

Hearing: October 26, 1995
Staff: Mary Ann Aguayo
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PROPOSED PARAMETERS AND GUIDELINES

Education Code Section 4660 1

Education Code Section 4660 1.5

Education Code Section 48204, Subdivision (f)

Chapter 172, Statutes of 1986

Chapter 742, Statutes of 1986

Chapter 853, Statutes of 1989

Chapter 10, Statutes of 1990

Chapter 120, Statutes of 1992

Interdistrict Attendance Permits

I. SUMMARY OF THE SOURCE OF THE MANDATE

Education Code section 46601 as added by Chapter 742/86, and amended by Chapter 853/89, requires school districts and county boards of education to expand on a pre-existing appeals process by performing a notification and appeals process for interdistrict attendance permit applicants.

Education Code section 46601.5, subdivisions (a), (b) and (c), of Chapters 172/86, 10/90 and 120/92 in conjunction with designated portions of Education Code section 48204, subdivision (f) of Chapters 172/86, 10/90 and 120/92, require school districts when considering an interdistrict transfer request, to give consideration to the child care needs of the pupil, ensuring that an application for a continuing child care transfer is not denied or revoked for arbitrary or impermissible reasons; if applicable, to evaluate the impact of proposed continuing child care transfers on court-ordered desegregation plans; provide information to the governing board in order to facilitating that board's responsibility to decide on a continuing child care transfer, and if denied or revoked, communicating to the pupil's parent or guardian the specific reasons for that determination and recording it in the minutes of the board meeting in which the determination was made. In addition, districts must annually determine whether continuing child care transfers, when considered with parent employment transfers, fall within the statutory limits as specified in the statutes.

II. COMMISSION ON STATE MANDATES DECISION

The Commission on State Mandates, in the Statement of Decision adopted at the May 24, 1995 hearing found that the following Education Code sections impose a new program or higher level of service for school districts within the meaning of Section 6, Article XIII B of the California Constitution:

Education Code section 46601 of Chapter 742/86, and Chapter 853/89, first two paragraphs and the introductory sentence of paragraph three, requires school districts to 1) notify the

permit applicant of the right to appeal to the county board of education if the application for an interdistrict attendance permit is denied by the district; and 2) advise the permit applicant of the right to appeal to the county board of education if the district refuses to enter into an agreement or issue a permit.

Education Code section 46601, subdivisions (a), (b), and (c), of Chapter 742/86, and Chapter 853/89, require:

- ☒ The county board of education or its designee to verify that local remedies have been exhausted before accepting an appeal, and while investigating the adequacy of local appeals, the designee is to provide any additional information deemed useful to the county board in reaching a decision;
- ☒ The school district to respond to information requests from the county board during the board's investigatory process;
- ☒ The school district, when requested by the county board of education, to reconsider an appeal for an unsuccessful permit.

Education Code section 46601, subdivision (d), of Chapters 742/86 and 853/89 requires the county board of education to provide an appeal process for interdistrict attendance requests between counties, as specified.

Education Code section 4660 1.5, subdivisions (a), (b) and (c), of Chapters 172/86, 1 0/90 and 120/92 in conjunction with designated portions of Education Code section 48204, subdivision (f), of Chapters 172/86, 10190 and 120192, require that:

- ☒ Districts shall, in considering an interdistrict transfer request, give consideration to the child care needs of the pupil, ensuring that an application for a continuing child care transfer is not denied or revoked for arbitrary or impermissible reasons;
- ☒ Districts subject to court-ordered desegregation plans must evaluate the impact of proposed continuing child care transfers on such plans;
- ☒ District staff must prepare and present information to the governing board in a cost-effective manner, facilitating that board's responsibility to decide whether a proposed continuing child care transfer should be prohibited, and the reasons therefor;
- ☒ In the case of a denied or revoked continuing child care transfer, the governing board must communicate in writing to the pupil's parent or guardian the specific reasons for that determination;
- ☒ The governing board must ensure that the determination to prohibit a continuing child care transfer, including the specific reasons therefore, is accurately recorded in the minutes of the board meeting in which the determination was made; and
- ☒ Districts must annually determine whether continuing child care transfers, when considered with parent employment transfers, fall within the statutory limits as specified therein.

III. ELIGIBLE CLAIMANTS

Any “school district”, as defined in Government Code section 175 19, except for community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement.

IV. PERIOD OF REIMBURSEMENT

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was submitted on December 13, 1993 (per Commission request, an amendment was submitted January 7, 1994), therefore all mandated costs incurred on or after July 1, 1992 for implementation of Education Code Section 4660 1, first two paragraphs, the introductory sentence of paragraph three, and subdivisions (a), (b) (c) and (d), Education Code section 46601.5, subdivisions (a), (b) and (c), in conjunction with designated portions of Education Code section 48204, subdivision (f), are reimbursable until repealed as of July 1, 1998. (The section 46601.5 sunset date was extended to July 1, 1998 by Chapter 1262/94, section 2, effective September 30, 1994.)

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Section 1756 1 (d) (3) of the Government Code, all claims for reimbursement of initial years’ costs shall be submitted within 120 days from the date on which the State Controller issued claiming instructions on funded mandates contained in the claims bill.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise provided for by Government Code section 17564.

