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GOVERNOR



STATE OF CALIFORNIA COMMISSION ON STATE MANDATES

REPORT TO THE LEGISLATURE: APPROVED MANDATE CLAIMS

January 1, 2019 – June 30, 2019

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I. INTRODUCTION

Commission on State Mandates

Test Claim Process

Article XIII B, section 6 of the California Constitution requires the state to provide a subvention of funds to reimburse local government for the costs of new programs or increased levels of service mandated by the state. To implement article XIII B, section 6, the Legislature created the Commission on State Mandates (Commission) to succeed the State Board of Control in making determinations whether new statutes or executive orders are state-mandated programs.¹ The Commission was established to render sound quasi-judicial decisions and to provide an effective means of resolving disputes over the existence of state-mandated local programs. The Commission provides the sole and exclusive procedure for local agencies and school districts (claimants) to resolve disputes over the existence of state-mandated local programs and costs mandated by the state. The Commission is required to hear and decide claims (test claims) filed by local agencies and school districts that they are entitled to be reimbursed by the state for costs mandated by the state.²

Parameters and Guidelines

Government Code section 17557 provides that if the Commission determines that a statute or executive order imposes a mandate upon local agencies and school districts, the Commission is required to determine the amount to be subvended to local agencies and school districts for reimbursement by adopting parameters and guidelines. In adopting parameters and guidelines, the Commission may adopt a reasonable reimbursement methodology (RRM). Once parameters and guidelines are adopted, the Commission is required to adopt a statewide cost estimate of the mandated program (Gov. Code, § 17553).

Alternative Processes

Government Code section 17557.1 and 17557.2 provide an alternate process for determining the amount to be subvended for mandated programs. Under 17557.1, local governments and the Department of Finance may jointly develop reasonable reimbursement methodologies (RRMs) and statewide estimates of costs for mandated programs for approval by the Commission in lieu of parameters and guidelines and statewide cost estimates. Government Code section 17557.2 requires that joint RRMs have broad support and, if approved, they remain in effect for five years unless otherwise specified. Jointly developed RRMs and statewide estimates of costs that are approved by the Commission are included in the Commission's Annual Reports to the Legislature. To date, only one jointly developed RRM has ever been approved and it expired and was not extended by the parties so the Commission adopted parameters and guidelines for that program.

Government Code sections 17572 and 17573 provide another alternative process where the Department of Finance and local agencies, school districts, or statewide associations may jointly request that the Legislature determine that a statute or executive order imposes a state-mandated program, establish a reimbursement methodology, and appropriate funds for reimbursement of costs. This process is intended to bypass the Commission's test claim process, thus providing the Commission with more time to complete the caseload backlog. To date, this process has not been successfully utilized.

¹ Statutes 1984, chapter 1459, Government Code section 17500, et seq.

² Government Code section 17551.

Report to the Legislature

The Commission is required to report to the Legislature at least twice each calendar year on the number of mandates it has found, the estimated statewide costs of each mandate, and the reasons for recommending reimbursement.³ In 2010, SB 894 (Stats. 2010, ch. 699) was enacted to require the Commission to expand its Report to the Legislature to include:

- The status of pending parameters and guidelines that include proposed reimbursement methodologies.
- The status of pending joint proposals between the Department of Finance and local governments to develop reasonable reimbursement methodologies in lieu of parameters and guidelines.
- The status of joint proposals between the Department of Finance and local governments to develop legislatively-determined mandates.
- Any delays in the completion of the above-named caseload.

This report fulfills these requirements.

Legislative Analyst

After the Commission submits its report to the Legislature, the Legislative Analyst is required to submit a report to the Joint Legislative Budget Committee and legislative fiscal committees on the mandates included in the Commission's reports. The Legislative Analyst's report shall make recommendations as to whether each mandate should be repealed, funded, suspended, or modified.

