and II	Pupil Safety Notices
Differential Pay and Reemployment	School Accountability Report Cards
Expulsion of Pupil: Transcript Cost for Appeals	School District Fiscal Accountability Reporting
Financial and Compliance Audits	School District Reorganization
Habitual Truants	Teacher Notification: Pupil Suspensions/Expulsions ^d
High School Exit Examination	The Stull Act
Immunization Records (includes Hepatitis B)	Threats Against Peace Officers
Suspended	
Absentee Ballots	Mandate Reimbursement Process I and II
Brendon Maguire Act	Physical Education Reports
County Treasury Withdrawals	Pupil Residency Verification and Appeals
Grand Jury Proceedings	Removal of Chemicals
Health Benefits for Survivors of Peace Officers	School Bus Safety I and II
Law Enforcement Sexual Harassment Training	Scoliosis Screening
Community Colleges	
Active	
Agency Fee Arrangements	Health Fee Elimination
Cal Grants	Minimum Conditions for State Aid
CalSTRS Service Credit	Open Meetings/Brown Act
Collective Bargaining	Prevailing Wage Rate
Community College Construction	Reporting Improper Governmental Activities
Discrimination Complaint Procedures	Threats Against Peace Officers
Enrollment Fee Collection and Waivers	Tuition Fee Waivers
Suspended	
Absentee Ballots	Law Enforcement Jurisdiction Agreements
Brendon Maguire Act	Law Enforcement Sexual Harassment Training
County Treasury Withdrawals	Mandate Reimbursement Process I and II
Grand Jury Proceedings	Sex Offenders: Disclosure by Law Enforcement
Health Benefits for Survivors of Peace Officers	Sexual Assault Response Procedures
Integrated Waste Management	Student Records

^a Reflects name of mandate as it appears in *2013-14 Budget Act*. Often, mandate includes only very specific activities associated with its name.

^b Also includes Schoolsite Discipline Rules and Alternative Schools.

^c Also includes Missing Children Reports.

^d Also includes Pupil Discipline Records.

CalSTRS = California State Teachers' Retirement System and COEs = county offices of education.

FLAWS WITH TRADITIONAL PROCESS

In this section, we discuss several flaws with the traditional mandate reimbursement process.

Claims Process Lacks Incentives for Efficiency.

Many mandate reimbursements are based on the amount of time devoted to a required activity and the salary of the staff member performing it. In other words, the more time devoted to an activity and the higher the staff member's rank, the greater the reimbursement. As a result of this reimbursement structure, districts lack an incentive to perform the required activity at the lowest cost possible. This reimbursement structure also can result in a wide variation in district reimbursement rates for the same activity.

Claims Process Ignores Effectiveness. Under the claims process, districts can claim expenses for performing an activity regardless of how well it is performed or whether its underlying policy objectives are achieved. For example, school districts receive the same amount for sending a form letter home when a student becomes a truant, regardless of whether the districts' efforts increase parental involvement or reduce dropout rates.

Payments Not Aligned With When Activities Are Performed. Historically, a long lag—from several years to multiple decades—has existed from the time legislation imposing new requirements is enacted to the time CSM releases a statewide cost estimate. In some cases, a multiyear lag emerges as the result of the multiple steps entailed in the determination process. In other cases, a multi-decade lag occurs as a result of litigation involving a CSM decision. Thus, by the time a mandate is considered for funding in the state budget, LEAs typically have already incurred costs for some time. For example, BIP requirements were enacted in 1993, yet CSM only issued Parameters and Guidelines for the mandate last year. Because the required activities have already been performed,

any funding the state provides for past costs instead is available for general purposes. (Moving forward, the average time for mandate determinations likely will decrease. In the early 2000s, CSM received a significant influx in test claims due to legislation that gave LEAs one year to submit test claims for any laws passed prior to this time. A considerable backlog in test claims developed, which CSM only now is close to eliminating.)

STATE EFFORTS TO IMPROVE TRADITIONAL PROCESS

In recent years, the state has tried to address some of the shortcomings associated with the traditional mandate reimbursement process. Below, we discuss two alternative reimbursement structures the state recently adopted to improve the way mandates are paid.

Reasonable Reimbursement Methodology

RRM Created as Alternative Way to Pay for Mandates. Chapter 890, Statutes of 2004 (AB 2856, Laird), created an alternative process for the state to make mandate reimbursements known as an RRM. Rather than requiring LEAs (and other local governments) to submit detailed documentation of actual costs, an RRM uses general allocation formulas or other approximations of costs. An RRM may be proposed by DOE, SCO, any affected state agency, the claimant, or any other interested party. The CSM reviews and approves an RRM as part of its Parameters and Guidelines for reimbursement.

RRM Intended to Address Some Problems With Reimbursement System. The RRM process was intended to alleviate local governments from the burden of documenting actual mandate costs and alleviate the state from the burden of reviewing and paying associated claims. It also was intended to address state concerns with variations in reimbursement rates across local governments. In addition, the RRM process was intended to

provide local governments with incentives to perform activities more efficiently because they are reimbursed at a fixed rate.

RRM Used Seldomly. Despite the intended benefits of RRM, the RRM process in practice has been used rarely, with approved RRM in effect for only three school mandates (and no community college mandates). In addition to being rarely used, serious disagreements have occurred between the state and LEAs over all three proposed RRM. These disagreements have created lengthy delays in the RRM approval process. In one of the three cases, decisions also were delayed due to subsequent litigation over the approved RRM.

Education Mandates Block Grants

Block Grants Also Created as Alternative Funding System. As another way to address some of the problems with the traditional mandate reimbursement system, the state two years ago created two block grants for education mandates. One block grant is for school districts, COEs, and charter schools (hereafter referred to collectively as “schools”). The other block grant is for community colleges. Instead of submitting detailed claims on an ongoing basis listing how much time and money was spent on each mandated activity, LEAs can choose to receive funding for all mandated activities included in the block grants. Except for new mandates not yet included in the state budget, all active education mandates currently are included in the block grants. (Due to concerns regarding the state’s constitutional obligation to reimburse LEAs for mandated costs, the state retained the existing mandates claiming process for LEAs not opting into the block grants.)

Block Grants Distribute Payments on Per-Student Basis. The 2013-14 budget includes block grant funding of \$217 million for schools and \$33 million for community colleges. Block grant funding is allocated to participating LEAs

on a per-student basis, as measured by average daily attendance (ADA) for schools and full-time equivalent students (FTES) for community colleges. The rate varies by type of LEA and, for schools, by grade span. The difference in rates is because different mandates apply to different LEAs and because one mandate for schools (Graduation Requirements) is exceptionally costly and only applies to high schools. The rates are as follows:

- School districts receive \$28 per student in grades K-8 and \$56 per student in grades 9-12.
- Charter schools receive \$14 per student in grades K-8 and \$42 per student in grades 9-12. (Even though charter schools are not eligible to submit mandate claims, the state included them in the block grant given some mandates apply to them.)
- COEs receive \$28 per student in grades K-8 and \$56 per student in grades 9-12. This rate applies to students enrolled in county-run programs. In addition, COEs receive an extra \$1 per student for all students located within the county, in recognition of the fact that some mandates entail broader oversight responsibilities performed by the COE.
- Community colleges receive \$28 per student.

Block Grant Participation High. As shown in Figure 2 (see next page), a sizeable majority of LEAs have chosen to participate in the block grants rather than access funding through the traditional claims process. (As noted earlier, the state has chosen to defer funding for traditional mandate claims in recent years.) This includes 84 percent of school districts, 79 percent of COEs, and nearly all charter schools and community colleges. These

Figure 2**Block Grant Participation Is High**

2013-14

	Number Participating	Total Number	Percent Participating	Percent of ADA/FTES Covered
Charter schools	987	1,008	98%	99%
School districts	795	941	84	94
County offices of education	46	58	79	91
Totals	1,828	2,007	91%	95%
Community Colleges	68	72	94%	97%

ADA = average daily attendance and FTES = full-time equivalent students.

LEAs serve 95 percent of ADA at schools and 97 percent of FTES at community colleges.

UNRESOLVED ISSUES

In this section, we make two main recommendations for how the state can build upon its recent efforts to improve the mandate reimbursement system.

Streamlining Reimbursement Methods

Block Grants and RRM Serve Overlapping Purposes. The intent of both the block grant and the RRM is to provide a simpler way to distribute mandate funds to LEAs. Both methods of paying LEAs fulfill this purpose by allowing LEAs to access funding through a simple formula rather than submitting detailed claims documenting actual costs on an ongoing basis.

Block Grants Keep Budget Decisions in Regular Budget Process. One major difference between the block grants and RRMs is the block grants are considered as part of the regular budget process whereas RRMs are determined by CSM in a quasi-judicial forum. For the block grants, the Legislature can adjust funding annually based on expected costs, as it does for any other program area. Moreover, the state has a strong incentive to ensure block grant funding is reasonable so that LEAs continue to participate. If the state were

to provide insufficient funding for the block grants, LEAs could send a strong signal of their disapproval by electing not to participate. In contrast, RRMs are determined by CSM and disagreements over them must be resolved through litigation, with the judicial branch rather than the Legislature ultimately

making a budget decision—and doing so apart from other main budget decisions. As indicated earlier, disagreements between the state and LEAs also have hindered the ability of CSM to approve RRMs. In contrast, a large majority of LEAs have chosen to receive funding for mandates through the block grants, suggesting that the budget process has provided a better forum for the state and LEAs to determine reasonable reimbursement amounts than the RRM process.