V. REIMBURSABLE COSTS

A. SCOPE OF THE MANDATE

- (1) Regarding all interdistrict attendance permit appeals process, school districts and governing boards are reimbursed for the requirement to carry out the specific activities as follows:
 - a) School districts must notify the permit applicant of the right to appeal to the county board of education if the application for an interdistrict attendance permit is **denied** by the district.
 - b) School districts must advise the permit applicant of the right to appeal to the county board of education if the district refuses to enter into an agreement.
 - c) The county board of education or its designee must verify that local remedies have been exhausted before accepting an appeal, and while investigating the adequacy of local appeals, provide any additional information deemed useful to the county board in reaching a decision.
 - d) The school district must respond to information requests from the county board during the board’s investigatory process.
 - e) The school district, when requested by the county board of education, must reconsider an appeal for an unsuccessful permit.

(f) The county board of education must provide an appeal process for interdistrict attendance requests between counties, as specified in Education Code section 46601, subdivision (d) .

(2) When considering an interdistrict transfer request, school districts and governing boards are required to carry out the following activities related to child care needs:

- (a) School districts must, when considering an interdistrict transfer request, give consideration to the child care needs of the pupil, ensuring that an application for a continuing child care transfer is not denied or revoked for arbitrary or impermissible reasons.
- (b) School districts subject to court-ordered desegregation plans must evaluate the impact of proposed continuing child care transfers on such plans.
- (c) School district staff must prepare and present information to the governing board in a cost-effective manner, facilitating that board's responsibility to decide whether a proposed continuing child care transfer should be prohibited, and the specific reasons why.
- (d) In the case of a denied or revoked continuing child care transfer, the governing board must communicate in writing to the pupil's parent or guardian the specific reasons for that determination.
- (e) The governing board must ensure that the determination to prohibit a continuing child care transfer, including the specific reasons therefore, is accurately recorded in the minutes of the board meeting in which the determination was made.
- (f) School districts must annually determine whether continuing child care transfers, when considered with parent employment transfers, fall within the statutory limits.

B. REIMBURSABLE ACTIVITIES

For each eligible school district, the direct and indirect costs of labor, supplies and services incurred for the following mandate components are reimbursable:

1. Application Evaluation

In considering an interdistrict transfer request application, give consideration to the child care needs of the pupil, and ensure than a continuing interdistrict transfer request application for child care needs is not denied or revoked for arbitrary or impermissible reasons. For districts subject to court-ordered integration plans, determine the effect the potential transfer would have on the district's plan.

2. Presentation to the Governing Board

Prepare and present information regarding the transfer application for child care purposes to the governing board in a cost-effective manner; and in the case of a rejected application, the specific reasons must be accurately recorded in the minutes of the governing board meeting.

3. Notice of Denied Applications

In the case of a rejected application for an interdistrict transfer for child care purposes, provide a written explanation of the reasons to the parent or guardian.

4. Transfer Statistics

Determine on an annual basis whether net child care-related resident pupil transfers, when considered with parent employment transfers, fall within the statutory limits.

5. County Appeals Process

Notify pupil transfer applicants of the right of appeal to the county office of education when a request is denied for interdistrict attendance for any reason, respond to any information requests from the county office of education pursuant to the appeal, and upon the request of the county office of education, reconsider the pupil's interdistrict attendance request.

For each eligible county office of education, the direct and indirect costs of labor, supplies and services incurred for the following mandate components are reimbursable:

6. Intra-County Appeals Process

Verify that school district remedies have been exhausted before accepting a pupil's appeal, investigate the adequacy of the local appeals, and report to the county board of education any additional information useful in reaching a decision.

7. Inter-County Appeals Process

Provide the necessary appeal process (notice, investigation hearing, and decision) or participate in the appeal process of the other county if the other county has jurisdiction.

VI. CLAIM PREPARATION

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each item for which reimbursement is claimed under this mandate.

A. REPORTING BY COMPONENTS

Claimed costs must be allocated according to the seven components of reimbursable activity described in Section V. B.

B. SUPPORTING DOCUMENTATION

Claimed costs should be supported by the following information:

1. Employee Salaries and Benefits

Identify the employee(s) and their job classification, describe the mandated functions performed, and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study.

2. Materials and Supplies

Only the expenditures which can be identified as a direct cost of the mandate can be claimed. List costs of materials which have been consumed or expended specifically for the purpose of this mandate.

3. Contracted Services

Give the name(s) of the contractor(s) who performed the service(s). Describe the activities performed by each named contractor, and give the number of actual hours spent on the activities. Show the inclusive dates when services were performed and itemize all costs for those services.

4. Allowable Overhead Cost

School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.

County offices of education must use the J-580 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.

C. COST ACCOUNTING STATISTICS

The State Controller is directed to include in claiming instructions each year the requirement that claimants report to the State Controller the following statistics for the purpose of establishing a database for potential future reimbursement based on prospective rates:

1. Number of interdistrict attendance permit requests for child care purposes received, granted, and denied by the school district each fiscal year, and the average daily attendance for the district for each year.
2. Number of interdistrict attendance permit appeals received, and the number of appeals heard and decided by the county office of education each fiscal year

VII. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets (e.g., employee time records, invoices, receipts, purchase orders, contracts, etc.) that show evidence of, and the validity of such claimed costs. Pursuant to Government Code section 17558.5, these documents must be retained by the agency submitting the claim for a period of no less than four years after the end of the calendar year in which the reimbursement claim is filed, and made available on the request of the State Controller.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, e.g., service fees collected, federal funds, other state funds, etc., shall be identified and deducted from this claim. While not specifically researched, the Commission has not identified any specific offsetting savings from state or federal sources applicable to this mandate.

IX. REQUIRED CERTIFICATION

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained therein.