

FINAL STAFF ANALYSIS
PROPOSED PARAMETERS AND GUIDELINES
PARAMETERS AND GUIDELINES AMENDMENT
CONSOLIDATED SUSPENSIONS, EXPULSIONS, and EXPULSION
APPEALS

Formerly known as
PUPIL EXPULSIONS II (96-358-03, 03A, 98-TC-22, 01-TC-18)
PUPIL SUSPENSIONS II (98-TC-23)
EDUCATIONAL SERVICES PLAN FOR EXPELLED PUPILS (97-TC-09)
Education Code Sections 48900.8, 48915, 48915.2, 48916, 48916.1,
48918, 48918.5, 48923, 48926
As Amended by Statutes 1995, Chapters 972 and 974;
Statutes 1996, Chapters 915, 937, and 1052; Statutes 1997, Chapter 637;
Statutes 1998, Chapter 489; Statutes 1999, Chapter 332; Statutes 2000, Chapter 147;
Statutes 2001, Chapter 116

By San Juan Unified School District, Kern County Superintendent of Schools, Claimants

Beginning Fiscal Year 2012-2013 Consolidated with
PUPIL SUSPENSIONS FROM SCHOOL (CSM-4456)
Education Code Section 48911, Subdivisions (b) and (e)
Statutes 1977, Chapter 965; Statutes 1978, Chapter 668; Statutes 1980, Chapter 73;
Statutes 1983, Chapter 498; Statutes 1985, Chapter 856; Statutes 1987, Chapter 134

PUPIL EXPULSIONS FROM SCHOOL (CSM-4455)
Education Code Sections 48915, Subdivisions (a) and (b),
48915.1, 48915.2, 48916, and 48918
Statutes 1975, Chapter 1253; Statutes 1977, Chapter 965; Statutes 1978, Chapter 668; Statutes
1982, Chapter 318; Statutes 1983, Chapter 498; Statutes 1984, Chapter 622; Statutes 1987,
Chapter 942; Statutes 1990, Chapter 1231; Statutes 1992, Chapter 152; Statutes 1993, Chapters
1255, 1256, and 1257; Statutes 1994, Chapter 146

PUPIL EXPULSION APPEALS (CSM-4463)
Education Code Sections 48919, 48921, 48924
Statutes 1975, Chapter 1253; Statutes 1977, Chapter 965; Statutes 1978, Chapter 668;
Statutes 1983, Chapter 498

By the San Diego Unified School District, San Diego County Office of Education,
Claimants

EXECUTIVE SUMMARY

This item proposes the adoption of six new sets of parameters and guidelines for the reimbursement of the *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan For Expelled Pupils* programs, which require school districts to perform various activities related to suspending and expelling pupils from school who have committed specified offenses. The Commission found that the costs incurred to perform new activities mandated by the test claim statutes (enacted from 1995 to 2002) constitute a reimbursable state-mandated program beginning in fiscal year 1995-1996.

The suspension and expulsion procedures and post-expulsion requirements enacted by the Legislature between 1975 and 1994 were originally found to impose reimbursable state-mandated costs for possession of a firearm in decisions on the following test claims: *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463).

This analysis explains: (1) how the proposed parameters and guidelines reflect the statement of decision for the *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan For Expelled Pupils* test claims; and (2) how the parameters and guidelines, beginning fiscal year 2012-2013, are consolidated with the preexisting parameters and guidelines for the *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) program (hereafter referred to as the preexisting parameters and guidelines) for claiming costs for the program in future years. The costs incurred under *Pupil Suspensions*, *Pupil Expulsions*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) until June 30, 2012 remain reimbursable under their preexisting parameters and guidelines and State Controller's Claiming Instructions for Programs 176 to 271. In addition, to complete the consolidation of the parameters and guidelines, the preexisting parameters and guidelines for *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) are amended to clarify that school districts may claim the costs for the original activities until June 30, 2012 and, beginning July 1, 2012, may claim those costs under the consolidated set.

The six new sets of proposed parameters and guidelines for *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan For Expelled Pupils* include activities that correspond to the statutes with operative dates between 1995 and 2002. Each set covers one or more fiscal years, and is intended to make reimbursement claims easier for school districts to submit and for the State Controller's Office to evaluate and pay. The sixth, and last, set of parameters and guidelines consolidates the Commission's decision in *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan for Expelled Pupils* with *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) beginning in fiscal year 2012-2013.

The draft parameters and guidelines were issued on May 20, 2011. Following the receipt of comments from the parties, and upon further review of this program, additional revisions as explained in the analysis have been made to make the parameters and guidelines consistent with the Commission's statement of decision and the Education Code.

Conclusion & Recommendation

Staff recommends that the Commission adopt this analysis as its decision along with the following attached proposed parameters and guidelines for the *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan for Expelled Pupils* programs:

- Set 1 – reflecting the period of reimbursement from July 1, 1995 to June 30, 1996
- Set 2 – reflecting the period of reimbursement from July 1, 1996 to June 30, 1997
- Set 3 – reflecting the period of reimbursement from July 1, 1997 to June 30, 1999
- Set 4 – reflecting the period of reimbursement from July 1, 1999 to June 30, 2001
- Set 5 – reflecting the period of reimbursement from July 1, 2001 to June 30, 2012
- Set 6 – consolidating these parameters and guidelines with *Pupil Suspension from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) beginning on July 1, 2012.

Staff also recommends that the Commission adopt the proposed amendments to the preexisting parameters and guidelines in *Pupil Suspension from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) to cap reimbursement under that set on June 20, 2012 and explain that the costs for those activities may be claimed under the consolidated parameters and guidelines (Set 6).

Staff further recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

STAFF ANALYSIS

Claimants

San Diego Unified School District:	Pupil Expulsions from School (CSM-4455), Pupil Suspensions from School (CSM-4456)
San Diego Unified School District, San Diego County Office of Education:	Pupil Expulsion Appeals (CSM-4463)
San Juan Unified School District:	Pupil Expulsions II (96-358-03, 03A, 03B, 98-TC-22, 01-TC-18), Pupil Suspensions II (96-358-04, 04A, 04B, 98-TC-23, 01-TC-17)
San Juan Unified School District:	Educational Services Plan For Expelled Pupils (97-TC-09) ¹

¹ Originally filed by Kern County Superintendent of Schools, but San Juan Unified School District was substituted as claimant December 3, 2001.

Chronology

08/01/2008	Commission adopts the statement of decision
05/20/2011	Commission issues the statement of decision and draft parameters and guidelines
07/27/2011	Claimant submits comments on the draft parameters and guidelines
07/29/2011	State Controller's Office requests extension to comment on the draft parameters and guidelines
08/02/2011	Commission staff grants approval for State Controller's Office to submit comments by August 12, 2011
08/12/2011	State Controller's Office submits comments on the draft parameters and guidelines

I. Background and Summary of the Mandate

This item proposes the adoption of six sets of parameters and guidelines for the reimbursement of the *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan For Expelled Pupils* programs, which require school districts to perform various activities related to suspending and expelling pupils from school who have committed specified offenses. The Commission found that the costs incurred to perform new activities mandated by the test claim statutes (enacted from 1995 to 2002) and new offenses added by these statutes that trigger existing mandatory suspension and expulsion procedures and post-expulsion requirements constitute a reimbursable state-mandated program beginning in fiscal year 1995-1996.

The suspension and expulsion procedures and post-expulsion requirements enacted by the Legislature between 1975 and 1994 were originally found to impose reimbursable state-mandated costs for possession of a firearm in decisions on the following test claims: *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463).

This analysis, issued with the six sets of parameters and guidelines, explains: (1) how the attached parameters and guidelines reflect the statement of decision for the *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan for Expelled Pupils* test claims; and (2) how the parameters and guidelines, beginning fiscal year 2012-2013, are consolidated with the preexisting parameters and guidelines for the *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) program (hereafter referred to as the preexisting parameters and guidelines) for claiming costs for the program in future years. The costs incurred under *Pupil Suspensions*, *Pupil Expulsions*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) until June 30, 2012, remain reimbursable under their preexisting parameters and guidelines and State Controller's Claiming Instructions for Programs 176 to 271.

The six sets of proposed parameters and guidelines include activities that correspond to the statutes with operative dates between 1995 and 2002. Each set covers one or more fiscal years, and is intended to make reimbursement claims easier for school districts to submit and for the

State Controller's Office to evaluate and pay. The sixth, and last, set of parameters and guidelines consolidates the Commission's decision in *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan for Expelled Pupils* with *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) beginning in fiscal year 2012-2013.

II. Procedural History

The *Pupil Expulsions II* and *Pupil Suspensions II* test claims were filed by the San Juan Unified School District on December 23, 1996. The Kern County Superintendent of Schools filed the *Educational Services Plan for Expelled Pupils* test claim on December 29, 1997, and substituted the San Juan Unified School District as the claimant on December 3, 2001. Claimant filed test claim amendments on the *Pupil Suspensions II* and *Pupil Expulsions II* test claims on June 6, 1997, March 2, 1998, June 28, 1999, and June 2, 2002. The three test claims were consolidated on July 27, 2001. The statement of decision was adopted on August 1, 2008 and issued on May 20, 2011. Commission staff also issued a draft staff analysis and proposed parameters and guidelines on May 20, 2011. The claimant submitted comments on the draft staff analysis on July 27, 2011, and the State Controller's Office submitted comments on August 12, 2011.

III. Positions of Parties and Interested Parties

The claimant recommends mostly nonsubstantive changes to the parameters and guidelines, such as rearranging the order of activities and adding subheadings. Three substantive changes claimant recommends are:

- Claimant recommends adding "firearm possession" to the suspension activities. This would add parental contact and written notice activities when a pupil is expelled for possessing a firearm beginning with the 2012-2013 parameters and guidelines.²
- The parameters and guidelines authorize reimbursement for county boards of education to conform their rules and procedures for expulsion appeals to the statutory requirements. Claimant recommends adding "Printing and disseminating rules and procedures to each school district in the county" for this activity.

² Under the *Pupil Suspensions from School* (CSM-4456) parameters and guidelines, suspension for this offense carries two reimbursable activities: (1) Attendance of the teacher, supervisor, or other school district employee who referred the pupil to the principal for suspension in the pre-suspension conference between the principal (or principal's designee) or superintendent and the pupil (§ 48911 (b)); and (2) Reporting the cause of the suspension to the school district's superintendent or governing board in accordance with the regulations of the school district's governing board. Such report may be oral or written. (§ 48911(c).) To these activities is added identifying by offense, in all appropriate official records of a pupil, each suspension of that pupil. (§ 48900.8, Stats. 1997, ch. 637, eff. Jan. 1, 1998.)

- Under “Readmission to the District” claimant recommends, under the notice provision: “providing a description of the procedure for readmission to the pupil and the parent or guardian OR providing written notice to the expelled pupil and parent describing the reasons for denying readmission to the regular school program.”

The State Controller’s Office submitted comments on August 12, 2011 that concur with the draft staff analysis and six sets of parameters and guidelines.

IV. Commission Responsibilities

The Commission is required by Government Code section 17557 to adopt parameters and guidelines for the reimbursement of any test claim it approves. The successful test claimant is required to submit proposed parameters and guidelines to the Commission for review. The parameters and guidelines include a summary of the mandate, a description of the eligible claimants, a description of the period of reimbursement, a description of the specific costs and types of costs that are reimbursable, including activities that are not specified in the test claim statute or executive order, but are determined to be reasonably necessary for the performance of the state-mandated program. The parameters and guidelines also include instructions on claim preparation, including instructions for the direct or indirect reporting of the actual costs of the program or the application of a reasonable reimbursement methodology, and any offsetting revenue or savings that may apply.