Recommend Repealing RRM for Education Mandates. For the reasons cited above, we recommend the Legislature repeal the RRM process for education mandates. (However, we recommend continuing to allow the RRM process to be used for other local governments, as they do not have access to a block grant.)

Adding New Mandates to the Block Grants

No Existing Process for Adding Mandates to Block Grants. When the block grants were created in 2012-13, nearly all active mandates were included in them, along with an amount of funding similar to the amount being claimed for the included mandates. However, the state did not specify how new mandates would be added to the block grants and how block grant funding would be adjusted moving forward. In 2013-14, the state added a

few mandates to the block grants. Most notably, the state added the Graduation Requirements mandate to the schools block grant, created grade span weights (because this mandate is so costly and only affects high schools), and increased the high school rate from \$28 to \$56 per student. In contrast, the state added the Pupil Suspensions and Expulsions II mandate to the block grant but made no adjustment to block grant funding. The state also did not provide an inflation adjustment to the block grant.

Recommend Assessing Multiple Sources of Information to Adjust Block Grant Funding.

Moving forward, we recommend the Legislature take a more systematic approach when determining how to adjust block grant funding to account for new mandates. The statewide cost estimates prepared by CSM offer a reasonable starting point because they show how many initial claims have been filed and associated costs. To determine if a particular cost estimate is reasonable, we recommend the Legislature consider the following:

- ***Variation in Claims.*** Mandate claims sometimes can vary widely by district. In some cases, this variation may be related to differences in the size, type, or location of LEAs, but in other cases it may be related to differences in how efficiently LEAs perform the activity. If available data suggests the latter situation, we recommend the Legislature adjust block funding based on the rate claimed by districts performing the activity most efficiently.
- ***Number of LEAs Performing Activity.*** Often, very few LEAs submit initial mandate claims. This could be because some LEAs have not yet figured out how to track and document costs for the activity. Therefore, the statewide cost estimate prepared by CSM may not accurately reflect

costs on a statewide basis. In cases such as these, we recommend the Legislature scale up the costs based on how many LEAs are expected to be performing the mandate.

- ***Audit Results.*** The SCO only performs a full audit on about 5 percent of costs claimed for LEAs. These audits tend to be targeted to high-risk claims. Recent data indicate SCO disallows 76 percent of the audited costs claimed for schools and 56 percent for community colleges. These high disallowance rates suggest that some claims overbill the state. We recommend the Legislature take this into account when deciding how to adjust the block grants. (For example, by making a small downward adjustment to recognize some initial claims for new mandates likely include disallowed costs.)
- ***Other Cost Estimates.*** Though CSM's statewide cost estimate provides a good starting point for considering how much funding to provide for a mandate, we recommend the Legislature also consider other cost estimates, particularly for larger mandates. For example, independent cost estimates for a mandate could be created in certain cases by our office or DOF.

Also Recommend Adjusting Block Grants for Future Cost Increases. Because prices for goods and services can increase from year to year, the state typically provides a COLA for most education programs. We recommend the Legislature apply a COLA to the block grants whenever it applies a COLA to other education programs. In 2014-15, providing a 0.86 percent COLA to the block grants (consistent with other programs) would cost \$1.9 million for schools and \$0.3 million for community colleges.

ASSESSMENT OF NEW MANDATES

In this section, we assess and make recommendations on how to treat new mandates. In making our recommendations, we provide guidance to the Legislature on how to adjust block grant funding for mandates we recommend retaining.

CSM Recently Approved Cost Estimates for Seven New Mandates. The CSM recently approved statewide cost estimates for seven new mandates. Six of these mandates apply to schools while two apply to community colleges. (One mandate applies to both.) The test claims for most of these mandates were filed over ten years ago but CSM only recently completed them due to a backlog of test claims. Because LEAs at that time were allowed to submit test claims for requirements enacted any time after 1975, some of the test claims relate to requirements the state enacted long before the test claim was filed. For instance, the Parental Involvement mandate includes a requirement enacted in 1990.

Governor's Budget Addresses Four of the Seven New Mandates. Of the seven new mandates, the Governor proposes to add three to the block grant and repeal one. The administration indicates it inadvertently omitted one mandate (Developer

Fees) from its budget proposal and intentionally omitted two mandates (Parental Involvement and *Williams Case Implementation*) because CSM had not adopted cost estimates for them prior to the release of the Governor's budget. Figure 3 provides summary information for each mandate and the Governor's proposed treatment.

Criteria for Assessing New Mandates. In assessing each mandate, we focus primarily on whether the mandate serves a compelling state purpose. In addition, we consider whether the mandate produces positive results and whether less costly alternatives exist. For mandates we recommend retaining, we estimate associated costs using the process described earlier in this report. We do not recommend making adjustments to the block grants when the estimated statewide costs for a mandate are less than \$1 million annually.

PARENTAL INVOLVEMENT PROGRAMS

A Few State-Required Parental Involvement Activities Found to Be Reimbursable Mandates. Drawing on research suggesting parental involvement can have positive effects on student achievement, the Legislature enacted several

Figure 3
New Mandates

New Mandates With Cost Estimate Adopted by CSM as of February 1, 2014

Mandate ^a	Start Date of Reimbursement Period	CSM Estimated Annual Cost Statewide	Governor's Proposal	Governor's Proposed Change in Block Grant Funding
Parental Involvement Program	7/1/2002	\$125,268	None	—
<i>Williams Case Implementation</i>	9/29/2004	106,183	None	—
Uniform Complaint Procedures	7/1/2002	34,751	Add to block grant	\$0
Developer Fees	7/1/2001	34,209	None	—
Public Contracts	7/1/2001	32,932	Add to block grant	0
Community College Construction	7/1/2001	22,519	Repeal	—
Charter Schools IV	1/1/2003	4,261	Add to block grant	0

^a Community College Construction applies only to community colleges. Public Contracts applies to both schools and community colleges. All other mandates apply only to schools. CSM = Commission on State Mandates.

laws relating to parental involvement beginning in 1990. Though these laws require schools to undertake a number of activities related to parental involvement, CSM determined that only a subset of these activities are reimbursable mandates. This is because some activities already are required under federal law whereas other activities are only required for schools that participate in voluntary programs. The following requirements have been found to be new state mandates.

- ***Adopting a Parental Involvement Policy.*** Schools are required to adopt a parental involvement policy that describes the manner in which parents may “share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils.” The policy is to address a range of issues—from the school describing its curriculum to parents monitoring attendance of their children. Schools must consult with parents when developing the policy and only are required to adopt a policy once.
- ***Allowing Parents to Observe Classes and Test Questions.*** Schools must allow parents to observe their child’s classroom or school activity upon written request. Schools also must allow parents to inspect test questions, except for standardized test questions.
- ***Notifying Certain Parents of Rights.*** Schools are required to notify certain parents who do not speak English as their primary language of certain rights, including the right to observe their child’s classroom, meet with their child’s teacher, volunteer at school, access their child’s school records, and participate in school committees. Schools are only required

to notify parents who speak a primary language other than English spoken by at least 15 percent of the district’s families. Schools do not have to notify parents whose home language is English or parents who speak a language spoken by less than 15 percent of families in the district.

New Local Accountability System Includes Parental Involvement. As part of the new accountability system the state adopted last year, a district must adopt a Local Control Accountability Plan (LCAP) every three years and update the plan annually. The LCAP process has two requirements related to parental involvement.

- ***Parental Involvement One of State Priority Areas for LCAPs.*** Each LCAP must address the district’s goals and proposed actions in the priority area of parental involvement.
- ***LCAPs Require Parent Consultation.*** Districts are required to submit their proposed LCAP to a parent advisory committee and, in some cases, a separate committee of parents of English learners. The committees can comment on the proposed plan, and the district must respond in writing. Districts also must solicit public feedback and hold at least two public hearings to discuss and adopt (or update) their LCAPs.

LCAP Process Has Advantages Over Existing Parental Involvement Mandates. The LCAP process has several advantages over current state mandates relating to parental involvement policies, parent rights, and notification of parent rights.

- ***Parental Involvement Policy.*** Because the LCAP process requires districts to describe actions they will take to promote parental involvement, these plans serve a

similar function as parental involvement policies. Compared to state requirements for adopting a parental involvement policy, LCAPs, however, require districts to be more specific about their goals, their proposed actions, and how they will measure progress. As noted above, the LCAP process also requires districts to submit their proposed plan to a parent advisory committee and, in some cases, a separate committee of parents of English learners, respond to any issues raised by the committees, and hold at least two public hearings to solicit feedback on the LCAP. Although the state requires districts to consult parents when adopting a parental involvement policy, districts are not required to form specific parent committees to review the policy or respond to parent concerns. Moreover, districts are required to update LCAPs annually, whereas the state does not require districts to update state-mandated parental involvement policies.