The Legislature

Upon receipt of the report submitted by the Commission pursuant to Government Code Section 17600, funding shall be provided in the subsequent Budget Act for costs incurred in prior years. No funding shall be provided for years in which a mandate is suspended.⁴

The Legislature may amend, modify, or supplement the parameters and guidelines, reasonable reimbursement methodologies, and adopted statewide estimates of costs for the initial claiming period and budget year for mandates contained in the annual Budget Act. If the Legislature amends, modifies, or supplements the parameters and guidelines, reasonable reimbursement methodologies, or adopted statewide estimates of costs for the initial claiming period and budget year, it shall make a declaration in separate legislation specifying the basis for the amendment, modification, or supplement.⁵

Mandate Funding Provisions

If the Legislature deletes from the annual Budget Act funding for a mandate, the local agency or school district may file in the Superior Court of the County of Sacramento an action in declaratory relief to declare the mandate unenforceable and enjoin its enforcement for that fiscal year.⁶ Under Proposition 1A, which amended article XIII B, section 6 of the California Constitution, city, county, city and county, or special district mandate claims for costs incurred

³ Government Code section 17600.

⁴ Government Code section 17612(a).

⁵ Government Code section 17612(b).

⁶ Government Code section 17612(c).

prior to the 2004-2005 fiscal year that have not been paid prior to the 2005-2006 fiscal year may be paid over a term of years, as prescribed by law. However, for the 2005-2006 fiscal year and every subsequent fiscal year, the Constitution now requires the Legislature to either appropriate in the annual Budget Act the full payable amount that has not been previously paid or suspend the operation of the mandate for the fiscal year for which the annual Budget Act is applicable.

If payment for an initial reimbursement claim is being made more than 365 days after adoption of the statewide cost estimate, the State Controller’s Office (Controller) shall include accrued interest at the Pooled Money Investment Account rate.⁷

If the amount the Legislature appropriates is insufficient to pay all of the reimbursement claims filed and approved for reimbursement, the Controller will prorate the claims.⁸ If the funds to cover the remaining deficiency are not appropriated in the Budget Act, the Controller shall report this information to the legislative budget committees and the Commission.

II. NEW MANDATES

The following table shows the statewide cost estimates that were adopted during the period of January 1, 2019 through June 30, 2019.

**Statewide Cost Estimates (SCE) Adopted
During the Period of January 1, 2019 through June 30, 2019**

<i>Adoption Date, Claim Name and Number, and Initial Claiming Period</i>			<i>Estimated Costs for Initial Claiming Period</i>			<i>Estimated Future Annual Costs</i>
<i>Date</i>	<i>Test Claim Name and Number</i>	<i>Initial Claiming Period</i>	<i>Education (K-14)</i>	<i>Local Agency</i>	<i>Totals</i>	<i>Annual</i>
3/22/19	<i>Cal Grant: Opt- Out Notice and Grade Point Average Submission,⁹ 16-TC-02</i>	7/1/15 and 1/1/17	\$349,023	-	\$349,023	\$140,859
TOTAL			\$349,023		\$349,023	

⁷ Government Code section 17561.5(a).

⁸ Government Code section 17567.

⁹ Note that the underlying Test Claim was entitled *Cal Grant: Grade Point Average and Graduation Certification*, 16-TC-02 but that the Parameters and Guidelines were renamed consistent with the activities approved for reimbursement.

III. PENDING PARAMETERS AND GUIDELINES, REQUESTS TO AMEND PARAMETERS AND GUIDELINES, AND STATEWIDE COST ESTIMATES CASELOAD

Following are tables showing parameters and guidelines, requests to amend parameters and guidelines, and statewide cost estimates that are pending Commission determination. A request to include an RRM in parameters and guidelines or amendments thereto is a request made by a local entity claimant, an interested party, Finance, the Controller, or an affected state agency, pursuant to Government Code section 17557 and 17518.5 – which is distinct from the jointly proposed RRM, discussed above under “Alternative Processes.” These requests are often disputed by one or more of the parties and interested parties. There are no pending RRMs.

A. Pending Parameters and Guidelines

	Program	Status
1.	<i>Peace Officer Training: Mental Health/Crisis Intervention, 17-TC-06*</i>	Tentatively scheduled for hearing on 9/27/19.
2.	<i>Public School Restrooms: Feminine Hygiene Products, 18-TC-01†</i>	Tentatively scheduled for hearing on 9/27/19.
3.	<i>Discharge of Stormwater Runoff, 07-TC-09*</i>	Inactive pending court action.

