

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Sections 35 147, Government Code Section 54952, as amended by Statutes of 1993, Chapter 1138, Statutes of 1994, Chapter 239;

Filed on April 17, 1996

By the Kern Union High School District, San Diego Unified School District, and County of Santa Clara, Claimants.

No. CSM 4501

School Site Councils and Brown Act Reform

ADOPTION OF PARAMETERS AND GUIDELINES PURSUANT TO GOVERNMENT CODE SECTION 17557 AND TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 1183.12

(Adopted on March 29, 2001)

ADOPTED PARAMETERS AND GUIDELINES

The attached Parameters and Guidelines is hereby adopted in the above-entitled matter.

This Decision shall become effective on March 30, 2001.



PAULA HIGASHI, Executive Director

Parameters and Guidelines

Government Code Section 54952
Education Code Section 35 147
Statutes of 1993, Chapter 1138
Statutes of 1994, Chapter 239

School Site Councils

I. SUMMARY OF THE MANDATE

Statutes of 1993, Chapter 113 8 (“Chapter 113 8/93”) among other things, added Government Code section 54952, subdivision (a) which provided, in relevant part, that the term “legislative body” for purposes of the open meeting requirements of the Ralph M. Brown Act (“Brown Act”) also includes any local body created by state or federal statute. School site councils and advisory committees of school districts became subject to the requirements of the Brown Act at the result of Chapter 113 8/93.

Statutes of 1994, Chapter 239 (“Chapter 239/94”) added Education Code section 35147. This section removed certain school site councils and advisory committees from the requirements of the Brown Act, and instead imposed an abbreviated set of open meeting requirements on school site councils and advisory committees established as part of the following programs: School Improvement Program; Native American Indian Early Childhood Education Act; Chacon-Moscone Bilingual-Bicultural Education Act; School-Based Coordination Program; Compensatory Education Program; Migrant Education Program; Motivation and Maintenance Program; and the federal Indian Education Program.

The Commission on State Mandates, in its Statement of Decision dated April 27, 2000, determined that Government Code section 54952, subdivision (a), from April 1, 1994 through July 21, 1994, and Education Code section 35 147, beginning on July 21, 1994, imposed a reimbursable state-mandated new program or higher level of service within the meaning of section 6, article XIII B of the California Constitution.

II. ELIGIBLE CLAIMANTS

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

III. PERIOD OF REIMBURSEMENT

Section 17557 of the Government Code, prior to its amendment by Statutes of 1998, Chapter 68 1 (effective September 22, 1998), stated 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 filed on December 26, 1995, establishing eligibility for Fiscal Year 1994-95.

Therefore, costs incurred on or after July 1, 1994, but prior to July 21, 1994, for compliance with

Statutes of 1993, Chapter 1138, are reimbursable. Statutes of 1994, Chapter 239, contained an urgency clause making it effective July 21, 1994. Therefore, costs incurred on or after July 21, 1994, for compliance with Statutes of 1994, Chapter 239, are reimbursable.

Reimbursable 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 Government Code section 17561, subdivision (d)(1), all claims for reimbursement of initial years' costs shall be submitted within 120 days of the issuance of the State Controller's claiming instructions. Claimants shall use the uniform cost allowance specified in Section V. for costs incurred beginning in fiscal year 1994-95.

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

IV. REIMBURSABLE ACTIVITIES

The direct and indirect costs of labor, materials and supplies, contracted services, fixed assets, travel, and training incurred for the following mandate component are reimbursable:¹

Performing the following activities for meetings of school site councils and advisory committees established as part of School Improvement Program; Native American Indian Early Childhood; Chacon-Moscone Bilingual-Bicultural Education Act; School-Based Coordination Program; Compensatory Education Program; Migrant Education Program; Motivation and Maintenance Program; or Federal Indian Education Program:²

- ⌘ Allowing any member of the public to address the council or committee on items included on each agenda;
- ⌘ Drafting, typing or word processing, and reviewing an agenda including a brief general description of each item of business to be discussed or acted upon at each meeting;
- ⌘ Posting an agenda of each meeting 72 hours before the time set for the meeting, specifying the date, time and location of the meeting;
- ⌘ Not taking action on any item of business unless that item appeared on the posted agenda; and
- ⌘ Reconsidering the item, after allowing for public input, if the procedural meeting requirements are violated.

V. UNIFORM ALLOWANCE

Pursuant to Government Code section 17557, the Commission on State Mandates is adopting a uniform allowance for reimbursement of the costs incurred for the activities described under

¹For the period of July 1, 1994, but prior to July 21, 1994, this applies to *all meetings* conducted by the school site councils and advisory committees. On or after July 21, 1994, this applies to *only general open meetings* conducted by school site councils and advisory committees.

² Education Code, sections 52012, 52065, 52176, 52852, 54425, subdivision (b), 54444.2, and 54724; Title 25, United States Code, section 2604. (See exhibit G of the Administrative Record.)

Section IV. Reimbursable Activities in lieu of payment of the actual direct and indirect costs incurred for those activities. The uniform allowance covers all direct and indirect costs of performing activities described in Section IV.

For Fiscal Year 1994-95, the uniform allowance is \$90.27 for each reimbursable meeting of the school site council or advisory committee. The uniform cost allowance shall be adjusted each subsequent year by the Implicit Price Deflator referenced in Government Code section 17523. Reimbursement is determined by multiplying (1) the uniform allowance times (2) the number of reimbursable school site council and advisory committee meetings conducted during the Fiscal Year.

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. Direct and Indirect Costs

The uniform allowance set forth in Section V. Uniform Allowance reimburses school districts for the direct and indirect costs of labor (salaries and benefits), materials and supplies, contracted services, fixed assets, travel, and training.

B. Exceptional Costs for Components A-B

The Commission has not identified any circumstances which would cause a school district to incur additional costs to implement this mandate which have not already been incorporated in the uniform cost allowance.

School districts incurring any identified unique costs within the scope of the reimbursable mandate activities may submit a Request to Amend the Parameters and Guidelines to the Commission for the unique costs to be approved for reimbursement, subject to the provisions of California Code of Regulations, Title 2, section 1183.2.

VII. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of the validity of such costs and their relationship to the state mandated program. Copies of meeting agendas, meeting minutes, or other evidence that a meeting of a school site council or advisory committee occurred are examples of source documents for this mandate. Pursuant to Government Code section 1755 8.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim is filed or last amended, or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of initial payment of the claim. These documents must be made available to the State Controller upon request.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings that the claimant experiences as a direct result of this mandate must be deducted from the costs claimed. In addition, any additional revenue that was specifically intended to fund the costs of this mandate, and any services charges, fees or assessments that were authorized to pay the costs of this mandate shall be identified and deducted from this claim.

IX. REQUIRED CERTIFICATION

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

X. PARAMETERS AND GUIDELINES AMENDMENTS

Pursuant to Title 2, California Code of Regulations, section 1183.2, parameters and guidelines amendments filed before the deadline for initial claims as specified in the Claiming Instructions shall apply to all years eligible for reimbursement as defined in the original parameters and guidelines. A parameters and guidelines amendment filed after the initial claiming deadline must be submitted on or before January 15, following a fiscal year in order to establish eligibility for reimbursement for that fiscal year.