- **Parent Rights.** Districts now must identify specific actions in their LCAPs to promote parental involvement. This process could be used by districts and parents to decide which parental involvement activities are the most effective way to promote parent engagement. For instance, if parents believe that being allowed to observe classrooms or inspect test questions is important, they could use the LCAP process to request districts to include these activities in their LCAPs.
- **Notification of Parent Rights.** The LCAP process also could enable districts to decide on the most effective way to notify parents of the ways they can participate in their

child's education (for example, a district website or school newsletter).

Recommend Repealing Parental Involvement Mandates. For these reasons, we recommend the Legislature repeal all three components of the parental involvement mandate.

WILLIAMS CASE IMPLEMENTATION

Package of Legislation Enacted Relating to Teacher Assignments, Instructional Materials, and School Facilities. From 2004 to 2007, the Legislature passed a series of laws that created new requirements for school districts and COEs relating to teacher assignment, instructional materials, and school facilities. These laws established statewide standards in these three areas, provided funding to school districts and COEs to remedy inadequacies in these areas, and created mechanisms to enforce the new standards. These laws were enacted in response to *Williams v. State of California*, in which a coalition of advocacy groups that alleged the state was responsible for addressing teacher misassignments, lack of textbooks, and poorly maintained facilities in certain low-performing schools. The CSM later determined some of the new requirements were state mandates.

Five Activities Found to Be State Mandates. The CSM determined that the following five activities relating to the *Williams* legislation are new state mandates. (The CSM determined certain other parts of the *Williams* statutes were not state mandates—either because state grant funding was provided to cover associated costs or the new requirements were associated with voluntary programs.)

- **Complaint Process.** The *Williams* legislation requires schools to address complaints in three areas: teacher misassignments and vacancies, the inadequate supply of instructional

materials, and school facilities issues that raise health or safety concerns for students or staff. Schools are required to remedy the complaints within 30 working days; report data on the nature and resolution of complaints to the school board and COE on a quarterly basis; and post notices in every classroom informing parents, students, and staff about the complaint process.

- **School Accountability Report Card (SARC) Requirements.** The *Williams* legislation requires districts and COEs to report the following additional information on the SARC: (1) data on teacher misassignments and teacher vacancies, (2) the availability of textbooks and instructional materials, and (3) needed maintenance to school facilities. (Prior to the *Williams* legislation, school districts and COEs already were required to annually produce a SARC for each of their schools and make them available to the public. A SARC contains various pieces of information relating to a school's students, resources, and performance.)
- **Compliance Audits.** The *Williams* legislation requires existing state compliance audits to include additional information on (1) teacher misassignments, (2) whether the district has reported certain information on the adequacy of instructional materials, and (3) the accuracy of information reported on the SARC.
- **Review of Audit Exceptions.** Under state law predating *Williams*, districts are required to hire an independent auditor to conduct an annual audit of funds and expenditures to ensure the district's

financial statements are accurate. The COEs are required to review certain issues raised in the district's audit ("audit exceptions") and determine whether those issues have been addressed by the district. The *Williams* legislation requires COEs to review audit exceptions related to the *Williams* areas.

- **Reporting on Fiscal Health.** The *Williams* statutes require districts to provide the COE with a copy of a "study, report, evaluation, or audit" commissioned by the Superintendent of Public Instruction, state control agencies, or a fiscal crisis team that contains evidence that the district is in fiscal distress.

Williams Purposes Now Can Be Achieved Through Other Means. As Figure 4 shows (see next page), most of the *Williams* requirements now can be met through other means. Thus, we recommend repealing most of the associated mandated activities, with the exception of *Williams*-related complaints. We recommend the Legislature create one process for all complaints, as discussed further below.

Retain Complaint Process but Merge With Existing Uniform Process. The *Williams* complaint process appears to motivate school districts to respond to *Williams*-related concerns in a timely manner. Survey data collected by the *Williams* plaintiffs, for example, indicate the vast majority of related complaints are resolved by the school district. The state, however, already has a uniform complaint process (UCP) that is intended to address all types of complaints. (As discussed later in this report, parts of the UCP also have been found to be state mandates.) Yet the existing *Williams* complaint process and UCP have different rules regarding notifying parents, processing complaints, and reporting to other agencies. We

Figure 4**Most *Williams* Requirements Now Duplicative of Other Requirements**

Activity	Claimants	Assessment	Recommendation
Administer new complaint process	School districts	Unclear why <i>Williams</i> complaints have different notification and reporting procedures as well as higher priority than all other complaints.	Amend by consolidating with UCP (and improving UCP, as needed)
Report additional information on SARC	School districts, COEs	Unnecessary if LCAPs include school-level data. ^a	Repeal
Add new elements to compliance audits	School districts	Unnecessary if LCAPs include school-level data. ^a	Repeal
Review district audit exceptions	COEs	Unnecessary because of other enforcement measures.	Repeal
Forward reports on fiscal health to COEs	School districts	Unnecessary, as COEs already have access to this information.	Repeal

^a State law and regulations require school districts and COEs to report school-level data for teacher misassignments, availability of textbooks, and facility conditions. The LCAPs, however, have not yet been implemented, so the level of data districts and COEs in practice will provide is not yet clear.

UCP = Uniform Complaint Process; SARC = School Accountability Report Card; COEs = county offices of education; and LCAP = Local Control Accountability Plan.

recommend the Legislature revisit the UCP to see if improvements are needed in the areas of notifying, processing, and reporting. If the Legislature were to decide that some of the *Williams* complaint rules are better than the existing UCP rules, then the Legislature could take the best of each existing process and create one, new-and-improved complaint process. As part of this redesign, the Legislature also could consider what types of complaints should get top priority (for example, *Williams*, antidiscrimination, or special education cases), as well as the time that should be allowed to process complaints (for example, 30 days for more straightforward complaints and 60 days for complaints that require more intensive investigation).

New LCAP Process Addresses Two Williams Requirements. The LCAP process requires districts to describe their goals and proposed actions in the state priority areas known as basic services. This area requires districts to provide

school-level information in each of the three *Williams* areas. These data could duplicate the now mandated SARC reporting requirements. To the extent duplication emerges, the Legislature could eliminate the SARC reporting requirements and associated SARC compliance audit requirements in the three *Williams* areas. (Though state law and regulations relating to the LCAP overlap with these particular SARC requirements, LCAPs have not yet been implemented and the Legislature may want to monitor implementation of the LCAPs to ensure required school-level data are publicly provided and reviewed. To this end, the Legislature could request the State Board of Education (SBE) to provide a status report regarding LCAP implementation during a spring budget hearing. Depending on future LCAP implementation, the Legislature could revisit SARC reporting requirements.)

Reviewing Audit Exceptions Unnecessary Because of Other Enforcement Measures. Although other components of the *Williams*

legislation are specifically tied to teachers, textbooks, or facilities, annual financial audits are not directly related to these areas. Given the state has eliminated categorical programs for instructional materials and provides no specific funding related to teacher assignments, audit exceptions are unlikely to be directly related to whether a school districts is properly addressing issues in the *Williams* areas. Moreover, the state already has several mechanisms—such as the complaint process and LCAPs—to help enforce *Williams* requirements. Given these other mechanisms are more directly related to the three major *Williams* areas, we recommend repealing this requirement.

Fiscal Health Reporting Requirement Unnecessary Because COEs Already Have Access to District Financial Information. The state’s fiscal oversight system requires COEs to review a school district’s financial condition at various points throughout the year and determine whether the district will be able to meet its financial obligations for the next two fiscal years. Given this oversight process already requires COEs to have access to detailed school district financial information, requiring districts to forward the same or related reports to COEs for *Williams* purposes does not appear to add value. Thus, we recommend repealing the reporting requirement.

UNIFORM COMPLAINT PROCEDURES (COMPLAINTS)

State Requires Schools to Address Certain Complaints. The state requires schools to respond to certain types of complaints. In particular, schools are required to respond to complaints alleging violations of state law regarding certain educational programs, discrimination, harassment, facilities, teacher misassignments, and instructional materials. (Complaints related to these last three areas are part of the *Williams* Case Implementation

mandate discussed earlier.) Parents, students, employees, and community members can file complaints on behalf of themselves or on behalf of another individual.

For Certain Types of Complaints, State Requires Schools to Respond Using Specific Process. For complaints related to certain categorical programs, discrimination, harassment, and civil rights, the state requires schools to use its UCP to resolve the complaint. The state’s UCP establish the basic responsibilities of complainants, schools, and the California Department of Education (CDE) in resolving the issue. Schools are required to develop policies and procedures for investigating and resolving complaints consistent with the state’s UCP.

Virtually All UCP Activities, With the Exception of Investigations, Found to Be Reimbursable Mandates. Most procedural activities required under the state’s UCP have been found to be reimbursable mandates. However, activities are reimbursable only when the complaint relates to: (1) free and reduced-priced school meals; (2) adult education programs in citizenship and English; (3) most special education activities; and (4) discrimination, with the exception of discrimination relating to age, sex, and disability. (Reimbursement is not required when the complaint involves discretionary programs, such as career technical education. Reimbursement also is not required when discrimination occurs on the basis of sex, age, or disability, as federal law already requires districts to adopt policies to resolve these complaints.) The specific UCP reimbursable activities are:

- ***Adopting Complaint Procedures and Notifying the Public.*** State regulations require schools to (1) adopt policies and procedures regarding complaints, and (2) notify various school groups, including parents, of complaint procedures. Schools

only are required to adopt policies and procedures on a one-time basis and are not required thereafter to review or update them.