* Local agency programs

† School district or community college district programs

B. Pending Requests to Amend Parameters and Guidelines

	Program	Status
1.	<i>Graduation Requirements, 11-PGA-03 (CSM-4435)†</i>	Inactive pending court action.

* Local agency programs

† School district or community college district programs

C. Pending Statewide Cost Estimates

	Program	Status
1.	<i>Local Agency Employee Organizations: Impasse Procedures II, 16-TC-04*</i>	Set for hearing on 7/26/19.
2.	<i>U Visa 918 Form, Victims of Crime: Nonimmigrant Status, 17-TC-01*</i>	Tentatively scheduled for hearing on 11/22/19.
3.	<i>Municipal Storm Water and Urban Runoff Discharges, 03-TC-04, 03-TC-19, 03-TC-20, and 03-TC-21*</i>	Inactive pending court action.

* Local agency programs

† School district or community college district programs

IV. THERE ARE NO PENDING JOINT REASONABLE REIMBURSEMENT METHODOLOGIES OR LEGISLATIVELY-DETERMINED MANDATES AND HENCE, NO DELAYS IN THE PROCESS

There are no currently pending joint reasonable reimbursement methodologies or legislatively determined mandates.

Government Code section 17600 requires the Commission to report any delays in the process for joint RRM or LDMs being developed by Department of Finance and local entities and for RRM proposed by any party pursuant to Government Code section 17518.5. There are currently no pending joint RRM, LDM or RRM proposed by any party. Therefore, there are no delays in these processes.

With regard to RRM included in parameters and guidelines amendments pursuant to Government Code sections 17557 and 17518.5, there are currently no pending parameters and guidelines or amendments thereto containing RRM.

There are currently 40 pending test claims, 39 of which are regarding National Pollutant Discharge Elimination System (NPDES) permits for municipal stormwater systems. In 2010, the then pending 14 NPDES claims were placed on inactive status pending court action. However, all pending test claims are active since the California Supreme Court issued its decision on August 29, 2016 in *Department of Finance v. Commission on State Mandates* (County of Los Angeles) on the issue of whether the NPDES permits issued in those cases by the regional water quality control boards imposed state or federal mandates. However, there is significant litigation still pending on several issues relevant to the determination of the pending NPDES claims which are now tentatively set for hearing through January 2024. As a result, there is once again a test claim backlog. The stormwater permit claims will take substantially longer to prepare for hearing than test claims generally do, because of the large, complex, and detailed records and mixed issues of fact and law that must be analyzed and due to the potential impact of currently pending litigation on several of the legal issues to be determined. These claims have records of up to 200,000 pages and growing.

Because statewide cost estimates (which must be preceded by test claim and parameters and guidelines decisions) have a statutory deadline of 12-18 months from the filing of the test claim for completion, they, along with test claims and parameters and guidelines, will generally be prepared for hearing prior to other matters, including RRM in parameters and guidelines amendments. Thus, to promptly hear and decide matters without a statutory deadline, such as parameters and guidelines amendment proposals, mandate redetermination requests, and incorrect reduction claims, it is necessary that the Commission operate without a backlog of test claims, parameters and guidelines, or statewide cost estimates.

V. ADOPTED STATEWIDE COST ESTIMATES

Cal Grant: Opt-Out Notice and Grade Point Average Submission, 16-TC-02

Adopted: March 22, 2019

STATEWIDE COST ESTIMATE

\$349,023

(Estimated Annual Cost for Fiscal Year 2017-2018 and following is \$140,859)

Education Code Section 69432.9(d), Statutes 2014, Chapter 679 (AB 2160); and
Education Code Section 69432.9(c)(2) and (d)(1), Statutes 2016, Chapter 82 (AB 2908);