The Commission may adopt a reasonable reimbursement methodology (RRM) to include in the parameters and guidelines. An RRM is defined as “a formula for reimbursing local agencies and school districts for costs mandated by the state” and is based on general allocation formulas, uniform cost allowances, and other approximations of local costs mandated by the state, rather than detailed documentation of actual local costs. If local agencies are projected to incur costs to implement a mandate over a period of more than one fiscal year, the determination of an RRM may consider local costs and state reimbursements over a period of greater than one fiscal year, but not exceeding 10 years. RRMs shall be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies, or other projections of local costs. In addition, the RRM considers the variation in costs among local agencies to implement the mandate in a cost-efficient manner.

As of January 1, 2011, the Commission is required to hold a hearing on the adoption of proposed parameters and guidelines under Article 7 of the Commission’s regulations. Article 7 hearings are quasi-judicial hearings. The Commission is required to adopt a decision that is based on substantial evidence in the record, and oral or written testimony that is offered under oath or affirmation. Each party has the right to present witnesses, introduce exhibits, and submit declarations. (Gov. Code, § 17559 (b), Cal. Code Regs., tit. 2, § 1187.5.)

Should the Commission adopt this analysis and the proposed parameters and guidelines, a cover sheet would be attached indicating that the Commission adopted the analysis as its decision. The decision and adopted parameters and guidelines are then submitted to the State Controller’s Office to issue claiming instructions to local governments, and to pay and audit reimbursement claims. Issuance of the claiming instructions constitutes the notice of the right of local

government to file reimbursement claims with the State Controller's Office based on the parameters and guidelines.

V. Discussion

Summary of the Mandate

Claimant recommended no changes to this section, but recommends that the title of the parameters and guidelines for 2012 and beyond be changed to *Consolidated Pupil Suspensions, Expulsions and Expulsion Appeals*. Staff recommends adoption of this new title.

Period of Reimbursement

Claimant recommends deleting the following boilerplate language from the last proposed consolidated set of parameters and guidelines that authorizes reimbursement for the whole program beginning July 1, 2012: "All claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller's Office within 120 days of the issue date for the claiming instructions."

The period of reimbursement for the last parameters and guidelines starts July 1, 2012, and claimants will not file claims for that fiscal year until February 2014, far past the initial period of reimbursement and issuance of the claiming instructions. Staff recommends that this change be adopted for the last set of parameters and guidelines.

Reimbursable Activities

One-Time Activities (listed in A)

A. One-Time Activities to Adopt Policies and Procedures and Revise Notification

The parameters and guidelines authorize reimbursement for adopting rules and procedures on pupil suspensions and expulsions and related activities, which is consistent with the preexisting parameters and guidelines. As new statutes are enacted, the rules and procedures may be revised to reflect the new statutory requirements. Adopting and revising the rules and procedures are one-time activities, and correspond to statutory changes. As new mandatory expulsion offenses are added, the district's rules and procedures should be revised to reflect them. Revising existing rules and procedures is not an on-going activity and each revision may only be claimed under one set of parameters and guidelines.

Claimant recommends nonsubstantive changes to the titles and subtitles that staff recommends the Commission adopt. The claimant also recommends changing "county board of education" to "county office of education." The test claim statutes (e.g., § 48923), however, impose expulsion appeal activities on the "county board of education" and not the "county office of education." Different duties are imposed on the county board of education (§ 1240 et seq.) than the county superintendent (§ 1000 et seq.). Thus, staff recommends using the term "county board of education," consistent with the test claim statutes. Claimant also proposes that reimbursement for "training" be ongoing for the school district. Staff agrees with this proposal, but has included language clarifying that training is reimbursable only once per employee.

The statement of decision also lists as a one-time activity: “Revise the pupil notification to include the right to be represented by legal counsel or a non-attorney advisor in an expulsion hearing.” (§ 48918 (b)(5), Stats. 1999, ch. 332.) This is a one-time activity in the statement of decision (pp. 62-63) so it is listed in this section.

The Remaining Activities (listed in B through L) Are On-Going Activities

B. Pupil Suspensions

The parameters and guidelines list five reimbursable activities when a pupil is suspended, and expand the number of offenses for which the pupil suspension activities are reimbursable. The reimbursable activities are: (1) Conducting an informal conference (by the principal or the principal’s designee or the superintendent of schools) between the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal’s designee, or the superintendent of schools; and informing the pupil of the reason for the disciplinary action and the evidence against him or her and giving the pupil the opportunity to present his or her version and evidence in his or her defense; (2) Making a reasonable effort to contact the pupil’s parent or guardian in person or by telephone; (3) Notifying the parent or guardian in writing of the suspension whenever the pupil is suspended from school; (4) Reporting the suspension of the pupil including the cause therefor, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board; and (5) Identifying by offense, in all appropriate official records of a pupil, each suspension of that pupil. The fifth activity is reimbursable beginning January 1, 1998 and is added to the 1997-1999 and later parameters and guidelines.

The offenses that trigger the reimbursement of the suspension activities in the 1995-1996 and later parameters and guidelines are:

- Selling or furnishing a firearm, as specified;
- Brandishing a knife at another person;
- Selling a controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined;

The offense added in the 1996-1997 and later parameters and guidelines is:

- Committing or attempting to commit a sexual assault or sexual battery as defined (operative Jan. 1, 1997).

And the offense added in the 2001-2012 and later parameters and guidelines is:

- Possession of an explosive at school or at a school activity off school grounds (operative Jan. 1, 2002).

The preexisting parameters and guidelines for the original program (CSM-4456) list two pupil suspension activities for a pupil who possesses a firearm. They are: (1) Attendance of the teacher, supervisor, or other school district employee who referred the pupil to the principal for suspension in the pre-suspension conference between the principal (or principal’s designee) or superintendent and the pupil (§ 48911 (b)); (2) Reporting the cause of the suspension to the

school district's superintendent or governing board in accordance with the regulations of the school district's governing board. The report may be oral or written. Beginning January 1, 1998, and added to the 1997-1999 and later parameters and guidelines, a third activity is reimbursable when the suspension is caused by a pupil who possesses a firearm: identifying by offense, in all appropriate official records of a pupil, each suspension of that pupil.

Claimant recommends adding "firearm possession" to the offenses for which all five activities are reimbursable. This proposal conflicts with the Commission's statement of decision in *Expulsions II, Suspensions II, and Educational Services Plan for Expelled Pupils* test claims, and conflicts with the Commission's earlier decision on the program in *Pupil Suspensions* (CSM 4456). Thus, staff recommends that claimant's recommendation be denied.

C. Recommendation for Expulsion

This section specifies the offenses for which a principal or superintendent must recommend expulsion of a pupil. Preparation of the principal's recommendation to expel is reimbursable beginning in fiscal year 1995-1996 for a pupil who commits the following offenses:

- Brandishing a knife at another person;
- Possessing, selling or furnishing a firearm, as specified;
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis);
- The first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis;
- Committing or attempting to commit a sexual assault or sexual battery, as defined in section 48900 (operative Jan. 1, 1997);
- Assault or battery on any school employee (operative Jan. 1, 1997);
- Causing serious physical injury to another person, except in self defense;
- Possession of any knife or other dangerous object of no reasonable use to the pupil;
- Unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code;
- Robbery or extortion;
- Committing assault or battery on any school employee.

The claimant recommended only nonsubstantive changes to this section, which staff recommends that the Commission adopt.

D. Expulsion Hearing Procedures

Whenever the principal or superintendent recommends a pupil for expulsion, the pupil is entitled to a hearing pursuant to the procedures in section 48918. If the expulsion hearing is for any of the following offenses:

- Brandishing a knife at another person;
- Possessing, selling or furnishing a firearm, as specified;

- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 ;
- Assault or battery on any school employee (operative Jan. 1, 1997);
- Causing serious physical injury to another person, except in self defense;
- Possession of any knife or other dangerous object of no reasonable use to the pupil;
- Unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, including the first offense of a sale of not more than one avoirdupois ounce of marijuana;
- Robbery or extortion;

then the hearing notice, document inspection, and expulsion hearing activities, as specified, are reimbursable. For purposes of consistency, all the proposed parameters and guidelines continue to include the unit cost reasonable reimbursement methodology (RRM) adopted by the Commission in the *Pupil Suspensions, Pupil Expulsions, and Pupil Expulsion Appeals* parameters and guidelines (CSM-4456, 4455, 4463) for reimbursing the expulsion hearing costs, including preparing for and conducting the expulsion hearing, the hearing officer’s or panel’s expulsion recommendation to the governing board, and maintaining a record of the hearing. These activities have not changed since the preexisting parameters and guidelines were adopted, except for increasing the offenses to which they apply.

In addition, the following reimbursable activity is added to the parameters and guidelines beginning in fiscal years 1999-2001: “providing notice of the opportunity for the pupil or the pupil’s parent or guardian to be represented by counsel or by a non-attorney advisor.”

Claimant recommends nonsubstantive changes to this section, which staff recommends that the Commission adopt, except staff recommends that the hearing costs be grouped as 3(a)-3(d) rather than 3-6 because it is clearer if the RRM activities are combined under one header.

E. Expulsions Hearing Procedures for Sexual Assault or Sexual Battery Allegations

Effective January 1, 1997, when a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900(n), the following activities are reimbursable, as specified: advising against party contact, providing notice and accommodations to the complaining witness, and following a specified protocol if the complaining witness has one or more support persons who are also witnesses.

F. Post-Expulsion Hearing Procedures

If the expulsion hearing is for any of the following offenses:

- Possessing, selling, or otherwise furnishing a firearm;
- Brandishing a knife at another person;
- Unlawfully selling any controlled substance;

- Committing or attempting to commit a sexual assault or committing a sexual battery (operative Jan. 1, 1997);

then the following activities are reimbursable: issuing the expulsion order, providing notice to parents or guardians, as specified, and maintaining a record of the expulsion, as specified.

Claimant recommends that notifying the parent(s) of “the education alternative placement at the time of the expulsion order” be added to the parent notice provision, even though it was originally listed in the next section (“F. Refer Expelled Pupil to Different Schoolsite, Rehabilitation Plan, and Alternative Educational Program”). Staff agrees and recommends that this notification be listed with the other parent notification activities in this section.

Claimant recommends other nonsubstantive changes for clarity that staff recommends the Commission adopt.

G. Refer Expelled Pupil to Different Schoolsite, Rehabilitation Plan, and Alternative Educational Program

When the pupil is expelled for one of the following offenses:

- Possessing, selling, or otherwise furnishing a firearm;
- Brandishing a knife at another person;
- Unlawfully selling any controlled substance;
- Committing or attempting to commit a sexual assault or committing a sexual battery (operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (operative Jan. 1, 2002);

then the following activities are reimbursable: referring the pupil to an alternative education program that meets specified criteria, sending written notice to the pupil’s parent or guardian of the alternative education placement, as specified, recommending a rehabilitation plan for the pupil, and ensuring that an educational program, as specified, is provided to the pupil who is subject to the expulsion order for the period of expulsion.

Claimant recommends that the following language be added to reflect potential offsetting revenue for the activity of ensuring an educational program is provided to the expelled pupil: “state attendance-based funding or other state or federal sources of funding for these programs are an offset to the reimbursable costs of ensuring that an alternative educational program is provided.” This statement is consistent with the Commission’s statutes³ and regulations,⁴ so staff recommends that it be added to section IV. G, Reimbursable Activities, and section VIII, Offsetting Revenues.

³ Government Code section 17553 (b)(1)(F).

⁴ California Code of Regulations, title 5, §1183.1 (a) (7).

H. Readmission to the District

If the governing board expels a pupil for any of the following offenses:

- Possessing, selling or otherwise furnishing a firearm;
- Brandishing a knife at another person;
- Unlawfully selling any controlled substance;
- Committing or attempting to commit a sexual assault or committing a sexual battery. (operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (eff. Jan. 1, 2002);

then the following activities are reimbursable: setting a date when the pupil may apply for readmission to the district, providing a description of the readmission procedure to the pupil and his or her parent or guardian, and reviewing the pupil for readmission, as specified. If readmission is denied, the governing board determines to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program, as specified, and provides written notice to the pupil and his or her parent or guardian describing the reasons for denying readmission to the regular school program.