- ***Providing Notice of Civil Remedies.*** State law requires schools to inform complainants of any alternative civil remedies available to them, such as filing a civil suit in court. The school also must make this information available by publication in appropriate informational material.
- ***Referring Certain Complaints.*** State regulations require schools to refer certain complaints to state and federal agencies. For example, schools are required to refer complaints regarding fraud to the CDE's Division Director and Legal Office.
- ***Forwarding Information for Appeals.*** State regulations require schools to forward information about complaint appeals to CDE. This includes the original complaint, the school's decision, a summary of the

nature and extent of the investigation, a report of any action taken to resolve the complaint, and a copy of the school's complaint procedures.

Recommend Mixed Approach for Addressing UCP Mandates. As displayed in Figure 5, we recommend the Legislature retain the requirements to adopt complaint procedures and provide notice of civil remedies and add them to the block grant. Based on initial claims, we believe adding these mandates to the block grant will result in minimal cost. Thus, we recommend not increasing block grant funding. We recommend the Legislature amend the two remaining UCP requirements relating to referring complaints and forwarding information to the CDE.

Recommend Maintaining Requirement to Adopt Complaint Policies for Accountability Purposes. Requiring schools to adopt local policies and procedures ensures that complainants have a process by which they can file and resolve complaints, which helps hold districts accountable for violations of state law. Moreover, notifying parents and other school groups about these policies and procedures informs them of the steps they

Figure 5

Recommend Retaining Some Portions of Uniform Complaint Procedures Mandate

Activity	Claimants	Assessment	Recommendation
Adopt and publish complaint procedures	School districts, COEs	Requirement helps hold schools accountable.	Retain
Provide notice of civil remedies to complainants	School districts, COEs	Requirement helps hold schools accountable.	Retain
Refer certain complaints to other state and federal agencies	School districts, COEs	Complainant better suited to work directly with other agencies.	Amend regulations to refer complainant (rather than complaint itself) to other agencies
Forward information for appeals to CDE	School districts, COEs	Stronger incentive needed to ensure districts and COEs provide requested information.	Amend regulations to indicate that withholding requested information will be viewed as a finding in favor of the complainant

COEs = county offices of education and CDE = California Department of Education.

can take to resolve any potential complaints and hold districts accountable. For these reasons, we recommend the Legislature add this requirement to the mandate block grant.

Recommend Maintaining Requirement to Provide Notice of Civil Remedies for Accountability Purposes. Providing complainants information regarding alternate means of complaint resolution provides another way of holding schools accountable for violations of state law. By providing information regarding possible civil remedies, complainants can determine which process would best fit the complaint and ensure resolution. Consequently, we recommend the Legislature add this requirement to the mandate block grant.

Recommend Streamlining Referral Process to Other State and Federal Agencies. We recommend the Legislature direct CDE to amend its regulations to require schools to refer complainants (rather than the actual complaint) to the proper agency when a complaint does not fall under their jurisdiction. Schools can help complainants by informing them of the proper agency in which to file their complaint. Complainants, however, are better positioned to file their complaint with the other agency, as they have the greatest interest in seeking quick resolution.

Recommend Creating Stronger Incentive to Forward Information Relating to Appeals. In the event of an appeal, schools have some incentive to forward complaint information to CDE to ensure their side of the case is heard. There may be cases, however, where a school believes it could benefit by withholding information regarding a complaint. For example, a school may not want to provide a summary of actions taken to resolve the complaint if it did not follow its own policies and procedures. Instead of maintaining the requirement to forward complaint information in the event of an appeal, however, we recommend the Legislature direct CDE to amend regulations to allow a school's

refusal to comply with requests for information regarding appeals to be used as a finding in favor of the complainant. This would eliminate the mandate yet provide an even stronger incentive for schools to comply with requests for information.

UNIFORM COMPLAINT PROCEDURES (COMPLIANCE)

Antidiscrimination compliance requirements are included in the UCP mandate. As they do not involve complaint procedures, however, we analyze these issues separately below.

Schools Required to Comply With State and Federal Antidiscrimination Laws. State and federal laws require schools to perform two activities to demonstrate compliance with state and federal antidiscrimination laws as they pertain to education programs. First, schools must provide a statement of intent to CDE that they will comply with antidiscrimination laws. Second, as directed by CDE, schools must file descriptions of how they complied with antidiscrimination laws.

Compliance Activities Exceeding Federal Law Found to Be State Mandates. California's antidiscrimination compliance requirements include two areas of discrimination for the purposes of education programs that are not included in federal law. Specifically, state antidiscrimination compliance requirements encompass the areas of religion and sexual orientation. Because statements of intent and reports of compliance regarding religion and sexual orientation exceed federal law, these activities are found to be state mandates. (For discrimination regarding race, color, national origin, sex, disability, and age, federal and state antidiscrimination compliance laws are the same and therefore statements of intent and reports of compliance in these areas are not considered state mandates.)

Add Statement-of-Intent Requirement to Block Grant. Requiring schools to file statements of

intent to comply with antidiscrimination law helps the state ensure schools are aware of associated legal responsibilities and requirements. Moreover, minimal additional workload likely exists to provide these statements for the areas where state law exceeds federal law. This is because federal law requires schools to provide statements of intent to comply with all federal antidiscrimination laws in a single one-page document, and state law requires schools to include statements of intent to comply with all state antidiscrimination laws within the same one-page document. Consequently, we recommend adding this requirement to the block grant but not increasing block grant funding.

Amend Compliance Report Mandate to Provide Clearer Guidance. To date, CDE has not required schools to report on how they are complying with antidiscrimination laws. (The department states that it is unclear on exactly what schools are to report and how the reports are to be used.) We recommend the Legislature provide greater clarity in this area by requiring schools to submit compliance reports to CDE if evidence of systemic discrimination emerges. For example, CDE could require compliance reports from a school that loses a certain number of discrimination-related complaint appeals (or the number of unfavorable verdicts exceeds a certain threshold of the school's enrollment). If evidence of systemic discrimination emerges, we further recommend requiring CDE to inform the Governor and Legislature.

DEVELOPER FEES

Local Governments Authorized to Levy Fees on New Developments. State law authorizes local governments, including school districts, to charge real estate developers a levy known as a developer fee. Developer fees are intended to offset costs to the local government that result from new construction. For example, a city or county could impose a

developer fee on a new housing project to pay for the costs of expanding water and sewer lines.

State Has Requirements Regarding Developer Fees and School Overcrowding. If a school district determines that overcrowding is interfering with its educational programs and cannot be mitigated by the district, then state law requires the school district to notify the city or county in which it is located. The city or county then is prohibited from approving residential development projects in areas affected by school overcrowding. However, a new development may be approved if the city or county either (1) requires the developer to pay fees or dedicate land for temporary classroom facilities or (2) makes findings that overriding fiscal, economic, social, or environmental factors justify the approval of a residential development. If the city or county chooses to levy a developer fee under these circumstances, state law requires the school district to report certain information to the city and county regarding the fee revenue it receives and its spending on facilities.

Notification and Reporting Activities Found to Be Reimbursable Mandates. The CSM found the requirement that school districts notify cities and counties about overcrowding to be a reimbursable state mandate. The CSM also found the reporting activities that districts must undertake if a fee is levied to be reimbursable state mandates.

Mandate Unnecessary Since Districts Have an Incentive to Provide Notifications. School districts are overseen by locally elected governing bodies with responsibility to ensure effective educational services are being delivered in the district. School districts, therefore, already have a strong incentive at the local level to address the effects of overcrowding, including notifying their city or county about overcrowding in order to have them levy developer fees. For this reason, the state requirement for school districts to provide this notification is unnecessary.

Recommend Repealing Mandate. Given school districts already have a strong incentive to notify their city or county about overcrowding, we recommend the Legislature repeal the provisions of state law requiring them to perform this activity. In doing so, the reporting activities would no longer be considered reimbursable state mandates because they would only occur if a school district chose to notify the city or county about overcrowding.

PUBLIC CONTRACTS

Statute Requires Schools and Community Colleges Under Specified Circumstances to Contract for Repair and Maintenance Projects.

State law requires schools and community colleges to repair and maintain school property. Statute generally provides them with discretion to undertake repair and maintenance projects themselves (using district staff) or to contract with a private entity for the work. Public Contract Code, however, identifies a limited set of circumstances in which schools and community colleges *must* contract for repairs and maintenance. These conditions generally depend on the number of students served by a district and the cost and number of labor hours needed to complete the project. For example:

- A school district with *fewer than* 35,000 ADA generally must contract out for repairs and painting jobs if the project both (1) costs more than \$15,000 and (2) requires more than 350 labor hours.
- A school district with *more than* 35,000 ADA generally must contract out for repairs and painting jobs if the project both (1) costs more than \$15,000 and (2) requires more than 750 labor hours.

Statute also spells out similar conditions under which community college districts must contract for repairs and maintenance.

Certain Activities Associated With Contracting Out Found to Be Reimbursable Mandates.