*Cal Grant: Opt-Out Notice and Grade Point Average Submission*¹⁰

16-TC-02

The Commission on State Mandates (Commission) adopted this Statewide Cost Estimate on consent during a regularly scheduled hearing on March 22, 2019 as follows:

Member	Vote
Lee Adams, County Supervisor	Yes
Keely Bosler, Director of the Department of Finance, Chairperson	Yes
Mark Hariri, Representative of the State Treasurer	Yes
Jeannie Lee, Representative of the Director of the Office of Planning and Research	Yes
Sarah Olsen, Public Member	Yes
Carmen Ramirez, City Council Member	Yes
Yvette Stowers, Representative of the State Controller, Vice Chairperson	Yes

STAFF ANALYSIS

Background and Summary of the Mandate

On June 26, 2017, the Fairfield-Suisun Unified School District (claimant) filed the Test Claim alleging costs to implement the test claim statutes as follows: “Actual: \$13,099 FY 2015-16 and \$14,888 for FY 2016-17.”¹¹ The claimant further alleged: “The actual or estimated annual costs that will be incurred by the claimant to implement the mandate during the fiscal year immediately following the fiscal year for which the claim was filed: Estimated: \$15,186 FY 2017-18.”¹²

¹⁰ Note that the underlying Test Claim was entitled “*Cal Grant: Grade Point Average and Graduation Certification, 16-TC-02*” but that the Parameters and Guidelines have been renamed consistent with the activities approved for reimbursement.

¹¹ Exhibit A, Test Claim Decision, pages 16-18.

¹² Exhibit A, Test Claim Decision, pages 16-18.

The claimant also provided a statewide cost estimate (as required by Government Code 17553) of \$4,792,337 for 2016-2017 and \$4,915,860 for 2017-2018, based on an estimated unit cost for each of the alleged state-mandated activities multiplied by 484,169 pupils.¹³

On January 26, 2018, the Commission on State Mandates (Commission) adopted the Test Claim Decision,¹⁴ partially approving the Test Claim, finding that the test claim statutes impose a reimbursable state-mandated program on K-12 school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 to provide a written Cal Grant opt-out notice pursuant to Education Code section 69432.9(d) (Stats. 2014, ch. 679; Stats. 2016, ch. 82) and to electronically submit the grade point averages (GPAs) of all grade 12 pupils each academic year to the California Student Aid Commission (CSAC), except for pupils who opt out in accordance with section 69432.9(d), pursuant to Education Code section 69432.9(c)(2) (Stats. 2014, ch. 679). Specifically excluded from reimbursement, were the alleged activities “to develop an opt-out notice” because CSAC has developed an opt-out notice form, which is available on its website and “to calculate or certify GPAs” or “provide Social Security Numbers” to CSAC because the requirement to calculate GPAs is not new and providing Social Security Numbers is not mandated by the plain language of Education Code section 69432.9(c)(2).¹⁵

The Decision and Parameters and Guidelines¹⁶ were adopted on May 25, 2018.

Eligible claimants were required to file initial reimbursement claims with the State Controller’s Office (Controller) for costs incurred for fiscal year 2015-2016 and 2016-2017 by December 26, 2018. Late initial reimbursement claims may be filed until December 26, 2019. Annual reimbursement claims for fiscal year 2017-2018 must be filed with the Controller by February 15, 2019. Claims filed more than one year after the deadline will not be accepted, and late claims filed within one year of the deadline will incur a 10 percent late filing penalty not to exceed \$10,000.¹⁷

Eligible Claimants and Period of Reimbursement:

With the exception of community colleges, any “school district” as defined in Government Code section 17519 that incurs increased costs as a result of this mandate is eligible to claim 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 reimbursement for that fiscal year. The claimant filed the Test Claim on June 26, 2017, establishing eligibility for reimbursement for the 2015-2016 fiscal year, beginning July 1, 2015. However, Statutes 2016, chapter 82 became effective on January 1, 2017, establishing the period of reimbursement for the activity to provide a written opt-out notice by January 1 to all grade 11 pupils, beginning with the class of 2018, to begin January 1, 2017.

¹³ Exhibit A, Test Claim Decision, page 18.