Claimant recommends changing the order of these activities. Section 48916 directs in what order these activities should be completed, and the parameters and guidelines reflect that order. Therefore, staff did not make this change.

Section 48916 Claimant also recommends, under the recommended “Pupil/Parent Notice” header: “providing a description of the procedure for readmission to the pupil and the parent or guardian OR providing written notice to the expelled pupil and parent describing the reasons for denying readmission to the regular school program.” Staff recommends that this change not be adopted because it is not consistent with the sections 48916(c) and (e). Making available a description of the readmission procedure to the parent or guardian, as specified, is a requirement on school districts regardless of whether readmission is denied, not alternatively to a denial decision. Section 48916 reflects two notices: the first at the time of the expulsion order and the second if the pupil is denied readmission.

I. Expelled Pupil’s Request to Attend a New District

If a pupil who was expelled for *any offense*⁵ applies to attend a school district that did not expel the pupil (the receiving district), and the receiving school district does not have a voluntary interdistrict transfer agreement with the expelling district, then the following activities associated with the receiving district are reimbursable beginning in the 2012-2013 fiscal year: providing notice to the applicant, as specified, allowing the applicant or his or her parent or guardian to inspect and obtain copies of documents to be used at the admission hearing, as specified, and determining whether the applicant would pose a danger to the pupils and employees of the

⁵ The readmission procedures that apply to any offense merge the procedures for the less serious offenses (§ 48915.1) and the most serious offenses (§ 48915.2).

receiving district and whether to admit, deny admission, or conditionally admit the applicant during or after the period of expulsion, and maintaining a record of each admission denial and its cause, and providing notice as specified.

Responding to a Receiving School District

Under the preexisting parameters and guidelines, if the governing board expelled a pupil for possessing a firearm, and the expelled pupil applied for admission to a receiving school district then, unless the expelling district entered into a voluntary interdistrict transfer agreement with the receiving district, the expelling district in responding to the receiving district's request for a recommendation regarding the admission of the applicant was reimbursable.

This activity was repealed by Statutes 1993, chapter 1257, and made applicable only to discretionary expulsions for less serious offenses. (§48915.1 (a).) In the *Pupil Expulsions* statement of decision (CSM-4455), the Commission found that reimbursement is not required for responding to requests concerning discretionary expulsions. In addition, the Commission noted the statutory amendments made for sections 48915.1 and 48915.2 in *Expulsions II, Suspensions II, and Educational Services Plan for Expelled Pupils*, and did not approve reimbursement for any activities for responding to the receiving district. Thus, this activity is not included in the parameters and guidelines for *Expulsions II, Suspensions II, and Educational Services Plan for Expelled Pupils*.⁶

J. Expulsion Appeal Hearings

When a pupil is expelled for any offense, it is reimbursable for a county board of education to provide notice, as specified, review the filed appeal and the district's expulsion hearing record, conduct the appeal hearing and render a decision for appeals that are granted a de novo hearing, remanding an expulsion decision to a school district for adoption of the required findings as specified, and preserving the record of appeal.

If the school district governing board expelled a pupil for any of the following:

- Possessing, selling or otherwise furnishing a firearm;
- Brandishing a knife at another person;
- Unlawfully selling any controlled substance;
- Committing or attempting to commit a sexual assault or committing a sexual battery. (operative Jan. 1, 1997);

⁶ The activity remains in the existing parameters and guidelines for *Pupil Suspension from School, Pupil Expulsion from School, and Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) until June 30, 2012. The Commission has not received a request by the parties to amend the existing parameters and guidelines pursuant to Government Code section 17557 to reflect the 1993 repeal of the activity of responding to the receiving district's request for a recommendation regarding the admission of a pupil to a new district when the pupil is expelled for the possession of a firearm. As indicated in the analysis, this activity now applies only to pupils expelled for a discretionary expense.

- Possession of an explosive at school or at a school activity off school grounds (eff. Jan. 1, 2002);

then the following school district activities are reimbursable: providing copies of documents and records, as specified, and participating in hearings if the county board of education grants a hearing de novo.

If the county board of education remands the expulsion to the school district's governing board following an appeal, then the following are reimbursable: sending notice as specified, conducting a hearing on remand and rendering a decision, adopting the required findings on remand in a public session. (Holding a hearing is not reimbursable.)

Expunging the school district's and pupil's records concerning the expulsion, when ordered by the county board of education, is also reimbursable.

K. School District Data Collection and Reporting

If the governing board expels a pupil for any of the following offenses:

- Selling, or otherwise furnishing a firearm;
- Brandishing a knife at another person;
- Unlawfully selling any controlled substance;
- Committing or attempting to commit a sexual assault or committing a sexual battery (operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (eff. Jan. 1, 2002);

then maintaining and reporting to the California Department of Education (CDE) the following information is reimbursable:

- Whether the expulsion order was suspended;
- The type of referral made after the expulsion; and
- The disposition of the pupil after the end of the period of expulsion.

The data reported to CDE varies depending on the time period, which is reflected in the parameters and guidelines.

Earlier parameters and guidelines (1996 – 2002) authorize reimbursement for reporting more data. As determined by the Commission, however, some of the data reporting was required by the federal No Child Left Behind Act, effective January 8, 2002. Thus, the statement of decision found that reporting the data is a federal mandate except for the information listed above.

Claimant recommended nonsubstantive changes to this section, most of which have been incorporated into the proposed parameters and guidelines.

L. Training

This section authorizes training personnel about the mandated suspension, expulsion, and expulsion appeal activities, and is based on the preexisting parameters and guidelines. Staff recommends limiting reimbursement to one-time per employee.

VI. Conclusion & Recommendation

Staff recommends that the Commission adopt this analysis as its decision along with the following attached proposed parameters and guidelines for the *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan For Expelled Pupils* programs:

- Set 1 – reflecting the period of reimbursement from July 1, 1995 to June 30, 1996⁷
- Set 2 – reflecting the period of reimbursement from July 1, 1996 to June 30, 1997⁸
- Set 3 – reflecting the period of reimbursement from July 1, 1997 to June 30, 1999⁹
- Set 4 – reflecting the period of reimbursement from July 1, 1999 to June 30, 2001¹⁰
- Set 5 – reflecting the period of reimbursement from July 1, 2001 to June 30, 2012¹¹
- Set 6 – consolidating these parameters and guidelines with *Pupil Suspension from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) beginning on July 1, 2012.

Staff also recommends that the Commission adopt the proposed amendments to the preexisting parameters and guidelines in *Pupil Suspension from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) to cap reimbursement under that set on June 30, 2012, and explain that the costs for those activities may be claimed under the consolidated parameters and guidelines (Set 6).

Staff further recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

⁷ Education Code section 48915, as amended by Statutes 1995, chapter 972, and activities triggered by the new offenses added to section 48915.

⁸ Education Code sections 48915.2, 48916, 48916.1, 48918, 48918.5 and 48926, as amended by Statutes 1995, chapter 874, Statutes 1996, chapters 915, 937, 1052.

⁹ Education Code sections 48900.8 and 48918, as amended by Statutes 1997, chapter 637, Statutes 1998, chapter 498.

¹⁰ Education Code sections 48918 and 48923, as amended by Statutes 1999, chapter 332, Statutes 2000, chapter 147.

¹¹ Education Code section 48915, Statutes 2001, chapter 116.

ATTACHMENT 1

PROPOSED PARAMETERS AND GUIDELINES

PUPIL EXPULSIONS II (96-358-03, 03A, 98-TC-22, 01-TC-18)

PUPIL SUSPENSIONS II (98-TC-23)

EDUCATIONAL SERVICES PLAN FOR EXPELLED PUPILS (97-TC-09)

Education Code Section 48915¹
As Amended by Statutes 1995, Chapter 972

Period of Reimbursement: July 1, 1995 through June 30, 1996

I. SUMMARY OF THE MANDATE

These parameters and guidelines are the first in a set of six for the *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* test claims identified in the caption above. These parameters and guidelines address the costs incurred to perform the new activities mandated by Education Code section 48915, as amended in 1995, and cover new offenses added to Education Code section 48915 that trigger existing mandatory suspension and expulsion procedures and post-expulsion requirements that increased the level of service provided by school districts during the first year of the period of reimbursement for this claim (fiscal year 1995-1996).

The suspension and expulsion procedures and post-expulsion requirements were originally found to impose reimbursable state-mandated costs for possession of a firearm in decisions on *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) which address the program required by statutes enacted from 1975 - 1994. The consolidated test claim for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* addresses new statutory requirements added from 1995 to 2002.

In addition to the activities eligible for reimbursement under these parameters and guidelines, each subsequent set of parameters and guidelines for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* adds activities that correspond to the statutes

¹ Because Education Code section 48915 adds new mandatory expulsion offenses, downstream activities are triggered that were found reimbursable in *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) and are listed in Section IV. Reimbursable Activities.

with later operative dates that were determined by the Commission to impose reimbursable state-mandated activities on school districts.

The six sets of parameters and guidelines that have been adopted for *Pupil Suspension II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* are summarized in the table below:

<u>Parameters and Guidelines</u>	<u>Period of Reimbursement</u>	<u>Statutes Approved</u>
Set 1 – current document	July 1, 1995 - June 30, 1996	§ 48915, as amended by Statutes 1995, chapter 972, and activities triggered by the new offenses added to section 48915.
Set 2	July 1, 1996 - June 30, 1997	§§ 48915.2, 48916, 48916.1, 48918, 48918.5, 48926, as amended by Statutes 1995, chapter 874, Statutes 1996, chapters 915, 937, 1052.
Set 3	July 1, 1997 – June 30, 1999	§§ 48900.8, 48918, as amended by Statutes 1997, chapter 637, Statutes 1998, chapter 498.
Set 4	July 1, 1999 – June 30, 2001	§§ 48918, 48923, as amended by Statutes 1999, chapter 332, Statutes 2000, chapter 147.
Set 5	July 1, 2001 – June 30, 2012	§ 48915, Statutes 2001, chapter 116.
Set 6	July 1, 2012 –	All statutes, consolidated with <i>Pupil Suspension from School</i> , <i>Pupil Expulsion from School</i> , and <i>Pupil Expulsion Appeals</i> (CSM-4456, 4455, 4463).

Beginning in fiscal year 2012-2013, and each year thereafter, all reimbursable activities from the original program in *Pupil Suspension from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) are consolidated with *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* and are claimable under the sixth set of parameters and guidelines. The costs incurred under *Pupil Suspensions*, *Pupil Expulsions*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) until June 30, 2012 remain

reimbursable under their existing parameters and guidelines and State Controller's Claiming Instructions for Programs 176 to 271.

The statement of decision on *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan for Expelled Pupils* was adopted on August 1, 2008, and was issued in May 2011. The Commission found that the test claim statutes impose a partially reimbursable state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The Commission approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1996:

- a. For the principal or superintendent to immediately suspend, pursuant to section 48911,² and recommend expulsion, and for the governing board to order expulsion for:
 1. A pupil who brandishes a knife at another person (§ 48915 (c)(2), Stats. 1995 ch. 972);
 2. A pupil who sells or furnishes a firearm unless the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal (§ 48915 (c)(1) and (d), Stats. 1995, ch. 972);
 3. A pupil's first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995 ch. 972).
- b. For the principal or superintendent to immediately suspend, pursuant to section 48911, and for the governing board to order expulsion, for a pupil who sells a controlled substance, as defined (§ 48915 (c)(3), Stats. 1995 ch. 972).
- c. For the school to perform the following suspension procedures³ for the offenses listed in (a) and (b) above:
 1. Precede the suspension with an informal conference conducted by the principal or the principal's designee or the superintendent of schools between the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. Inform the pupil of the reason for the disciplinary action and the evidence against him or her and give the pupil the opportunity to present his or her version and evidence in his or her defense. (§ 48911 (b).)