In June 2003, Clovis Unified School District and Santa Monica Community College District filed a test claim with CSM alleging that a number of statutory provisions related to contracting out constitute state-reimbursable mandates for districts. (These districts contended that these provisions applied to COEs too.) In May 2012, CSM determined that the requirement to contract out for repairs and maintenance does not, in itself, constitute a state-reimbursable mandate. This is because school and community college districts have been statutorily required to contract for repairs and maintenance since before 1975. (As discussed earlier, requirements that predate 1975 do not qualify as state-reimbursable mandates.) The CSM identified, however, more than a dozen reimbursable activities that are triggered when districts are statutorily required to contract for repairs and maintenance. These reimbursable activities include:

- Specifying in any bid notice the type of license that contractors must hold to perform the repair or maintenance work.
- Including a clause in contracts regarding identification of hazardous waste or other potentially harmful conditions if discovered while digging trenches or other excavations that extend deeper than four feet below the surface.
- After awarding a contract, reviewing each payment request from a contractor “as soon as practicable” to determine if the amount of the payment request is accurate.
- Returning to the contractor within seven days any payment requests that are incorrect.

- For community colleges only, undertaking efforts designed to increase participation of underrepresented contractors in district repair activities (such as creating a list of female contractors who may be qualified to bid on projects).

The CSM found that COEs are *not* eligible for reimbursement because statute gives them broad discretion to undertake repair and maintenance projects either on their own or using a contractor.

Recommend Repealing the Mandate. We recommend the Legislature repeal the Public Contracts mandate. Schools' and community colleges' capacity to perform repair and maintenance projects "in house" can vary from district to district. Instead of a uniform requirement, the Legislature could amend statute to allow schools and community colleges to decide for themselves the situations in which they conduct repair and maintenance activities either on their own or by contracting with a private entity. Such an approach would be consistent with how the state treats COEs, which are given wide discretion to decide on how best to undertake repair and maintenance projects.

COMMUNITY COLLEGE CONSTRUCTION

Community Colleges Must Prepare and Regularly Review Capital Construction Plans.

Under current law, each community college district is required to prepare and submit to the statewide Board of Governors (BOG) a five-year plan of its capital construction needs. Each district must regularly review its plan and annually submit any updates or changes to the BOG. Districts generally are permitted to include in their plans any information they deem pertinent. Statute identifies six specific content areas, however, that must be included.

- The current enrollment capacity at the district.
- The current capacity of the district office, libraries, and certain other district facilities.
- An inventory of district facilities and land.
- Enrollment projections for the district.
- The extent to which plans for future academic and student-service programs could affect estimated construction needs.
- An estimate of monies the district has available for the purposes of matching state funding for capital outlay projects.

CSM Approves Part of Mandate Claim. In June 2003, Santa Monica Community College District filed a claim with CSM alleging that the statutorily required capital construction plans constituted a state-reimbursable mandate. In October 2011, CSM determined that the requirement for districts to prepare and submit a five-year plan does not, in itself, constitute a state-reimbursable mandate. This is because five-year plans have been required by statute since before 1975. (As mentioned earlier, requirements that predate 1975 do not qualify as state-reimbursable mandates.) The CSM found that four of the six required content areas, however, *do* constitute state-reimbursable mandates for districts. Specifically, these requirements include all, or parts, of the last four content areas noted above.

Recommend Repealing Mandate. We recommend the Legislature repeal the Community College Construction mandate. Instead of requiring districts to include the above content in their five-year plans, the Legislature could make the four specific mandated content areas voluntary. Given that it is standard information (and required

by the California Community Colleges Chancellor's Office as a condition of a district's participation in the state's capital outlay bond program), community college districts likely would continue to include and update this content in their plans. As such, the Legislature could achieve the overall policy objective without the need for a mandate.

CHARTER SCHOOLS IV

Charter Schools Approved to Operate and Monitored by Authorizers. Charter schools are publicly funded schools that are exempt from many state laws and operate under charters that describe their educational programs. Before opening, a charter school must submit its proposed charter to an authorizer, usually the school district within which the charter school will be located. The authorizer determines if the proposed charter is consistent with sound educational practice and adequately describes the school's academic goals, governance structure, disciplinary policy, safety procedures, and audit process, among other things. If the charter is approved, the authorizer assumes the responsibility of monitoring the school for compliance with the terms of its charter.

Many Charter School Oversight Activities Already Are Reimbursable Mandates. The existing Charter Schools I-III mandates reimburse authorizers for reviewing proposed charters, holding associated public hearings, and monitoring charter schools after approval. To defray monitoring costs, the state allows authorizers to collect an oversight fee from their charter schools. This fee generally is capped at the actual cost of monitoring each charter school or 1 percent of each charter school's general-purpose state funding, whichever is lower. The Charter Schools I-III mandates currently are included in the schools block grant.

State Revises Procedures for Establishing and Operating Charter Schools in 2002. Prior to

2002, state law did not impose specific restrictions on the location of charter school facilities. A few schools used this flexibility to operate satellite facilities far from their authorizers. In response, the Legislature passed Chapter 1058, Statutes of 2002 (AB 1994, Reyes). This law requires a charter school to describe the location of facilities in its proposed charter, operate facilities only within the geographic jurisdiction of its authorizer, and, if the charter already has been approved, obtain permission from its authorizer before opening new facilities. In addition, the law specifically requires authorizers to hold public meetings to review requests to open new facilities. The law also allows for the creation of charter schools with the authority to be located throughout a county ("countywide charter schools"), provided the schools initially are approved by a COE. As of 2013-14, the state has about 35 countywide charter schools serving more than 16,000 students.

2002 Legislation Includes a Few Other Requirements. Separate from addressing concerns over charter school locations, Chapter 1058 requires all charter schools to submit annual financial data to their authorizers in a standard format. The authorizers are required to forward this data to the appropriate COE to verify their mathematical accuracy. The COE then forwards the data to CDE. Chapter 1058 also requires each proposed charter to include a plan to be followed if the school closes and a plan for notifying the parents of high school students whether courses taken at the charter school are accredited and whether they meet college admission requirements (such as through qualification for the "A-G" course requirements).

Several New Approval and Oversight Activities Found to Be Reimbursable Mandates. Several of the changes contained in Chapter 1058 have been found to be reimbursable mandates. These activities make up the Charter Schools IV mandate, as summarized below.

- ***Reviewing Proposed Countywide Charter Schools.*** The COEs that review proposed countywide charter schools may claim reimbursement for the activities associated with this review. The reimbursable activities are similar to those performed during the review of noncountywide charter schools.
- ***Receiving Financial Information.*** Authorizers can claim reimbursement for receiving financial data from the charter schools they authorize and filing this data with the appropriate COE. (Authorizers are allowed to include this cost within their oversight fee.) The COEs can claim reimbursement for filing the data with CDE.
- ***Reviewing Additional Information in Proposed Charters.*** Authorizers can claim reimbursement for reviewing (1) the procedures to be used if the charter school closes, (2) the description of where the charter school intends to be located, and (3) the method of notifying parents about the accreditation and A-G status of high school courses.
- ***Holding Open Meetings to Review Requests for Additional Sites.*** Authorizers can claim reimbursement for the cost of holding a public meeting to consider the request by an existing charter school to open an additional site.
- ***Verifying Financial Information.*** The COEs can claim reimbursement for verifying the mathematical accuracy of charter school financial data.

Recommend Adding Oversight Activities to Schools Block Grant While Repealing Redundant

Activities. As shown in Figure 6, we recommend the Legislature retain four components of the Charter Schools IV mandate, adding them to the schools mandates block grant. We recommend making no adjustments to schools block grant funding, as we estimate the costs of the four activities are very minor based on initial claims data. We recommend repealing the three remaining parts of the Charter Schools IV mandate. Below, we describe each of these recommendations in greater detail.

Recommend Retaining Review of Countywide Charter Schools So These Schools Can Open.

Countywide charter schools operate a variety of specialized academic programs, including state and federal job training programs, language immersion programs, and early college high schools. This instruction is often provided at sites throughout a county. Without countywide charter schools, the alternative would be to seek separate authorization from several school districts. This alternative would likely (1) hinder the ability of the charter schools to deliver specialized programs and (2) increase costs, as the work of reviewing petitions for these charter schools would be transferred to school districts. For these reasons, we recommend the Legislature retain this mandate.

Recommend Retaining Requirement to Receive Financial Data for Accountability Purposes.

The financial data collected by authorizers and COEs and reported to the state is the only consistent source of statewide information showing how charter schools spend public funds. This data is used for a variety of purposes, including (1) meeting data tracking requirements required by federal grants, (2) allowing researchers and members of the public to identify local spending patterns, and (3) helping the Legislature understand the effects of various policy decisions. In addition, having the information flow from charter schools to the state through authorizers

and COEs takes advantage of the existing reporting relationships between these entities. For these reasons, we recommend the Legislature retain these mandates. (Given that CDE intends to implement new accounting software for all schools in 2015-16, we recommend the Legislature revisit this mandate next year to see if some of the associated activities could be streamlined. With the new accounting system, charter schools may be able to transmit their data directly to the state without authorizers or COEs having to coordinate the data transfers.)