¹⁴ Exhibit A, Test Claim Decision.

¹⁵ Exhibit A, Test Claim Decision, pages 30 and 34; Exhibit B, Decision and Parameters and Guidelines, page 4; Exhibit B, Decision and Parameters and Guidelines, page 3.

¹⁶ Exhibit B, Decision and Parameters and Guidelines.

¹⁷ Government Code section 17568.

Reimbursable Activities

The Parameters and Guidelines authorize reimbursement, for each eligible claimant, limited to the claimant's increased costs for reimbursable activities identified below:

- A. Provide a written Cal Grant opt-out notice pursuant to Education Code section 69432.9(d) (Stats. 2014, ch. 679; Stats. 2016, ch. 82) as follows:
 1. Beginning July 1, 2015, provide written notice by October 15, 2015 and 2016, to all grade 12 pupils in the class of 2016 and class of 2017, which (1) states "the pupil will be deemed a Cal Grant applicant unless the pupil opts out within a period of time specified in the notice, which shall not be less than 30 days;" (2) identifies when the school will first send grade point averages to the California Student Aid Commission (CSAC); and (3) provides an opportunity for the pupil to opt out of being automatically deemed a Cal Grant applicant.
 2. Beginning January 1, 2017, provide written notice by January 1 to all grade 11 pupils, beginning with the class of 2018, which (1) states "the pupil will be deemed a Cal Grant applicant unless the pupil opts out within a period of time specified in the notice, which shall not be less than 30 days;" (2) identifies when the school will first send grade point averages to CSAC; and (3) provides an opportunity for the pupil to opt out of being automatically deemed a Cal Grant applicant.

Reimbursement is not required to develop an opt-out notice because CSAC has developed an opt-out notice form, which is available on its website.

- B. Beginning July 1, 2015, electronically submit to CSAC the GPAs for all grade 12 pupils each academic year to CSAC, except for pupils who opt out in accordance with section 69432.9(d), pursuant to Education Code section 69432.9(c)(2) (Stats. 2014, Ch. 679).

Beginning January 1, 2016, the GPAs shall be electronically submitted to CSAC on a "standardized form." (Stats. 2015, Ch. 637.)

Beginning January 1, 2017 the GPAs must be electronically submitted **by October 1 of each academic year**, except for pupils who opt out in accordance with section 69432.9(d). (Ed. Code, § 69432.9(c)(2), Stats. 2016, Ch. 82).

Reimbursement is not required to calculate or certify GPAs or provide SSNs to CSAC.

Activity A.1. ends effective October 15, 2016, and is replaced with activity A.2. effective January 1, 2017.¹⁸

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 applicable State funds, shall be identified and deducted from any claim submitted for reimbursement.

¹⁸ Exhibit A, Test Claim Decision, page 24. Note that this results in these two activities overlapping for the 2016-2017 fiscal year only.

Grant funds received by school districts under the College Readiness Block Grant (Ed. Code, § 41580) must be identified by a school district as offsetting revenues on a reimbursement claim *if* the district uses the grant funds for this program.¹⁹

Statewide Cost Estimate

Commission staff reviewed the 93 reimbursement claims submitted by 47 school districts and data compiled by the Controller.²⁰ The unaudited reimbursement claims total \$158,952 for fiscal year 2015-2016 and \$190,071 for fiscal year 2016-2017 totaling \$349,023 for the initial reimbursement period.²¹

Assumptions

Based on the claims data, staff made the following assumptions and used the following methodology to develop the Statewide Cost Estimate for this program.

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

There are 76 high school districts and 344 unified school districts (i.e. K-12) in California: thus there are approximately 420 districts eligible to file claims.²² Of those, only 47 districts, about 11 percent of eligible school districts (i.e. districts with 11th and 12th graders), filed reimbursement claims for the initial reimbursement period: 47 for fiscal year 2015-2016 and 46 for fiscal year 2016-2017. If other eligible claimants file late or amended claims, the amount of reimbursement claims may exceed the Statewide Cost Estimate. Late initial claims may be filed until December 26, 2019. There may be several reasons that non-claiming districts did not file reimbursement claims, including but not limited to: districts did not incur costs of more than \$1,000 during fiscal year 2015-2016 or 2016-2017; districts with relatively low reimbursable costs after identifying offsetting revenues from grant funds received under the College Readiness Block Grant and used for this program may have determined that it was not cost-effective to participate in the reimbursement claim process.