² All statutory references are to the Education Code unless otherwise indicated.

³ These offenses also trigger the expulsion procedures identified in the *Pupil Expulsions from School* (CSM-4455) test claim.

2. At the time of the suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Whenever the pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension. (§ 48911 (d).)
3. A school employee shall report the suspension of the pupil including the cause therefore, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board. (§ 48911 (e).)
- d. For the principal or superintendent of schools to recommend expelling a pupil for possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972). The section 48918 expulsion hearing procedures are part of this activity.
- e. For the governing board to refer a pupil expelled for any of the most serious offenses (in § 48915 (c)) to a program of study that meets the following criteria: (1) is appropriately prepared to accommodate pupils who exhibit discipline problems; (2) is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension (§ 48915 (d), Stats. 1995, ch. 972).

For purposes of consistency, these parameters and guidelines continue to include the reasonable reimbursement methodology (RRM) adopted by the Commission in the *Pupil Suspensions*, *Pupil Expulsions*, and *Pupil Expulsion Appeals* parameters and guidelines (CSM-4456, 4455, 4463) for the reimbursement of the direct and indirect expulsion hearing costs incurred by a school district.

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. This includes county offices of education. Charter schools are not eligible claimants.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557 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 filing dates of these test claims establish eligibility for reimbursement operative July 1, 1995, pursuant to Government Code section 17557, subdivision (e).

These parameters and guidelines are for the period of reimbursement from July 1, 1995 through June 30, 1996. However, the operative date of Statutes 1995, chapter 972 is January 1, 1996. Therefore, the reimbursement period for the new state-mandated activities begins on January 1, 1996.

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

1. Costs for one fiscal year shall be included in each claim.
2. All claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions. (Gov. Code, § 17561 (d)(1)(A).)
3. 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. (Gov. Code, § 17560 (a).)
4. In the event revised claiming instructions are issued by the Controller pursuant to Government Code section 17558, subdivision (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, subdivision (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 except as specified in Section IV.D.3.. Costs incurred for the expulsion hearing procedures in Section IV.D.3 may be claimed by using the reasonable reimbursement methodology (RRM) described in Section VI of these parameters and guidelines.

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 may claim and be reimbursed for increased costs of performing the following reimbursable activities:

A. ONE-TIME ACTIVITIES TO ADOPT POLICIES, PROCEDURES AND REVISE NOTIFICATION

1. School Districts and County Boards of Education

(a) Adopt and revise rules and regulations establishing procedures pertaining to pupil expulsions to conform to amendments of section 48915 by Statutes 1995, chapter 972.

(b) Print and disseminate rules and procedures to each school site.

THE REMAINING ACTIVITIES (listed in B through I) ARE ON-GOING ACTIVITIES

B. PUPIL SUSPENSIONS

If the immediate suspension is for any of the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling a controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915 (c)(3), Stats. 1995 ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);

Then the following suspension activities pursuant to section 48911 are reimbursable:

1. Parent Contact

Making a reasonable effort to contact the pupil's parent or guardian in person or by telephone. (§ 48911 (b).)

2. Attendance at Informal Conference

Conducting an informal conference (by the principal or the principal's designee or the superintendent of schools) between the pupil⁴ and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. Informing the pupil of the reason for the disciplinary action and the evidence against him or her and giving the pupil the opportunity to present his or her version and evidence in his or her defense. (§ 48911 (b).)

3. Written Notice

Notifying the parent or guardian in writing of the suspension whenever the pupil is suspended from school. (§ 48911 (d).)

4. Reporting to the District Office

⁴ Pupil is defined to include "a pupil's parent or guardian or legal counsel." (§ 48925 (e).)

Reporting the suspension of the pupil including the cause therefor, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board. (§ 48911 (e).)

C. RECOMMENDATION FOR EXPULSION

The preparation of the principal's or superintendent's recommendation to expel a pupil for the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972); and
- The first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995, ch. 972).

D. EXPULSION HEARING PROCEDURAL REQUIREMENTS

If the expulsion hearing is for any of the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972);
- The first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995, ch. 972);

Then the following activities are reimbursable:

1. Hearing Notice

Including in the notice of hearing to the pupil:

- (a) A copy of the disciplinary rules of the district that relate to the alleged violation;
- (b) A notice of the parent's, guardian's, or pupil's obligation, pursuant to Education Code section 48915.1, subdivision (b), to notify a new school district, upon enrollment, of the pupil's expulsion; and
- (c) Notice of the opportunity for the pupil or the pupil's parent or guardian to inspect and obtain copies of all documents to be used at the hearing. (§ 48918 (b).)

2. Document Inspection

Allowing a pupil or pupil's parent or guardian to inspect and obtain copies of documents to be used at the expulsion hearing, as follows:

- (a) If the requesting party is a pupil less than 18 years of age or the parent or guardian of a pupil who is 18 years of age or older, all documents; or
 - (b) If the requesting party is the parent or guardian of a pupil under the age of 18, only those documents which are not "education records" as defined in 20 U.S.C. section 1232g(a)(4).⁵ (§ 48918 (b).)
3. Expulsion Hearings: The following activities (3a – 3d) are reimbursed based on a uniform cost allowance reasonable reimbursement methodology:
- (a) Hearing Preparation
Preparing and reviewing documents to be used during the expulsion hearing.
Arranging hearing dates and assigning panel members and translators as needed.
(§ 48918 (c).)
 - (b) Expulsion Hearing
The attendance of the review panel and other district employees required to attend the expulsion hearing. (§ 48918 (c).)
 - (c) Recommendation to the Governing Board
Preparation and submission of the hearing officer or panel's findings of fact based solely on the evidence adduced at the hearing to recommend the expulsion of a pupil to the governing board. (§ 48918 (d) & (f).)
 - (d) Hearing Record
Maintaining a record of the hearing by any means which would allow for a reasonably accurate and complete written transcript of the proceedings to be made.
(§ 48918 (g).)

E. POST-EXPULSION HEARING PROCEDURES

If the expulsion hearing is for any of the following offenses:

- Selling, or otherwise furnishing a firearm (§ 48915 (c)(1));

⁵ The Federal Education Rights and Privacy Act of 1974 ("FERPA") defines "education records" as those records, files, documents, and other materials which (i) contain information directly related to a student, and (ii) are maintained by the school district or a person acting for the school district. 20 U.S.C. Section 1232g(a)(4)(B) provides certain exceptions to the general definition (for example, records maintained by a law enforcement unit of a school district that were created by that law enforcement unit for the purpose of law enforcement).

- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));

Then the following activities pursuant to sections 48915 and 48918 are reimbursable:

1. Expulsion Order

Issuing the expulsion order. (§ 48915, subd. (d).)

2. Parent Notice

Sending written notice to the pupil or the pupil's parent or guardian of: (a) any decision by the governing board to expel or suspend the enforcement of an expulsion order during a period of probation; (b) the right to appeal the expulsion to the county board of education; (c) the obligation of the pupil, parent or guardian under Education Code section 48915.1 to notify a new school district, upon enrollment, of the pupil's expulsion. Costs of postage for mailing the notice is reimbursable under this activity. (§ 48918 (j).)

3. Pupil Records

(a) Maintaining a record of the expulsion, including the cause of the expulsion. (§ 48918 (k).)

(b) Recording the expulsion order and the cause of the expulsion in the pupil's mandatory interim record. (§ 48918 (k).)

(c) Forwarding the pupil's mandatory interim record to any school in which the pupil subsequently enrolls upon the request of such school. (§ 48918 (k).)

F. REFERRAL OF EXPELLED PUPIL TO DIFFERENT SCHOOLSITE

When the pupil is expelled for one of the following offenses:

- Possessing, selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));

Then the following activity pursuant to section 48915 is reimbursable:

1. Refer the expelled pupil to a program of study that meets the following criteria: (1) is appropriately prepared to accommodate pupils who exhibit discipline problems; (2) is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school; (3) is not housed at the schoolsite attended by the pupil at the time of suspension. (§ 48915 (d), Stats. 1995, ch. 972.)

G. READMISSION TO THE DISTRICT

If the governing board expelled a pupil for any of the following offenses:

- Selling or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));

Then the following activities pursuant to section 48916 are reimbursable:

1. Setting a date when the pupil may apply for readmission to a district school; and
2. Providing a description of the procedure for readmission to the pupil and the pupil's parent or guardian. (§ 48916.)

H. EXPULSION APPEAL HEARINGS

If the governing board expelled a pupil for any of the following:

- Selling or otherwise furnishing a firearm § 48915 (c)(1);
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));

Then the following activities are reimbursable:

1. Providing Copies of Documents

- (a) Providing copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil who is less than 18 years of age. (§ 48919.)
- (b) Providing copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil who is 18 years of age or older, or to the parent or guardian of a pupil who is less than 18 years of age, if the documents or records are not "education records" as defined in 20 U.S.C. section 1232g(a)(4). (§ 48919.)

2. Participation in Hearings

Participation by a school district in the county board of education's hearing on appeal if the county board of education grants a hearing de novo. (§ 48919.)

3. Remand Hearing

If the county board of education remanded the expulsion to the school district's governing board following an appeal, sending notice of the hearing, conducting a hearing on remand, and rendering a decision in the remand hearing. (§ 48923.)

4. Expunging Records

Expunging the school district's and pupil's records concerning the expulsion, when ordered by the county board of education. (§ 48923.)

I. TRAINING

Training school district personnel (one-time per employee) about the mandated suspension, expulsion, and expulsion appeal activities. This reimbursable component includes the labor time of administrators and other school district personnel involved with preparation of training sessions and the labor time of administrators and other school district personnel who conduct or attend training sessions. Labor time for teachers is not reimbursable. The cost of materials and supplies used or distributed in training sessions is reimbursable under this component.

V. CLAIM PREPARATION AND SUBMISSION FOR ACTUAL COSTS

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. Attach a copy of the contract to the claim. 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 dates when services were performed and itemize all costs for those services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes,

delivery costs, and installation costs. If the fixed asset or equipment 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. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of the cost element A.1, Salaries and Benefits, for each applicable reimbursable activity.

6. 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 a common or joint purpose. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective. 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.

Indirect costs 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 J-380 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

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

VI. CLAIM PREPARATION AND SUBMISSION: REASONABLE REIMBURSEMENT METHODOLOGY

The Commission is adopting a *reasonable reimbursement methodology* to reimburse school districts for all direct and indirect costs, as authorized by Government Code section 17557,

subdivision (b), *in lieu of payment of total actual costs incurred for the reimbursable activities specified in Section IV.D.3 above.*

A. Reasonable Reimbursement Methodology

The definition of reasonable reimbursement methodology is in Government Code section 17518.5, as follows:

Government Code Section 17518.5

- (a) *Reasonable reimbursement methodology* means a formula for reimbursing local agency and school district costs mandated by the state that meets the following conditions:
 - (1) the total amount to be reimbursed statewide is equivalent to total estimated local agency and school district costs to implement the mandate in a cost-efficient manner.
 - (2) for 50 percent or more of eligible local agency and school district claimants, the amount reimbursed is estimated to fully offset their projected costs to implement the mandate in a cost-efficient manner.
- (b) Whenever possible, a *reasonable reimbursement methodology* shall be based on general allocation formulas, uniform cost allowances, and other approximations of local costs mandated by the state rather than detailed documentation of actual local costs. In cases when local agencies and school districts are projected to incur costs to implement a mandate over a period of more than one fiscal year, the determination of a reasonable reimbursement methodology may consider local costs and state reimbursements over a period of greater than one fiscal year, but not exceeding 10 years.
- (c) A reasonable reimbursement methodology may be developed by any of the following:
 - (1) The Department of Finance.
 - (2) The Controller.
 - (3) An affected state agency.
 - (4) A claimant.
 - (5) An interested party,

B. Uniform Cost Allowances and Formula for Reimbursable Activities

The *reasonable reimbursement methodology* shall consist of uniform cost allowances to cover all direct and indirect costs of performing activities in Section IV.D.3 and applied to a formula for calculating claimable costs.