Recommend Retaining Review of Closure Procedures and School Locations for Accountability Purposes. Having an orderly closure procedure reviewed in advance helps ensure that financial assets and student academic records are treated appropriately in the event of a closure. In addition, reviewing the proposed locations of charter school sites helps an authorizer determine if the number and location of sites are justified and well aligned with a charter school’s academic

program. For example, if the charter school proposes to serve a specific student population, the authorizer would want to determine if the proposed school sites are located in areas with high concentrations of these students. Given these fiscal and academic issues, we recommend the Legislature retain these two mandates.

Recommend Repealing Overlapping Parental Notification Requirement. The parental notification requirement for high school courses overlaps with several activities required by LCAPs. Specifically, LCAPs require schools to describe and set goals related to (1) plans to promote parental involvement in local decision-making and (2) the number of students taking A-G approved courses. (All schools offering A-G courses also must be accredited.) These goals themselves are developed in consultation with parents, among other local groups. Given the public nature of the LCAP, the parental notification procedure contained in the Charter Schools IV mandate appears unnecessary.

Figure 6

Recommend Retaining Some Portions of Charter Schools IV Mandate

Activity	Claimants	Assessment	Recommendation
Review requests to establish countywide charter schools	COEs	Necessary for countywide charter schools to open.	Retain
Receive and file financial statements	Authorizers, ^a COEs	Provides financial data about charter schools to state and the public.	Retain
Review closure procedures for proposed charter schools	Authorizers	Helps minimize negative fiscal and academic effects of closure.	Retain
Review operating location of proposed charter schools	Authorizers	Awareness of proposed location essential for oversight.	Retain
Review proposed parental notification procedures	Authorizers	Activity overlaps with similar LCAP requirements.	Repeal
Hold an open meeting to consider the request for an additional school site	Authorizers	Open meetings would occur without this specific mandate.	Repeal
Verify the mathematical accuracy of financial data	COEs	Obsolete with computerized accounting system.	Repeal

^a Refers to the entity authorizing the charter schools—in most cases a school district.
COEs = county offices of education and LCAP = Local Control and Accountability Plan.

In addition, this very specific mandate could draw attention away from the more vital components of charter review, including the proposed academic program and the proposed budget.

Recommend Repealing Redundant Open Meetings Requirement. The Charter Schools IV open meetings mandate is unnecessary because existing law (1) deems any request for an additional facility to be a “material revision” of a school’s charter; (2) requires all material revisions to be approved by the authority granting the charter (a local governing board, or, in a few cases, SBE); and (3) requires local governing boards (as well as the SBE) to make decisions only in open meetings with notice to the public provided in advance of the meetings. (These open meeting requirements are contained in the Ralph M. Brown Act and the Bagley-Keene Open Meeting Act as they apply, respectively, to local governing boards and the SBE.) That is, open meetings would occur in any case without the Charter Schools IV open

meetings mandate. (Proposition 30, adopted in 2012, specifies that the state no longer is required to reimburse local governments for the costs of holding open meetings.)

Recommend Repealing Obsolete Mathematical Verification Requirement. The mandate for COEs to verify the “mathematical accuracy” of charter school financial data is modeled on existing law requiring COEs to perform a similar verification for school districts. The Legislature enacted this law in 1988, prior to the statewide adoption of a computerized accounting system. The current accounting system and its related software—now mandatory for all LEAs to use—automatically verifies the mathematical accuracy of LEA financial data before the submission to a COE. Given a more efficient way now exists to ensure mathematical accuracy, COEs no longer need to perform the function. For this reason, we recommend the Legislature repeal this mandate.

SUMMARY OF RECOMMENDATIONS

Mandate Reimbursement Process

- ✓ **Reasonable Reimbursement Methodology (RRM).** Repeal process overseen by the Commission on State Mandates to create RRM for education mandates because the education mandates block grants serve the same function through the regular budget process.
- ✓ **Funding New Mandates.** When adding mandates to the education mandates block grants, adjust funding based on a variety of factors, including: (1) the variation in initial mandate claims, (2) the number of local educational agencies (LEAs) performing the activity, and (3) the likelihood initial claims may be overstated. In select cases, request our office or the Department of Finance to provide independent cost estimates.
- ✓ **Funding Cost Increases.** Provide a cost-of-living adjustment (COLA) to block grants similar to the COLA provided to other education programs. For 2014-15, provide a 0.86 percent COLA to the block grants for schools (\$1.9 million) and community colleges (\$0.3 million).

New Mandates

- ✓ **Parental Involvement Programs.** Repeal mandate since new Local Control Accountability Plans (LCAPs) include parental involvement as a state priority area and provide greater opportunities for parental involvement.
- ✓ **Williams Case Implementation.** Repeal most mandated activities since their goals can be fulfilled through other mechanisms, including LCAPs. Merge *Williams* complaint procedures with potentially improved Uniform Complaint Procedures (UCP).
- ✓ **UCP (Complaints).** Retain two requirements that help hold schools accountable for certain law violations. Modify two requirements to improve process.
- ✓ **UCP (Compliance).** Retain one requirement that ensures schools are aware of certain legal responsibilities. Modify one requirement to provide more specificity as to when compliance reports need to be submitted to the California Department of Education.
- ✓ **Developer Fees.** Repeal mandate since schools already have a strong incentive to perform the mandated activity.
- ✓ **Public Contracts.** Repeal mandate since school districts and community colleges are better positioned to determine if contracting out is needed.
- ✓ **Community College Construction.** Repeal mandate since community colleges have strong incentive to provide information voluntarily.
- ✓ **Charter Schools IV.** Retain four activities related to oversight and fiscal accountability. Repeal two activities redundant with other state laws. Repeal one obsolete activity.

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LAO Publications

This report was coordinated by Paul Golaszewski and reviewed by Jennifer Kuhn. The Legislative Analyst's Office (LAO) is a nonpartisan office that provides fiscal and policy information and advice to the Legislature.

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February 16, 2012

Governor's K-12 Mandates Proposal

LEGISLATIVE ANALYST'S OFFICE

Presented to:
Senate Budget and Fiscal Review Committee
Hon. Mark Leno, Chair





Background

- ☒ The state is required to reimburse school districts and county offices of education (COEs) for new programs or higher levels of service the state imposes on them. Charters schools must perform some state mandated activities but are not eligible for reimbursement.
- ☒ The state has about 40 active K-12 mandates. Another ten mandates have been suspended in recent years.
- ☒ The 2011-12 budget included \$80 million for K-12 mandate claims. Due to years in which the state provided no mandate funding or less than needed to cover total mandate costs, the state has a \$3.3 billion backlog in K-12 claims.
- ☒ The state performs a full audit on roughly 5 percent of K-12 dollars claimed. The state disallows about 75 percent of dollars claimed as a result of these audits.
- ☒ For most mandates, less than half of districts and COEs file claims.



Problems With Current K-12 Mandate System

- ☒ System not responsive to changing needs.
- ☒ State costs can be higher than anticipated.
- ☒ Regulations can create mandates, increasing state costs without legislative input.
- ☒ High percentage of audited claims ultimately disallowed.
- ☒ Uncertainty regarding timing and amount of reimbursements.
- ☒ Reimbursement process ignores effectiveness.
- ☒ Reimbursement process can reward inefficiency.
- ☒ Reimbursement rate can vary greatly without justification.
- ☒ Claiming process creates significant administrative burden.



Governor's Proposal

- ☒ Eliminates about half of K-12 mandates. Almost half of the mandates proposed for elimination already are suspended.
- ☒ Provides \$178 million for a new optional block grant to fund the remaining mandated activities. Permits charters to apply for block grant.
- ☒ Sets a per pupil rate of: \$30 for districts; \$89 for COEs; and \$26 for charters. These amounts are based on each local education agency's (LEA's) proportion of total state revenue limits funding.
- ☒ Allows LEAs to choose either to participate in the block grant or to submit mandate claims through the reimbursement process. Prohibits LEAs from doing both.
- ☒ Requires LEAs receiving block grant funds to undertake all associated activities. (Those LEAs selecting not to receive block grant funds would need to file separate reimbursement claims for all applicable mandates.)
- ☒ Subjects block grant funding to existing financial and compliance audits.



Governor's Proposal

(Continued)

Governor's K-12 Mandates Proposal	
Mandates Eliminated	
Active Absentee Ballots Agency Fee Arrangements Caregiver Affidavits Financial and Compliance Audits Habitual Truants Law Enforcement Agency Notifications Mandate Reimbursement Process Missing Children Reports Notification of Truancy Notification to Teachers: Pupil Discipline Records Notification to Teachers: Pupil Suspension or Expulsion I and II Physical Performance Tests Pupil Suspensions, Expulsions, Expulsion Appeals Threats Against Peace Officers	Suspended County Treasury Withdrawals Grand Jury Proceedings Health Benefits for Survivors of Peace Officers and Firefighters Law Enforcement Sexual Harassment Training Physical Education Reports Pupil Residency Verification Removal of Chemicals School Bus Safety I and II Scoliosis Screening Pending Cost Estimate/Under Litigation Behavioral Intervention Plans Graduation Requirements
Mandates in Block Grant	
AIDS Instruction and AIDS Prevention Instruction Annual Parent Notification California High School Exit Exam California State Teachers Retirement System Services Credit Charter Schools I, II, and III Collective Bargaining Comprehensive School Safety Plans County Office of Education Fiscal Accountability Reporting Criminal Background Checks I and II Differential Pay and Reemployment Immunization Records I and II	Intradistrict Attendance Juvenile Court Notices II Open Meetings/Brown Act Prevailing Wage Pupil Health Screenings Pupil Promotion and Retention Pupil Safety Notices School Accountability Report Cards II and III School District Fiscal Accountability Reporting School District Reorganization The Stull Act



Proposal Addresses Many Mandate Problems

- ☒ Many mandates proposed for elimination do not serve a compelling, statewide purpose, such as ensuring accountability or protecting public health and safety.
- ☒ Some mandates proposed for elimination are already required under federal law or likely would be performed even if not mandated.
- ☒ The LEAs participating in the block grant would be incentivized to perform activities more efficiently.
- ☒ Although fiscal incentives would vary by LEA, proposed funding level would encourage most, if not all, to choose the block grant.
- ☒ The state likely would have more information on compliance than under the current mandate reimbursement process.