- *The total amount 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 audit findings.

- *The future annual costs for this program may increase or decrease proportionately with the growth or reduction in school enrollment as well as the cost of employee salaries or materials.*

The future annual costs of this program have direct correlation with the number of eligible pupils enrolled per district. This assumption is based on future enrollment which may increase or

¹⁹ Exhibit B, Decision and Parameters and Guidelines, page 11.

²⁰ Claims data reported as of January 14, 2019.

²¹ Claims data reported as of January 14, 2019.

²² Not including continuation and special education districts, some of which may be subject to the mandate and eligible to claim.

decrease the number of notices. However, based on enrollment data²³ from the California Department of Education, statewide enrollment in grades 9 through 12 has remained virtually unchanged during school years 2014-2015 through 2017-2018. Rather, future annual costs are more likely to fluctuate based on the position or classification of the employee performing the reimbursable activities or an increase or decrease in the salaries of employees performing the reimbursable activities or in the cost of materials (envelopes, mailing costs, photocopies) per written notice.

- *The total amount of reimbursement for 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). The block grant allows school districts to receive a per pupil allocation to carry out reimbursable mandated activities. In 2017-2018, 95 percent of school districts and 95 percent of county offices of education participated in the block grant.²⁴ As a result, the future annual costs of this program may be lower than the Statewide Cost Estimate.

- *The increase in costs claimed in fiscal year 2016-2017 will not be continuing going forward, because activity A.1. ended effective October 15, 2016.*

As discussed above, the activity to “provide written notice by October 15, 2015 and 2016, to all grade 12 pupils in the class of 2016 and class of 2017” ended on October 15, 2016 and the activity to “provide written notice by January 1 to all grade 11 pupils, beginning with the class of 2018” begins on January 1, 2017. As a result, there was overlap of these activities for fiscal year 2016-2017 only. However, for 2017-2018 and forward the notice will only be sent to 11th grade pupils.

Methodology

The Statewide Cost Estimate for the initial claiming period of fiscal year 2015-2016 and 2016-2017 was developed by totaling the 93 unaudited reimbursement claims submitted with the Controller. The ongoing annual cost estimate totals the costs of activities A.2. and B. and the indirect costs claimed from the 2016-2017 reimbursement claims only.

Following is a breakdown of actual costs claimed per fiscal year in the initial reimbursement period:

²³ Exhibit E, California Department of Education, Enrollment by Grade Comparison – *CalEdFacts*, <https://www.cde.ca.gov/ds/sd/cb/cefenrollmentcomp.asp>, accessed on January 23, 2019.

²⁴ Exhibit E, Legislative Analyst's Office 2017-18 Budget: *Proposition 98 Education Analysis*, February 9, 2017, page 44.

Table A

Reimbursement Period	Number of Initial Claims Filed	Cost
Fiscal Year 2015-2016	47	\$158,952
Fiscal Year 2016-2017	46	\$190,071
TOTAL	93	\$349,023

The actual claims data indicate that about 11percent (47 districts in one year and 46 districts the next) of eligible school districts (approximately 420 high school and unified school districts) filed reimbursement claims for the initial claiming period. With very few and minor exceptions, the same districts filed claims for both fiscal years 2015-2016 and 2016-2017, are among the smaller to medium districts in the state, and no very large districts filed reimbursement claims. Interestingly, though approximately 11 percent of the eligible districts filed claims, and the total 11th and 12th grade pupil population of the eligible districts that filed claims was 53,594 and 55,812, respectively which is approximately 11 percent of the statewide 11th and 12th grade populations. See Table B below:

Table B

Fiscal Year	Number of Initial Claims Filed	Activity A.1 Provide Written Notice	Activity A.2 Provide Written Notice	Activity B Submit GPAs	Indirect Costs	Total
2015-2016	47	\$46,889	Not yet required	103,469	\$8,594	\$158,952
2016-2017	46	\$49,212	\$46,962	\$84,266	\$9,631	\$190,071
Est. 2017-2018	46	No longer required.	\$46,962	\$84,266	\$9,631	\$140,859

Accordingly, assuming that only 46 school districts file claims for fiscal year 2017-2018, as was true for 2016-2017, the estimated cost will be approximately the same as it was for ongoing Activity A.2 and Activity B. in 2016-2017 plus indirect costs which totals \$140,859. This represents a slight reduction in costs (per district and per pupil) from the prior year (2015-2016) which is likely due to the greater ease in submitting electronic GPAs as the program has evolved and the fact that the notice is now only required to be provided to 11th grade pupils and the program has now been fully implemented.

It is also noteworthy, though, that several of the districts did not claim for all three reimbursable activities in 2016-2017 and more so that several failed to claim for A.2 and B. for that year. It is unclear whether those districts failed to perform the activities as required by law, misclaimed all costs under A.1, or did not adequately document costs for some of the activities to allow for proper claiming of those specific activities. In fact, only 21 of the 46 districts that filed claims for 2016-2017 claimed for both activities A.2 and B. for that year (both of which were mandated) and 20 of those claimed indirect costs. One of the lowest costs per pupil was claimed by Vista Unified School district, which claimed only \$0.12 per 11th grade pupil to provide the notice under A.2 and \$.37 per 12th grade pupil to submit the pupil's GPA under activity B. and an average of \$.01 per pupil in indirect costs to perform those activities. On the other hand, some of the highest costs per pupil, per activity was for La Honda-Pescadero Unified School District (a very small district with only 25 11th graders and 31 12th graders) with costs of \$19.72 per 11th grade pupil for activity A.2 and \$29.58 per 12th grade pupil for activity B., plus an average of

\$2.77 per pupil in indirect costs. This variability in claiming and in costs per pupil per activity demonstrates a couple of things. First, the data being relied upon for this estimate is not very good for supporting assumptions about future costs. Second, costs may vary per district per pupil for a variety of reasons including the size of the school, level of employee available to perform the mandated activities, whether and when the school has automated its processes, among other factors. Also, as discussed above, the State's liability could vary dramatically dependent upon how many and which districts file claims and any reductions made by the Controller in the auditing process.

However, based on the average cost per pupil for the 20 districts that claimed for the ongoing activities A.2 (\$1.39 per 11th grade pupil) and B. (\$2.83 per 12th grade pupil) plus indirect costs (average of \$1.47 per 11th and 12th grade pupil), if every eligible district filed a claim for the costs of the 475,696 11th grade public school pupils ($475,696 \times \$1.39 = \$661,217.44$) and 489,221 12th grade public school pupils ($489,221 \times \$2.83 = \$1,384,495.40$) plus indirect costs of \$1.47 per each of these 964,917 pupils for which these activities are performed ($\$964,917 \times 1.47 = 1,418,427.90$) statewide costs could potentially increase to \$3,464,140.70, annually. This is an unlikely scenario since the larger school districts often (but not always) have a lower per pupil cost and the largest school districts in the state have not filed reimbursement claims for this program.

Draft Proposed Statewide Cost Estimate

On February 13, 2019, Commission staff issued the Draft Proposed Statewide Cost Estimate.²⁵ The State Controller's Office filed comments on the Draft Proposed Statewide Cost Estimate on February 15, 2019 recommending no changes.²⁶ The claimant did not file comments on the Draft Proposed Statewide Cost Estimate.

Conclusion

On March 22, 2019, the Commission adopted this Statewide Cost Estimate of \$349,023 for the initial reimbursement period of fiscal years 2015-2016 and 2016-2017 and the estimated cost for fiscal year 2017-2018 and following of \$140,859.

²⁵ Exhibit C, Draft Proposed Statewide Cost Estimate.

²⁶ Exhibit D, State Controller's Comments on the Draft Proposed Statewide Cost Estimate.