1. The uniform cost allowances for reimbursement of activities in Section IV.D.3 are as follows:

Reimbursable Component	Uniform Cost Allowance
IV.D.3 (a) Hearing Preparation	\$115.72
IV.D.3 (b). Hearing	\$144.58
IV.D.3 (c) Written Expulsion Recommendation to the Governing Board	\$171.00
IV.D.3 (d) Hearing Record	\$1.47
Total	\$432.77

The uniform cost allowances shall be adjusted each subsequent year by the Implicit Price Deflator.

2. Formula

Reimbursement of Activities IV.D.3 (a) – (d) is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of mandatory recommendations for expulsion that resulted in expulsion hearings. If a hearing does not result, claimant may claim increased costs incurred for Section IV.D.3 (a), Preparation for Expulsion Hearing.

VII. RECORD RETENTION

A. Actual Costs and Reasonable Reimbursement Methodology

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a school district pursuant to this chapter⁶ is subject to the initiation of an audit by the State 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 documentation used to support the reimbursable activities, as described in Section V, 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.

VIII. OFFSETTING REVENUES AND REIMBURSEMENTS

⁶ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

Any offsetting revenues 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, services fees collected, federal funds, and other state funds shall be identified and deducted from this claim.

IX. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement no later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute, regulations, or executive order creating the mandate and the parameters and guidelines adopted by the Commission.

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

X. REMEDIES BEFORE THE COMMISSION

Upon request of a school district, the Commission shall review the claiming instructions issued by the State 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, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

XI. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The statement of decision on *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan* is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claims. The administrative record, including the statement of decision, is on file with the Commission.

ATTACHMENT 2

PROPOSED PARAMETERS AND GUIDELINES

PUPIL EXPULSIONS II (96-358-03, 03A, 98-TC-22, 01-TC-18)

PUPIL SUSPENSIONS II (98-TC-23)

EDUCATIONAL SERVICES PLAN FOR EXPELLED PUPILS (97-TC-09)

Education Code Sections 48915, 48915.2, 48916, 48916.1, 48918, 48918.5, 48926

As Amended by Statutes 1995, Chapters 972 and 974

Statutes 1996, Chapters 915 and 937, 1052

Period of Reimbursement: July 1, 1996 through June 30, 1997

I. SUMMARY OF THE MANDATE

These parameters and guidelines are the second in a set of six for the *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* test claims identified in the caption above. These parameters and guidelines address the costs incurred to perform the new activities mandated by Education Code sections shown in the caption above, and cover new offenses added to the Education Code that trigger existing mandatory suspension and expulsion procedures and post-expulsion requirements that increased the level of service provided by school districts during the first and second years of the period of reimbursement for this claim (fiscal years 1995-1996 and 1996-1997).

The suspension and expulsion procedures and post-expulsion requirements were originally found to impose reimbursable state-mandated costs for possession of a firearm in decisions on *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) which address the program required by statutes enacted from 1975 - 1994. The consolidated test claim for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* addresses new statutory requirements added from 1995 to 2002.

In addition to the activities eligible for reimbursement under these parameters and guidelines, each subsequent set of parameters and guidelines for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* adds activities that correspond to the statutes with later operative dates that were determined by the Commission to impose reimbursable state-mandated activities on school districts.

The six sets of parameters and guidelines that have been adopted for *Pupil Suspension II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* are summarized in the table below:

<u>Parameters and Guidelines</u>	<u>Period of Reimbursement</u>	<u>Statutes Approved</u>
Set 1	July 1, 1995 - June 30, 1996	§ 48915, as amended by Statutes 1995, chapter 972, and activities triggered by the new offenses added to section 48915.
Set 2– current document	July 1, 1996 - June 30, 1997	§§ 48915.2, 48916, 48916.1, 48918, 48918.5, 48926, as amended by Statutes 1995, chapter 874, Statutes 1996, chapters 915, 937, 1052.
Set 3	July 1, 1997 – June 30, 1999	§§ 48900.8, 48918, as amended by Statutes 1997, chapter 637, Statutes 1998, chapter 498.
Set 4	July 1, 1999 – June 30, 2001	§§ 48918, 48923, as amended by Statutes 1999, chapter 332, Statutes 2000, chapter 147.
Set 5	July 1, 2001 – June 30, 2012	§ 48915, Statutes 2001, chapter 116.
Set 6	July 1, 2012 –	All statutes, consolidated with <i>Pupil Suspension from School</i> , <i>Pupil Expulsion from School</i> , and <i>Pupil Expulsion Appeals</i> (CSM-4456, 4455, 4463).

Beginning in fiscal year 2012-2013, and each year thereafter, all reimbursable activities from the original program in *Pupil Suspension from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) are consolidated with *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* and are claimable under the sixth set of parameters and guidelines. The costs incurred under *Pupil Suspensions*, *Pupil Expulsions*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) until June 30, 2012 remain reimbursable under their existing parameters and guidelines and State Controller’s Claiming Instructions for Programs 176 to 271.

The statement of decision on *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan for Expelled Pupils* was adopted on August 1, 2008, and was issued in May 2011. The

Commission found that the test claim statutes impose a partially reimbursable state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The Commission approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1996:

- a. For the principal or superintendent to immediately suspend, pursuant to section 48911,¹ and recommend expulsion, and for the governing board to order expulsion for:
 1. A pupil who brandishes a knife at another person (§ 48915 (c)(2), Stats. 1995 ch. 972);
 2. A pupil who sells or furnishes a firearm unless the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal (§ 48915 (c)(1) and (d), Stats. 1995, ch. 972);
 3. A pupil's first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995 ch. 972).
- b. For the principal or superintendent to immediately suspend, pursuant to section 48911, and for the governing board to order expulsion, for a pupil who sells a controlled substance, as defined (§ 48915 (c)(3), Stats. 1995 ch. 972).
- c. For the school to perform the following suspension procedures² for the offenses listed in (a) and (b) above:
 1. Precede the suspension with an informal conference conducted by the principal or the principal's designee or the superintendent of schools between the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. Inform the pupil of the reason for the disciplinary action and the evidence against him or her and give the pupil the opportunity to present his or her version and evidence in his or her defense. (§ 48911 (b).)
 2. At the time of the suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Whenever the pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension. (§ 48911 (d).)

¹ All statutory references are to the Education Code unless otherwise indicated.

² These offenses also trigger the expulsion procedures identified in the *Pupil Expulsions from School* (CSM-4455) test claim.

3. A school employee shall report the suspension of the pupil including the cause therefore, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board. (§ 48911 (e).)
- d. For the principal or superintendent of schools to recommend expelling a pupil for possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972). The section 48918 expulsion hearing procedures are part of this activity.
- e. For the governing board to refer a pupil expelled for any of the most serious offenses (in § 48915 (c)) to a program of study that meets the following criteria: (1) is appropriately prepared to accommodate pupils who exhibit discipline problems; (2) is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension (§ 48915 (d), Stats. 1995, ch. 972).

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning July 1, 1996:

- a. For the superintendent of schools (or designee) to provide notice to a pupil expelled for any of the most serious offenses (in § 48915 (c)), of the education alternative placement to the pupil's parent or guardian at the time of the expulsion order. (§ 48918 (j), Stats. 1995, ch. 974.)
- b. For the governing board to amend its expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918. This is a one-time activity. (§ 48918 (i), Stats. 1995, ch. 974, §§ 7.5 & 10.)
- c. If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974.)
- d. Ensure that an educational program is provided to the pupil expelled for any of the most serious offenses in subdivision (c) of section 48915. The program must conform to the specifications in section 48916.1. (§ 48916.1, Stats. 1995, ch. 974.)
- e. Recommend a rehabilitation plan to a pupil at the time of the expulsion order (§ 48916 (b), Stats. 1995, ch. 974) when a pupil is expelled for any of the most serious offenses listed in subdivision (c) of section 48915.
- f. For the one-time activity of adopting rules and regulations to establish the process for the required review of all expelled pupils for readmission. (§ 48916 (c), Stats. 1995, ch. 974.)

- g. Perform the following activities when the governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses (in § 48915 (c)). (§ 48916, Stats. 1995, ch. 974.):
 - 1. Review the pupil for readmission. (§ 48916 (a).)
 - 2. Order the expelled pupil's readmission or make a finding to deny readmission if "the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district." (§ 48916 (c).)
 - 3. If readmission is denied, for the governing board to make the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916 (d).)
 - 4. If readmission is denied, the governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916 (e).)
- h. Before allowing the expelled pupil to enroll in a school district that did not expel the pupil, for the receiving district's governing board to determine, pursuant to a hearing under Section 48918, whether an individual expelled from another school district for the offenses listed below poses a danger to either the pupils or employees of the school district. (§ 48915.2 (b), Stats. 1995, ch. 974.) This activity is only reimbursable for determinations of applicants who have been expelled by a district that has not entered into a voluntary interdistrict transfer agreement with the receiving district:
 - 1. Unlawful possession of any controlled substance [as specified] ... including the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. (§ 48915 (a)(3).)
 - 2. Possessing, selling, or otherwise furnishing a firearm ... [without permission as specified]. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. (§ 48915 (c)(1).)
 - 3. Brandishing a knife at another person. (§ 48915 (c)(2).)
 - 4. Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined. (§ 48900 (n) & 48915 (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997.)

From July 1, 1996 until September 25, 1996, for school districts to maintain outcome data, as specified, for pupils expelled for the most serious offenses in subdivision (c) of section 48915. (§ 48916.1, Stats. 1995, ch. 974.)

Beginning September 26, 1996, for the school district to maintain data on the following and report it to the California Department of Education (CDE) for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) Whether the expulsion order was suspended; (2) The type of referral made after the expulsion; and (3) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e), Stats. 1996, ch. 937.)

Beginning September 26, 1996 until January 7, 2002, for school districts to maintain data on the following and report it to CDE for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) The number of pupils recommended for expulsion; (2) The grounds for each recommended expulsion; (3) Whether the pupil was subsequently expelled; (4) Whether the expulsion order was suspended; (5) The type of referral made after the expulsion; and (6) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e), Stats. 1996, ch. 937.)

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1997:

- a. Amend the school district's rules and regulations, as specified, to include procedures that apply when there is a recommendation to expel a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918 (b) & 48918.5, Stats. 1996, ch. 915, one-time costs.)
- b. For the principal or superintendent to suspend, pursuant to section 48911, and recommend expulsion, and for the governing board to order expulsion for pupils who commit or attempt to commit a sexual assault or sexual battery as defined. (§ 48915 (c)(4), Stats. 1996, ch. 1052.) The section 48911 suspension procedures and section 48918 expulsion hearing procedures are part of this activity.
- c. For the principal or superintendent to recommend expelling a pupil for assault or battery on any school employee. (§ 48915 (a)(5), Stats. 1996, chs. 915 & 1052.) The expulsion hearing procedures in section 48918 are part of this activity.
- d. For school districts to follow specified procedures when a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n). (§ 48918 and 48918.5, Stats. 1996, ch. 915.)

For purposes of consistency, these parameters and guidelines continue to include the reasonable reimbursement methodology (RRM) adopted by the Commission in the *Pupil Suspensions*, *Pupil Expulsions*, and *Pupil Expulsion Appeals* parameters and guidelines (CSM-4456, 4455, 4463) for the reimbursement of the direct and indirect expulsion hearing costs incurred by a school district.

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. This includes county offices of education. Charter schools are not eligible claimants.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557 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 filing dates of these test claims establish eligibility for reimbursement operative July 1, 1995, pursuant to Government Code section 17557, subdivision (e).