Proposal Raises Some Concerns

- ☒ Treatment of mandates reflects administration's priorities. While a reasonable starting point, the Legislature may have different priorities for eliminating or retaining mandated activities.
- ☒ Proposal still allows LEAs to file claims. This means the problems with the current claims system could continue and costs could increase if some LEAs receive more funding by filing claims than they otherwise would through the grant.
- ☒ Block grant formula provides about three times as much funding, on a per pupil basis, to COEs as compared to districts and charters. There is no apparent reason why it would be more costly for COEs to perform the activities.
- ☒ Proposal does not address certain out-year issues. For example, it is unclear how (1) block grant funding might change in the future, and (2) whether new mandates would be included in the block grant.



Recommendations

- ☒ Adopt proposed block grant approach, but modify proposal so that (1) LEAs could not file mandate reimbursement claims and (2) all LEAs participating in the block grant receive the same per pupil rate.
- ☒ Establish a working group to (1) review the list of mandates proposed for elimination and (2) address remaining implementation details.



DataQuest

Full-time Equivalent (FTE) of Classified Staff 2015-16

State of California with County Information

 Select a Report: Full-Time Equivalent (FTE) of Classified Staff by County ▼

 Select a Year: 2015-16 ▼

 Select a County: ▼

		Female										Male										
Name	Code	American Indian or Alaska Native not Hispanic	Asian not Hispanic	Pacific Islander not Hispanic	Filipino not Hispanic	Hispanic or Latina of any Race	African American not Hispanic	White not Hispanic	Two or More Races not Hispanic	Total	American Indian or Alaska Native not Hispanic	Asian not Hispanic	Pacific Islander not Hispanic	Filipino not Hispanic	Hispanic or Latina of any Race	African America not Hispanic	White not Hispanic	Two or More Races not Hispanic	Total	Grand Total		
ALAMEDA	01	36.78	611.80	39.30	174.57	943.66	1,043.09	2,387.16	102.57	5,338.93	18.55	246.66	27.04	110.65	382.38	723.56	834.64	43.38	2,386.86	7,725.79		
ALPINE	02	0.89	0.00	0.00	0.00	0.00	0.00	11.43	0.00	12.32	0.00	0.00	0.00	0.00	1.00	0.00	3.76	0.00	4.76	17.08		
AMADOR	03	1.75	0.00	0.00	0.00	4.59	0.00	128.55	1.76	136.65	1.75	0.00	1.00	0.00	1.44	1.00	42.27	0.97	48.43	185.08		
BUTTE	04	18.06	38.95	5.05	3.66	164.06	13.67	963.24	28.75	1,235.44	5.89	13.89	2.38	2.36	48.67	12.46	305.56	7.00	398.21	1,633.65		
CALAVERAS	05	2.75	3.69	0.81	0.84	17.75	0.93	221.35	5.79	253.91	0.00	0.00	0.00	0.00	6.21	1.02	54.61	1.13	62.97	316.88		
COLUSA	06	1.00	0.00	0.00	0.00	75.87	1.42	108.66	1.00	187.95	0.00	0.00	0.00	0.00	15.02	0.00	37.06	0.50	52.58	240.53		
CONTRA COSTA	07	34.18	222.03	21.10	117.79	823.60	398.85	2,334.43	318.72	4,270.70	14.75	114.13	5.75	95.52	333.24	267.72	657.74	90.75	1,579.60	5,850.30		
DEL NORTE	08	5.70	2.49	0.00	0.00	13.24	0.00	146.02	0.91	168.36	3.44	1.88	0.00	0.00	2.44	1.00	46.66	1.00	56.42	224.78		
EL DORADO	09	5.54	6.67	2.10	5.50	56.56	3.27	734.14	12.76	826.54	3.10	2.00	2.55	2.88	41.01	7.07	244.28	2.44	305.33	1,131.87		
FRESNO	10	35.50	367.28	13.22	25.79	2,851.07	216.51	2,016.79	27.05	5,553.21	15.34	391.21	6.06	18.24	1,224.68	190.23	855.42	11.85	2,713.03	8,266.24		
GLENN	11	3.13	4.81	0.00	1.00	68.66	2.25	153.16	1.75	234.76	0.00	1.75	0.00	0.00	12.97	0.75	42.33	0.94	58.74	293.50		
HUMBOLDT	12	59.43	8.06	6.80	4.25	50.72	12.65	652.29	11.03	805.23	22.47	2.66	0.00	1.06	24.97	9.41	213.17	5.01	278.75	1,083.98		
IMPERIAL	13	3.00	2.38	2.57	3.47	989.97	10.99	119.75	6.50	1,138.63	0.00	1.00	0.00	2.00	451.00	27.77	53.07	2.00	536.84	1,675.47		
INYO	14	7.99	2.00	0.63	2.50	45.90	10.50	108.66	0.00	178.18	1.00	1.00	0.00	0.00	23.25	1.50	35.37	1.00	63.12	241.30		
KERN	15	42.22	53.15	13.33	75.20	3,071.40	377.66	2,624.32	34.20	6,291.48	14.72	44.66	4.00	40.20	883.37	153.42	760.89	10.76	1,912.02	8,203.50		
KINGS	16	6.29	10.29	3.14	10.00	442.47	26.10	425.80	21.44	945.53	0.00	4.50	2.00	2.41	152.15	12.22	134.37	8.17	315.82	1,261.35		
LAKE	17	9.45	1.00	2.19	0.23	50.32	2.39	326.36	2.88	394.82	1.88	0.00	0.00	0.00	21.02	1.88	93.20	0.00	117.98	512.80		
LASSEN	18	7.43	0.66	0.00	0.00	8.98	0.75	175.19	2.13	195.14	0.00	0.00	1.00	0.00	7.75	1.00	34.42	0.00	44.17	239.37		
LOS ANGELES	19	242.47	1,724.68	307.90	1,011.97	22,962.98	5,975.06	9,648.03	485.63	42,358.72	141.12	903.90	188.63	800.17	11,057.32	3,646.83	4,128.88	232.90	21,099.75	63,458.47		
MADERA	20	8.33	6.85	1.44	2.26	448.06	26.16	406.91	9.51	909.52	1.00	11.00	0.00	4.00	212.25	6.75	148.70	1.00	384.70	1,294.22		
MARIN	21	4.36	35.05	0.60	4.67	83.93	37.42	586.98	12.01	765.02	1.00	33.64	2.00	5.44	98.46	49.96	187.69	4.75	382.94	1,147.96		
MARIPOSA	22	5.91	0.75	0.00	0.00	4.72	1.35	149.24	0.00	161.97	1.01	0.00	0.00	0.00	2.63	0.00	30.60	0.00	34.24	196.27		
MENDOCINO	23	28.74	1.00	3.75	1.00	105.18	2.38	474.86	7.26	624.17	8.57	0.00	1.00	0.80	41.49	14.37	104.44	0.00	170.67	794.84		
MERCED	24	9.88	69.80	5.69	8.62	1,091.79	70.09	754.05	34.29	2,044.21	4.63	63.00	4.50	1.10	326.42	37.95	259.06	8.13	704.79	2,749.00		
MODOC	25	0.00	0.00	0.50	0.00	7.38	0.00	64.45	0.00	72.33	0.00	0.00	0.00	0.00	3.00	0.00	22.66	1.00	26.66	98.99		
MONO	26	1.50	2.25	1.00	0.40	16.50	2.00	64.20	0.00	87.85	0.00	0.00	0.00	0.00	8.00	0.00	18.75	0.00	26.75	114.60		
MONTEREY	27	11.20	41.56	8.86	45.08	1,327.81	23.76	570.66	23.98	2,052.91	4.97	16.34	32.92	30.05	521.49	50.16	186.23	13.55	855.71	2,908.62		
NAPA	28	5.69	12.17	1.50	7.79	234.66	14.10	383.18	5.46	664.55	0.00	4.63	2.75	5.63	79.67	9.25	101.59	0.00	203.52	868.07		
NEVADA	29	1.75	4.26	0.00	0.38	47.17	7.25	314.82	56.37	432.00	1.00	0.08	2.00	0.00	10.00	2.00	87.53	5.02	107.63	539.63		
ORANGE	30	74.71	762.95	54.20	140.04	3,909.94	202.67	5,828.63	288.60	11,261.74	29.44	437.18	22.31	75.50	2,455.18	168.06	1,838.55	167.44	5,193.66	16,455.40		
PLACER	31	17.70	34.91	7.12	12.87	182.58	34.11	1,525.28	19.94	1,834.51	10.22	17.05	4.31	7.78	101.92	16.80	422.22	24.97	605.27	2,439.78		
										103.73									36.16			