These parameters and guidelines are for the period of reimbursement from July 1, 1996 through June 30, 1997. However, some of the statutes that impose activities have different operative dates, as follows:

Activities claimed under Statutes 1995, chapter 974, are reimbursable beginning July 1, 1996. Activities claimed under Statutes 1996, chapter 938, are reimbursable beginning September 26, 1996. Activities claimed under Statutes 1996, chapters 915 and 1052, are reimbursable beginning January 1, 1997. Reimbursement for state-mandated costs may be claimed as follows:

1. Costs for one fiscal year shall be included in each claim.
2. All claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions. (Gov. Code, § 17561 (d)(1)(A).)
3. 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. (Gov. Code, § 17560 (a).)
4. In the event revised claiming instructions are issued by the Controller pursuant to Government Code section 17558, subdivision (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, subdivision (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 except as specified in Section IV.D.3. Costs incurred for the expulsion hearing procedures in Section IV.D.3 may be claimed by using the reasonable reimbursement methodology (RRM) described in Section VI of these parameters and guidelines.

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 may claim and be reimbursed for increased costs of performing the following reimbursable activities:

A. ONE-TIME ACTIVITIES TO ADOPT POLICIES, PROCEDURES AND REVISE NOTIFICATION

The following one-time activities are reimbursable only to the extent they have not been claimed in a prior fiscal year under one of the sets of parameters and guidelines adopted for the *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* programs.

1. School Districts and County Boards of Education
 - (a) Adopt and revise rules and regulations establishing procedures pertaining to pupil expulsions to conform to amendments of section 48915 by Statutes 1995, chapters 972 and 974 (operative July 1, 1996) and Statutes 1996, chapters 915 and 1052.
 - (b) Adopt rules and regulations establishing the procedure for the filing and processing of requests for readmission pursuant to Education Code section 48916, and revise those rules and regulations to conform to the amendments of Statutes 1995, chapter 974, operative July 1, 1996.
 - (c) Amend expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918 (Stats. 1995, ch. 974, §§ 7.5 & 10, operative July 1, 1996).
 - (d) Adopt rules and regulations establishing the procedures for expelling a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§§ 48918 (b) & 48918.5, Stats 1996, ch. 915 and ch. 1052, operative Jan. 1, 1997.)

(e) Print and disseminate rules and procedures to each school site.

2. Education Services Plan for Expelled Pupils

If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974, operative July 1, 1996.)

THE REMAINING ACTIVITIES (listed in B through L) ARE ON-GOING ACTIVITIES

B. PUPIL SUSPENSIONS

If the immediate suspension is for any of the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling a controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915 (c)(3), Stats. 1995 ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);

Then the following suspension activities pursuant to section 48911 are reimbursable:

1. Parent Contact

Making a reasonable effort to contact the pupil's parent or guardian in person or by telephone. (§ 48911 (b).)

2. Attendance at Informal Conference

Conducting an informal conference (by the principal or the principal's designee or the superintendent of schools) between the pupil³ and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. Informing the pupil of the reason for the disciplinary action and the evidence against him or her and giving the pupil the opportunity to present his or her version and evidence in his or her defense. (§ 48911 (b).)

3. Written Notice

Notifying the parent or guardian in writing of the suspension whenever the pupil is suspended from school. (§ 48911 (d).)

³ Pupil is defined to include "a pupil's parent or guardian or legal counsel." (§ 48925 (e).)

4. Reporting to the District Office

Reporting the suspension of the pupil including the cause therefor, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board. (§ 48911 (e).)

C. RECOMMENDATION FOR EXPULSION

The preparation of the principal's or superintendent's recommendation to expel a pupil for the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972);
- The first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915 (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

D. EXPULSION HEARING PROCEDURAL REQUIREMENTS

If the expulsion hearing is for any of the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972);
- The first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915 (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

Then the following activities are reimbursable:

1. Hearing Notice

Including in the notice of hearing to the pupil:

- (a) A copy of the disciplinary rules of the district that relate to the alleged violation;
- (b) A notice of the parent's, guardian's, or pupil's obligation, pursuant to Education Code section 48915.1, subdivision (b), to notify a new school district, upon enrollment, of the pupil's expulsion; and
- (c) Notice of the opportunity for the pupil or the pupil's parent or guardian to inspect and obtain copies of all documents to be used at the hearing. (§ 48918 (b).)

2. Document Inspection

Allowing a pupil or pupil's parent or guardian to inspect and obtain copies of documents to be used at the expulsion hearing, as follows:

- (a) If the requesting party is a pupil less than 18 years of age or the parent or guardian of a pupil who is 18 years of age or older, all documents; or
- (b) If the requesting party is the parent or guardian of a pupil under the age of 18, only those documents which are not "education records" as defined in 20 U.S.C. section 1232g(a)(4).⁴ (§ 48918 (b).)

3. Expulsion Hearings: The following activities (3a – 3d) are reimbursed based on a uniform cost allowance reasonable reimbursement methodology:

(a) Hearing Preparation

Preparing and reviewing documents to be used during the expulsion hearing.
Arranging hearing dates and assigning panel members and translators as needed.
(§ 48918 (c).)

(b) Expulsion Hearing

The attendance of the review panel and other district employees required to attend the expulsion hearing. (§ 48918 (c).)

⁴ The Federal Education Rights and Privacy Act of 1974 ("FERPA") defines "education records" as those records, files, documents, and other materials which (i) contain information directly related to a student, and (ii) are maintained by the school district or a person acting for the school district. 20 U.S.C. Section 1232g(a)(4)(B) provides certain exceptions to the general definition (for example, records maintained by a law enforcement unit of a school district that were created by that law enforcement unit for the purpose of law enforcement).

(c) Recommendation to the Governing Board

Preparation and submission of the hearing officer or panel's findings of fact based solely on the evidence adduced at the hearing to recommend the expulsion of a pupil to the governing board. (§ 48918 (d) and (f).)

(d) Hearing Record

Maintaining a record of the hearing by any means which would allow for a reasonably accurate and complete written transcript of the proceedings to be made. (§ 48918 (g).)

E. EXPULSIONS HEARING PROCEDURES FOR SEXUAL ASSAULT OR SEXUAL BATTERY (operative Jan. 1, 1997.)

When a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n), the following activities pursuant to sections 48918 and 48918.5 are reimbursable:

1. Advise Against Party Contact

Immediately advise the complaining witnesses and accused pupils to refrain from personal or telephonic contact with each other during the pendency of any expulsion process. (§ 48918.5 (d), Stats. 1996, ch. 915.)

2. Notice to Complaining Witness

(a) Provide the complaining witness with a copy of the applicable disciplinary rules and advise the witness of his or her right to: (1) receive five days' notice of the complaining witness' scheduled testimony at the hearing; (2) have up to two adult support persons of his or her choosing present in the hearing at the time he or she testifies; and (3) have the hearing closed during the time he or she testifies pursuant to subdivision (c) of section 48918. (§ 48918.5 (a), Stats. 1996, ch. 915.)

(b) Give the complaining witness five days' notice prior to being called to testify. (§ 48918 (b), Stats. 1996, ch. 915.)

3. Complaining Witness Accommodations

(a) If the hearing is conducted at a public meeting, hear the witness' testimony in a session closed to the public if testifying would threaten serious psychological harm and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television. (§ 48918 (c), Stats. 1996, ch. 915.)

- (b) Provide a nonthreatening environment for a complaining witness in order to better enable him or her to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. (§ 48918.5 (c), Stats. 1996, ch. 915.)
- (c) Provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. (§ 48918.5 (c), Stats. 1996, ch. 915.)

4. Protocol for Support Persons

- (a) Before the complaining witness' testimony, admonish the witness' support person(s) that the hearing is confidential. (§ 48918 (b), Stats. 1996, ch. 915.)
- (b) Follow the provisions of section 868.5 of the Penal Code at the hearing if the complaining witness has one or more support persons, and one or more of the support persons is also a witness. (§ 48918 (b), Stats. 1996, ch. 915.)⁵

⁵ The section 868.5 procedures include:

- (1) Only one support person may accompany the witness to the witness stand, although the other may remain in the room during the witness' testimony;
- (2) For the prosecution to present evidence that the support person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness;
- (3) For the governing board, on the prosecution's showing in (2), to grant the request for the support person unless information presented by the defendant or noticed by the district establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony;
- (4) The governing board shall inform the support person or persons that the proceedings are confidential and may not be discussed with anyone not in attendance at the proceedings;
- (5) For the governing board to admonish the support person or persons to not prompt, sway, or influence the witness in any way;
- (6) For the testimony of the support person or persons who are also witnesses to be presented before the testimony of the prosecuting witnesses and excluding the prosecuting witnesses from the courtroom during the support person's testimony; and (7) When the evidence given by the support person would be subject to exclusion because it has been given before the corpus delicti (the basic element or fact of a crime) has been established, for the evidence to be admitted subject to the governing board or defendant's motion to strike that evidence from the record if the corpus delicti is not later established by the testimony of the prosecuting witness.

F. POST-EXPULSION HEARING PROCEDURES

If the expulsion hearing is for any of the following offenses:

- Selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities pursuant to sections 48915 and 48918 are reimbursable:

1. Expulsion Order

Issuing the expulsion order. (§ 48915 (d).)

2. Parent Notice

Sending written notice to the pupil or the pupil's parent or guardian of: (a) any decision by the governing board to expel or suspend the enforcement of an expulsion order during a period of probation; (b) the right to appeal the expulsion to the county board of education; (c) the education alternative placement at the time of the expulsion order; and (d) the obligation of the pupil, parent or guardian under Education Code section 48915.1 to notify a new school district, upon enrollment, of the pupil's expulsion. Costs of postage for mailing the notice is reimbursable under this activity. (§ 48918 (j).)

3. Pupil Records

- (a) Maintaining a record of the expulsion, including the cause of the expulsion. (§ 48918 (k).)
- (b) Recording the expulsion order and the cause of the expulsion in the pupil's mandatory interim record. (§ 48918 (k).)
- (c) Forwarding the pupil's mandatory interim record to any school in which the pupil subsequently enrolls upon the request of such school. (§ 48918 (k).)

G. REFER EXPELLED PUPIL TO DIFFERENT SCHOOLSITE, REHABILITATION PLAN, AND ALTERNATIVE EDUCATIONAL PROGRAM

When the pupil is expelled for one of the following offenses:

- Possessing, selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));

- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities pursuant to sections 48915, 48916, and 48916.1 are reimbursable:

1. Refer to Alternative Education Program During Period of Expulsion

Refer the expelled pupil to a program of study that meets the following criteria: (1) is appropriately prepared to accommodate pupils who exhibit discipline problems; (2) is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension. (§ 48915 (d), Stats. 1995, ch. 972.)

2. Rehabilitation Plan

Recommend a rehabilitation plan for the pupil, at the time of the expulsion order. (§ 48916 (b), Stats. 1995, ch. 974, operative July 1, 1996.)

4. Ensure that an Alternative Educational Program is Provided for Period of Expulsion

Ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. The educational program may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools. The educational program may not be situated within or on the grounds of the school from which the pupil was expelled (§ 48916.1, Stats. 1995, ch. 974, operative July 1, 1996.) State attendance-based funding or other state or federal sources of funding for these programs are identified as an offset in Section VIII of these parameters and guidelines to the reimbursable costs of ensuring that an alternative educational program is provided.

H. READMISSION TO THE DISTRICT

If the governing board expelled a pupil for any of the following offenses:

- Selling or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§ 48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities pursuant to section 48916 are reimbursable:

1. Set a date when the pupil may apply for readmission to a school maintained by the district (§ 48916 (a));
2. Provide a description of the procedure for readmission to the pupil and the pupil's parent or guardian. (§ 48916.)

3. Review the pupil for readmission.
 - (a) Order the expelled pupil's readmission or making a finding to deny readmission if the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district. (§ 48916 (c), Stats. 1995, ch. 974.)
 - (b) If readmission is denied, the governing board does the following:
 - (1) Makes the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916 (d).)
 - (2) Provides written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916 (e).)

I. EXPELLED PUPIL'S REQUEST TO ATTEND NEW DISTRICT

If a pupil applying to a school district that did not expel the pupil (the "receiving school district") has been expelled by another school district for one of the following most serious offenses:

- Unlawful possession of any controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915 (a)(3), Stats. 1995 ch. 972);
- Possessing, selling, or otherwise furnishing a firearm without permission, as specified, if the possession is verified by an employee of a school district (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined (§ 48900 (n) & 48915 (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997);

And the receiving school district does not have a voluntary interdistrict transfer agreement with the expelling district, then the following activity associated with the receiving district's admission hearing is reimbursable as follows:

Before allowing the expelled pupil to enroll, determination by the governing board pursuant to a hearing under section 48918, whether an individual expelled from another school poses a danger to either the pupils or employees of the school district. (§ 48915.2 (b), Stats. 1995, ch. 974)

J. EXPULSION APPEAL HEARINGS

If the governing board expelled a pupil for any of the following:

- Selling or otherwise furnishing a firearm § 48915 (c)(1);
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

1. Providing Copies of Documents

- (a) Providing copies of supporting documents and records from the district’s expulsion hearing (other than the transcript) to a pupil who is less than 18 years of age. (§ 48919.)
- (b) Providing copies of supporting documents and records from the district’s expulsion hearing (other than the transcript) to a pupil who is 18 years of age or older, or to the parent or guardian of a pupil who is less than 18 years of age, if the documents or records are not “education records” as defined in 20 U.S.C. section 1232g(a)(4). (§ 48919.)

2. Participation in Hearings

Participation by a school district in the county board of education’s hearing on appeal if the county board of education grants a hearing de novo. (§ 48919.)

3. Remand Hearing

If the county board of education remanded the expulsion to the school district’s governing board following an appeal, sending notice of the hearing, conducting a hearing on remand, and rendering a decision in the remand hearing. (§ 48923.)

4. Expunging Records

Expunging the school district’s and pupil’s records concerning the expulsion, when ordered by the county board of education. (§ 48923.)

K. SCHOOL DISTRICT DATA COLLECTION AND REPORTING

If the governing board expelled a pupil for any of the following offenses:

- Selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));

- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

1. From July 1, 1996 until September 25, 1996, for school districts to maintain outcome data for these pupils as follows (§ 48916.1, Stats. 1995, ch. 974, operative July 1, 1996.):
 - (a) Pupils who are enrolled in education programs operated by the school district, the county superintendent of schools, or as otherwise authorized pursuant to section 48916.1 (Stats. 1995, ch. 974). Outcome data shall include, but not be limited to, attendance, graduation and dropout rates of expelled pupils enrolled in alternative placement programs. Outcome data shall also include attendance, graduation and dropout rates, and comparable levels of academic progress, of pupils participating in independent study offered by the school district.
 - (b) Maintain data as further specified by the Superintendent of Public Instruction, on the number of pupils placed in community day school or participating in independent study whose immediate preceding placement was county community school, continuation school, or comprehensive school, or who was not enrolled in any school.
 - (c) The number of pupils placed in community day school whose subsequent placement is county community school, continuation school, or comprehensive school, or who are not enrolled in any school.
2. Beginning September 26, 1996 for school districts to maintain data on the following and report it to the California Department of Education (CDE), commencing on June 1, 1997, for pupils expelled for the most serious offenses in section 48915, subdivision (c):
 - a. The number of pupils recommended for expulsion;
 - b. The grounds for each recommended expulsion;
 - c. Whether the pupil was subsequently expelled;
 - d. Whether the expulsion order was suspended;
 - e. The type of referral made after the expulsion; and
 - f. The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e)(1), Stats. 1996, ch. 937.)

L. TRAINING

Training school district personnel (one-time per employee) about the mandated suspension, expulsion, and expulsion appeal activities. This reimbursable component includes the labor time of administrators and other school district personnel involved with

preparation of training sessions and the labor time of administrators and other school district personnel who conduct or attend training sessions. Labor time for teachers is not reimbursable. The cost of materials and supplies used or distributed in training sessions is reimbursable under this component.

V. CLAIM PREPARATION AND SUBMISSION FOR ACTUAL COSTS

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. Attach a copy of the contract to the claim. 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 dates when services were performed and itemize all costs for those services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment 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. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of the cost element A.1, Salaries and Benefits, for each applicable reimbursable activity.

6. 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 a common or joint purpose. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective. 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.

Indirect costs 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 J-380 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

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

VI. CLAIM PREPARATION AND SUBMISSION: REASONABLE REIMBURSEMENT METHODOLOGY

The Commission is adopting a *reasonable reimbursement methodology* to reimburse school districts for all direct and indirect costs, as authorized by Government Code section 17557, subdivision (b), *in lieu of payment of total actual costs incurred for the reimbursable activities specified in Section IV.D.3 above.*

A. Reasonable Reimbursement Methodology

The definition of reasonable reimbursement methodology is in Government Code section 17518.5, as follows:

Government Code Section 17518.5

- (a) *Reasonable reimbursement methodology* means a formula for reimbursing local agency and school district costs mandated by the state that meets the following conditions:
 - (1) the total amount to be reimbursed statewide is equivalent to total estimated local agency and school district costs to implement the mandate in a cost-efficient manner.
 - (2) for 50 percent or more of eligible local agency and school district claimants, the amount reimbursed is estimated to fully offset their projected costs to implement the mandate in a cost-efficient manner.
- (b) Whenever possible, a *reasonable reimbursement methodology* shall be based on general allocation formulas, uniform cost allowances, and other approximations of local costs mandated by the state rather than detailed documentation of actual local costs. In cases when local agencies and school districts are projected to incur costs to implement a mandate over a period of more than one fiscal year, the determination of a reasonable reimbursement methodology may consider local costs and state reimbursements over a period of greater than one fiscal year, but not exceeding 10 years.
- (c) A reasonable reimbursement methodology may be developed by any of the following:
 - (1) The Department of Finance.
 - (2) The Controller.
 - (3) An affected state agency.
 - (4) A claimant.
 - (5) An interested party,

B. Uniform Cost Allowances and Formula for Reimbursable Activities

The *reasonable reimbursement methodology* shall consist of uniform cost allowances to cover all direct and indirect costs of performing activities in Section IV.D.3 and applied to a formula for calculating claimable costs.

1. The uniform cost allowances for reimbursement of activities in Section IV.D.3 are as follows:

Reimbursable Component	Uniform Cost Allowance
IV.D.3 (a) Hearing Preparation	\$115.72
IV.D.3 (b). Hearing	\$144.58
IV.D.3 (c) Written Expulsion Recommendation to the Governing Board	\$171.00
IV.D.3 (d) Hearing Record	\$1.47
Total	\$432.77

The uniform cost allowances shall be adjusted each subsequent year by the Implicit Price Deflator.

2. Formula

Reimbursement of Activities IV.D.3 (a) – (d) is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of mandatory recommendations for expulsion that resulted in expulsion hearings. If a hearing does not result, claimant may claim increased costs incurred for Section IV.D.3 (a), Preparation for Expulsion Hearing.

VII. RECORD RETENTION

A. Actual Costs and Reasonable Reimbursement Methodology

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a school district pursuant to this chapter⁶ is subject to the initiation of an audit by the State 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 documentation used to support the reimbursable activities, as described in Section V, 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.

⁶ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

VIII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsetting revenues 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, state attendance-based funding or other state or federal sources of funding for the costs of ensuring that an alternative educational program is provided to an expelled pupil, as described in Section IV(G)(3) of these parameters and guidelines; and other state and federal funds for the costs of the remaining activities identified in Section IV of these parameters and guidelines, shall be identified and deducted from this claim.

IX. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement no later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute, regulations, or executive order creating the mandate and the parameters and guidelines adopted by the Commission.

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

X. REMEDIES BEFORE THE COMMISSION

Upon request of a school district, the Commission shall review the claiming instructions issued by the State 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, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

XI. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The statement of decision on *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan* is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claims. The administrative record, including the statement of decision, is on file with the Commission.

ATTACHMENT 3

PROPOSED PARAMETERS AND GUIDELINES

PUPIL EXPULSIONS II (96-358-03, 03A, 98-TC-22, 01-TC-18)

PUPIL SUSPENSIONS II (98-TC-23)

EDUCATIONAL SERVICES PLAN FOR EXPELLED PUPILS (97-TC-09)

Education Code Sections 48900.8, 48915, 48915.2, 48916, 48916.1, 48918, 48918.5, 48926

As Amended by Statutes 1995, Chapters 972 and 974

Statutes 1996, Chapters 915 and 937, 1052, Statutes 1997, Chapter 637,

Statutes 1998, Chapter 498.

**Period of Reimbursement: July 1, 1997 through June 30, 1998
and July 1, 1998 – June 30, 1999**

I. SUMMARY OF THE MANDATE

These parameters and guidelines are the third in a set of six for the *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* test claims identified in the caption above. These parameters and guidelines address the costs incurred to perform the new activities mandated by Education Code sections shown in the caption above, and cover new offenses added to the Education Code that trigger existing mandatory suspension and expulsion procedures and post-expulsion requirements that increased the level of service provided by school districts during the first through fourth years of the period of reimbursement for this claim (fiscal years 1995-1996, 1996-1997, 1997-1998 and 1998-1999)

The suspension and expulsion procedures and post-expulsion requirements were originally found to impose reimbursable state-mandated costs for possession of a firearm in decisions on *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) which address the program required by statutes enacted from 1975 - 1994. The consolidated test claim for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* addresses new statutory requirements added from 1995 to 2002.

In addition to the activities eligible for reimbursement under these parameters and guidelines, each subsequent set of parameters and guidelines for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* adds activities that correspond to the statutes with later operative dates that were determined by the Commission to impose reimbursable state-mandated activities on school districts.

The six sets of parameters and guidelines that have been adopted for *Pupil Suspension II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* are summarized in the table below:

<u>Parameters and Guidelines</u>	<u>Period of Reimbursement</u>	<u>Statutes Approved</u>
Set 1	July 1, 1995 - June 30, 1996	§ 48915, as amended by Statutes 1995, chapter 972, and activities triggered by the new offenses added to section 48915.
Set 2	July 1, 1996 - June 30, 1997	§§ 48915.2, 48916, 48916.1, 48918, 48918.5, 48926, as amended by Statutes 1995, chapter 874, Statutes 1996, chapters 915, 937, 1052.
Set 3 – current document	July 1, 1997 – June 30, 1999	§§ 48900.8, 48918, as amended by Statutes 1997, chapter 637, Statutes 1998, chapter 498.
Set 4	July 1, 1999 – June 30, 2001	§§ 48918, 48923, as amended by Statutes 1999, chapter 332, Statutes 2000, chapter 147.
Set 5	July 1, 2001 – June 30, 2012	§ 48915, Statutes 2001, chapter 116.
Set 6	July 1, 2012 –	All statutes, consolidated with <i>Pupil Suspension from School</i> , <i>Pupil Expulsion from School</i> , and <i>Pupil Expulsion Appeals</i> (CSM-4456, 4455, 4463).

Beginning in fiscal year 2012-2013, and each year thereafter, all reimbursable activities from the original program in *Pupil Suspension from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) are consolidated with *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* and are claimable under the sixth set of parameters and guidelines. The costs incurred under *Pupil Suspensions*, *Pupil Expulsions*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) until June 30, 2012 remain reimbursable under their existing parameters and guidelines and State Controller’s Claiming Instructions for Programs 176 to 271.