FTE Classified Staff Report

PLUMAS	32	1.00	0.00	0.00	0.00	1.47	0.00	95.56	5.70		1.00	0.00	0.00	0.00	1.63	1.00	30.95	1.58		139.89
RIVERSIDE	33	91.53	127.59	44.13	93.88	4,686.43	627.16	4,695.13	113.40	10,479.25	24.72	46.49	17.08	40.35	1,869.02	398.95	1,354.19	54.13	3,804.93	14,284.18
SACRAMENTO	34	55.34	409.95	43.04	93.82	1,224.19	588.32	3,751.47	257.85	6,423.98	15.81	228.02	22.11	51.56	507.26	369.00	1,395.05	113.29	2,702.10	9,126.08
SAN BENITO	35	1.43	2.50	0.00	1.63	192.64	1.86	140.80	1.36	342.22	0.00	0.75	0.00	3.50	72.73	2.50	20.70	0.00	100.18	442.40
SAN BERNARDINO	36	74.98	160.56	32.62	81.52	4,379.13	703.00	5,262.75	911.90	11,606.46	36.92	74.79	19.28	32.54	1,484.55	367.12	1,613.47	384.13	4,012.80	15,619.26
SAN DIEGO	37	84.49	423.22	86.43	366.53	4,962.75	714.60	6,870.86	301.04	13,809.92	48.14	150.37	59.71	226.87	2,323.21	537.23	2,617.50	122.07	6,085.10	19,895.02
SAN FRANCISCO	38	6.69	335.09	3.24	80.06	335.15	204.71	273.81	182.79	1,421.54	3.75	164.08	5.40	45.08	185.26	141.28	188.26	85.39	818.50	2,240.04
SAN JOAQUIN	39	58.42	255.24	28.79	140.64	1,460.66	240.88	1,969.76	48.46	4,202.85	20.79	154.94	10.90	69.46	502.76	135.59	551.68	23.51	1,469.63	5,672.48
SAN LUIS OBISPO	40	7.43	12.43	3.75	8.27	231.79	5.72	902.93	9.31	1,181.63	2.00	6.03	0.88	5.28	86.51	16.25	250.95	1.57	369.47	1,551.10
SAN MATEO	41	5.75	156.71	35.15	147.31	738.71	77.67	1,038.00	19.58	2,218.88	3.65	66.82	31.27	82.68	419.48	92.56	344.91	6.00	1,047.37	3,266.29
SANTA BARBARA	42	8.97	23.00	10.28	24.25	866.77	26.00	956.46	13.75	1,929.48	8.55	13.94	1.50	9.00	473.92	27.88	360.97	12.67	908.43	2,837.97
SANTA CLARA	43	40.32	952.33	33.28	269.35	2,445.68	207.75	2,490.72	63.55	6,502.98	8.94	274.19	20.37	161.08	1,237.39	154.35	728.27	23.44	2,608.03	9,111.07
SANTA CRUZ	44	2.12	19.75	0.50	46.84	904.37	1.69	590.19	19.67	1,585.13	4.31	5.81	1.00	52.84	350.81	6.13	164.06	2.11	587.07	2,172.20
SHASTA	45	30.15	10.19	3.13	8.11	45.66	5.33	859.54	50.09	1,012.20	8.90	7.50	1.94	1.00	22.81	3.25	288.90	6.80	341.10	1,353.30
SIERRA	46	0.00	0.00	0.00	0.00	2.00	0.00	21.35	0.00	23.35	0.00	0.00	0.00	0.00	1.64	0.00	1.40	0.00	3.04	26.39
SISKIYOU	47	8.57	2.64	3.91	0.00	21.15	1.75	280.31	1.63	319.96	4.00	0.50	2.00	0.00	6.78	1.10	60.23	0.50	75.11	395.07
SOLANO	48	27.80	57.36	18.14	93.36	321.54	239.92	965.73	163.35	1,887.20	3.51	20.74	9.38	45.21	94.46	149.79	247.34	73.01	643.44	2,530.64
SONOMA	49	19.16	48.56	12.31	18.24	488.75	19.45	1,548.89	57.11	2,212.47	8.81	21.50	4.50	10.50	173.61	57.04	322.30	7.39	605.65	2,818.12
STANISLAUS	50	39.14	63.39	16.17	15.85	1,183.23	62.00	1,916.43	57.38	3,353.59	7.88	24.17	16.19	4.26	419.37	31.28	538.66	16.87	1,058.68	4,412.27
SUTTER	51	5.44	28.26	3.43	5.75	132.30	6.38	457.69	3.75	643.00	1.00	5.50	2.63	2.90	69.74	9.31	133.72	1.00	225.80	868.80
TEHAMA	52	10.66	2.50	2.75	0.00	86.71	1.50	453.68	1.51	559.31	5.00	0.00	0.70	1.00	16.93	1.00	107.14	2.88	134.65	693.96
TRINITY	53	2.51	1.22	0.00	0.88	2.31	0.00	102.17	9.00	118.09	2.84	0.00	0.00	0.00	0.31	0.00	36.21	0.00	39.36	157.49
TULARE	54	16.39	25.56	4.00	23.46	1,665.41	36.22	1,077.21	46.33	2,894.58	7.69	27.41	3.00	23.32	741.69	34.51	421.09	27.41	1,286.12	4,180.70
TUOLUMNE	55	1.00	1.67	0.00	5.00	11.48	1.00	236.03	25.34	281.52	0.00	0.00	0.00	0.00	0.46	1.50	67.77	1.81	71.54	353.06
VENTURA	56	38.61	80.73	8.35	70.53	1,486.38	46.69	1,739.62	53.24	3,524.15	21.13	29.37	9.13	54.87	713.36	49.71	541.29	22.34	1,441.20	4,965.39
YOLO	57	18.88	38.99	1.56	6.43	301.29	16.46	473.54	1.92	859.07	10.32	18.63	0.00	22.38	79.94	37.39	110.87	1.93	281.46	1,140.52
YUBA	58	6.63	20.94	5.44	2.44	114.54	13.61	388.94	0.44	552.98	1.44	13.61	0.81	1.00	54.07	6.47	99.97	0.00	177.37	730.39

	Female									Male									
	American Indian or Alaska Native not Hispanic	Asian not Hispanic	Pacific Islander not Hispanic	Filipino not Hispanic	Hispanic or Latina of any Race	African American not Hispanic	White not Hispanic	Two or More Races not Hispanic	Total	American Indian or Alaska Native not Hispanic	Asian not Hispanic	Pacific Islander not Hispanic	Filipino not Hispanic	Hispanic or Latina of any Race	African American not Hispanic	White not Hispanic	Two or More Races not Hispanic	Total	Grand Total
Statewide Totals	1,356.74	7,291.87	903.20	3,264.03	68,394.01	12,367.05	73,968.16	3,941.74	171,486.80	566.95	3,667.32	551.98	2,152.47	30,460.10	8,046.33	24,583.57	1,637.49	71,666.21	243,153.01

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Certificated Staff by Ethnicity for 2014-15

State of California All Certificated Staff

Report:

Year:

County:

Gender:

Staff Type:

State of California

Level	Code	Hispanic	American Indian or Alaska Native	Asian Not Hispanic	Pacific Islander Not Hispanic	Filipino Not Hispanic	African American Not Hispanic	White Not Hispanic	Two or More Races Not Hispanic	No Response	Total
State	00	65,579	1,766	18,458	1,105	5,266	14,585	222,724	2,652	14,032	346,167

Download Data

Download a semicolon-delimited file of this data to your computer. You will need to select "Save" after selecting the "Download Data" button. Once the file is saved to your computer it may be imported into another software for analysis.

Report is for Year: 2014-15, Gender: All Genders, StaffType: All Certificated Staff

Report generated: 9/19/2016 2:14 PM

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Child Abuse Mandated Reporter Training California



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California
Department
of Social
Services

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Training Modules

Below is a list of free training modules available at this time, and also the trainings that are currently being revised. Please keep in mind the following when determining which modules will best meet your needs:

The General Training is 100% self-paced so you decide when to start and end your training. It is required that anyone who needs to take a profession specific training, must take the General Training first.

Available Trainings:

General Modules

The general training module is all inclusive, non-profession specific, and should be taken by every Mandated Reporter.

- [General Training 4 hours](#)
- [Español Entrenamiento General 4 hours](#)

School Personnel Training

The School Personnel training module is all inclusive, school staff profession specific, and should be taken by every Mandated Reporter that works in a school environment.

- [School Personnel 90-180 minutes](#)

Profession Specific Modules

The profession-specific training modules are for specific fields of employment, study and volunteers. These trainings are to be taken after completion of the General Training.

- [Medical Professionals 2 hours](#)
 - [Pre-/Post-Licensed Mental Health Professionals and Social Workers 3 hours](#)
 - [Law Enforcement Professionals 2 Hours](#)
 - [Clergy 2 hours](#)
 - [Child Care Providers 2 hours](#)
 - [Español Entrenamiento Profesionistas Obligados a Reportar Abuso Infantil 2 Hours](#)
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