The statement of decision on *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan for Expelled Pupils* was adopted on August 1, 2008, and was issued in May 2011. The Commission found that the test claim statutes impose a partially reimbursable state-mandated

program on school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The Commission approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1996:

- a. For the principal or superintendent to immediately suspend, pursuant to section 48911,¹ and recommend expulsion, and for the governing board to order expulsion for:
 1. A pupil who brandishes a knife at another person (§ 48915 (c)(2), Stats. 1995 ch. 972);
 2. A pupil who sells or furnishes a firearm unless the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal (§ 48915 (c)(1) and (d), Stats. 1995, ch. 972);
 3. A pupil's first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995 ch. 972).
- b. For the principal or superintendent to immediately suspend, pursuant to section 48911, and for the governing board to order expulsion, for a pupil who sells a controlled substance, as defined (§ 48915 (c)(3), Stats. 1995 ch. 972).
- c. For the school to perform the following suspension procedures² for the offenses listed in (a) and (b) above:
 1. Precede the suspension with an informal conference conducted by the principal or the principal's designee or the superintendent of schools between the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. Inform the pupil of the reason for the disciplinary action and the evidence against him or her and give the pupil the opportunity to present his or her version and evidence in his or her defense. (§ 48911 (b).)
 2. At the time of the suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Whenever the pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension. (§ 48911 (d).)
 3. A school employee shall report the suspension of the pupil including the cause therefore, to the governing board of the school district or to the school district

¹ All statutory references are to the Education Code unless otherwise indicated.

² These offenses also trigger the expulsion procedures identified in the *Pupil Expulsions from School* (CSM-4455) test claim.

superintendent in accordance with the regulations of the governing board. (§ 48911 (e).)

- d. For the principal or superintendent of schools to recommend expelling a pupil for possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972). The section 48918 expulsion hearing procedures are part of this activity.
- e. For the governing board to refer a pupil expelled for any of the most serious offenses (in § 48915 (c)) to a program of study that meets the following criteria: (1) is appropriately prepared to accommodate pupils who exhibit discipline problems; (2) is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension (§ 48915 (d), Stats. 1995, ch. 972).

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning July 1, 1996:

- a. For the superintendent of schools (or designee) to provide notice to a pupil expelled for any of the most serious offenses (in § 48915 (c)), of the education alternative placement to the pupil's parent or guardian at the time of the expulsion order. (§ 48918 (j), Stats. 1995, ch. 974.)
- b. For the governing board to amend its expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918. This is a one-time activity. (§ 48918 (i), Stats. 1995, ch. 974, §§ 7.5 & 10.)
- c. If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974.)
- d. Ensure that an educational program is provided to the pupil expelled for any of the most serious offenses in subdivision (c) of section 48915. The program must conform to the specifications in section 48916.1. (§ 48916.1, Stats. 1995, ch. 974.)
- e. Recommend a rehabilitation plan to a pupil at the time of the expulsion order (§ 48916 (b), Stats. 1995, ch. 974) when a pupil is expelled for any of the most serious offenses listed in subdivision (c) of section 48915.
- f. For the one-time activity of adopting rules and regulations to establish the process for the required review of all expelled pupils for readmission. (§ 48916 (c), Stats. 1995, ch. 974.)
- g. Perform the following activities when the governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses (in § 48915 (c)). (§ 48916, Stats. 1995, ch. 974.):

1. Review the pupil for readmission. (§ 48916 (a).)
 2. Order the expelled pupil's readmission or make a finding to deny readmission if "the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district." (§ 48916 (c).)
 3. If readmission is denied, for the governing board to make the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916 (d).)
 4. If readmission is denied, the governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916 (e).)
- h. Before allowing the expelled pupil to enroll in a school district that did not expel the pupil, for the receiving district's governing board to determine, pursuant to a hearing under Section 48918, whether an individual expelled from another school district for the offenses listed below poses a danger to either the pupils or employees of the school district. (§ 48915.2 (b), Stats. 1995, ch. 974.) This activity is only reimbursable for determinations of applicants who have been expelled by a district that has not entered into a voluntary interdistrict transfer agreement with the receiving district:
1. Unlawful possession of any controlled substance [as specified] ... including the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. (§ 48915 (a)(3).)
 2. Possessing, selling, or otherwise furnishing a firearm ... [without permission as specified]. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. (§ 48915 (c)(1).)
 3. Brandishing a knife at another person. (§ 48915 (c)(2).)
 4. Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined. (§ 48900 (n) & 48915 (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997.)

From July 1, 1996 until September 25, 1996, for school districts to maintain outcome data, as specified, for pupils expelled for the most serious offenses in subdivision (c) of section 48915. (§ 48916.1, Stats. 1995, ch. 974.)

Beginning September 26, 1996, for the school district to maintain data on the following and report it to the California Department of Education (CDE) for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) Whether the expulsion order was

suspended; (2) The type of referral made after the expulsion; and (3) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e), Stats. 1996, ch. 937.)

Beginning September 26, 1996 until January 7, 2002, for school districts to maintain data on the following and report it to CDE for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) The number of pupils recommended for expulsion; (2) The grounds for each recommended expulsion; (3) Whether the pupil was subsequently expelled; (4) Whether the expulsion order was suspended; (5) The type of referral made after the expulsion; and (6) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e), Stats. 1996, ch. 937.)

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1997:

- a. Amend the school district's rules and regulations, as specified, to include procedures that apply when there is a recommendation to expel a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918 (b) & 48918.5, Stats. 1996, ch. 915, one-time costs.)
- b. For the principal or superintendent to suspend, pursuant to section 48911, and recommend expulsion, and for the governing board to order expulsion for pupils who commit or attempt to commit a sexual assault or sexual battery as defined. (§ 48915 (c)(4), Stats. 1996, ch. 1052.) The section 48911 suspension procedures and section 48918 expulsion hearing procedures are part of this activity.
- c. For the principal or superintendent to recommend expelling a pupil for assault or battery on any school employee. (§ 48915 (a)(5), Stats. 1996, chs. 915 & 1052.) The expulsion hearing procedures in section 48918 are part of this activity.
- d. For school districts to follow specified procedures when a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n). (§ 48918 and 48918.5, Stats. 1996, ch. 915.)

Beginning January 1, 1998, for school districts to identify by offense, in all appropriate official records of a pupil, each suspension of that pupil for any of the most serious mandatory offenses in section 48915, subdivision (c). (§ 48900.8, Stats. 1997, ch. 637.)

Beginning January 1, 1999, for the school district to amend its expulsion rules and regulations as follows:

If compliance by the governing board with the time requirements for the conduct of an expulsion hearing under subdivision (a) of section 48918 is impracticable due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20

schooldays, as defined in subdivision (c) of Section 48915, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall be held no later than 20 calendar days prior to the first day of school for the school year. (§ 48918 (a), Stats. 1998, ch. 489.)

For purposes of consistency, these parameters and guidelines continue to include the reasonable reimbursement methodology (RRM) adopted by the Commission in the *Pupil Suspensions, Pupil Expulsions, and Pupil Expulsion Appeals* parameters and guidelines (CSM-4456, 4455, 4463) for the reimbursement of the direct and indirect expulsion hearing costs incurred by a school district.

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. This includes county offices of education. Charter schools are not eligible claimants.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557 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 filing dates of these test claims establish eligibility for reimbursement operative July 1, 1995, pursuant to Government Code section 17557, subdivision (e).

These parameters and guidelines are for the period of reimbursement from July 1, 1997 through June 30, 1999. However, some of the statutes that impose activities have different operative dates, as follows:

Activities claimed under Statutes 1997, chapter 637, are reimbursable beginning January 1, 1998. Activities claimed under Statutes 1998, chapter 498, are reimbursable beginning January 1, 1999.

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

1. Costs for one fiscal year shall be included in each claim.
2. All claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions. (Gov. Code, § 17561 (d)(1)(A).)
3. 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. (Gov. Code, § 17560 (a).)
4. In the event revised claiming instructions are issued by the Controller pursuant to Government Code section 17558, subdivision (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, subdivision (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 except as specified in Section IV.D.3. Costs incurred for the expulsion hearing procedures in Section IV.D.3 may be claimed by using the reasonable reimbursement methodology (RRM) described in Section VI of these parameters and guidelines.

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 may claim and be reimbursed for increased costs of performing the following reimbursable activities:

A. ONE-TIME ACTIVITIES TO ADOPT POLICIES, PROCEDURES AND REVISE NOTIFICATION

The following one-time activities are reimbursable only to the extent they have not been claimed in a prior fiscal year under one of the sets of parameters and guidelines adopted for the *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* programs.

1. School Districts and County Boards of Education
 - (a) Adopt and revise rules and regulations establishing procedures pertaining to pupil expulsions to conform to amendments of section 48915 by Statutes 1995, chapters 972 and 974 (operative July 1, 1996), Statutes 1996, chapters 915 and 1052, and Statutes 1998, chapter 489.
 - (b) Adopt rules and regulations establishing the procedure for the filing and processing of requests for readmission pursuant to Education Code section 48916, and revise those

rules and regulations to conform to the amendments of Statutes 1995, chapter 974, operative July 1, 1996.

- (c) Amend expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918 (Stats. 1995, ch. 974, §§ 7.5 & 10, operative July 1, 1996).
- (d) Adopt rules and regulations establishing the procedures for expelling a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§§ 48918 (b) & 48918.5, Stats 1996, ch. 915 and ch. 1052, operative Jan. 1, 1997.)
- (e) Print and disseminate rules and procedures to each school site.

2. Education Services Plan for Expelled Pupils

If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974, operative July 1, 1996.)

THE REMAINING ACTIVITIES (listed in B through L) ARE ON-GOING ACTIVITIES

B. PUPIL SUSPENSIONS

If the immediate suspension is for any of the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling a controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915 (c)(3), Stats. 1995 ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);

Then the following suspension activities pursuant to section 48911 and 48900.8 are reimbursable:

1. Parent Contact

Making a reasonable effort to contact the pupil's parent or guardian in person or by telephone. (§ 48911 (b).)

2. Attendance at Informal Conference

Conducting an informal conference (by the principal or the principal's designee or the superintendent of schools) between the pupil³ and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. Informing the pupil of the reason for the disciplinary action and the evidence against him or her and giving the pupil the opportunity to present his or her version and evidence in his or her defense. (§ 48911 (b).)

3. Written Notice

Notifying the parent or guardian in writing of the suspension whenever the pupil is suspended from school. (§ 48911 (d).)

4. Reporting to the District Office

Reporting the suspension of the pupil including the cause therefor, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board. (§ 48911 (e).)

5. Pupil Records

Identify by offense, in all appropriate official records of a pupil, each suspension of that pupil. (§ 48900.8, Stats. 1997, ch. 637.)

C. RECOMMENDATION FOR EXPULSION

The preparation of the principal's or superintendent's recommendation to expel a pupil for the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972);
- The first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915 (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

³ Pupil is defined to include "a pupil's parent or guardian or legal counsel." (§ 48925, subd. (e).)

D. EXPULSION HEARING PROCEDURAL REQUIREMENTS

If the expulsion hearing is for any of the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972);
- The first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915 (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

Then the following activities are reimbursable:

1. Hearing Notice

Including in the notice of hearing to the pupil:

- (a) A copy of the disciplinary rules of the district that relate to the alleged violation;
- (b) A notice of the parent's, guardian's, or pupil's obligation, pursuant to Education Code section 48915.1, subdivision (b), to notify a new school district, upon enrollment, of the pupil's expulsion; and
- (c) Notice of the opportunity for the pupil or the pupil's parent or guardian to inspect and obtain copies of all documents to be used at the hearing. (§ 48918 (b).)

2. Document Inspection

Allowing a pupil or pupil's parent or guardian to inspect and obtain copies of documents to be used at the expulsion hearing, as follows:

- (a) If the requesting party is a pupil less than 18 years of age or the parent or guardian of a pupil who is 18 years of age or older, all documents; or
- (b) If the requesting party is the parent or guardian of a pupil under the age of 18, only those documents which are not "education records" as defined in 20 U.S.C. section 1232g(a)(4).⁴ (§ 48918 (b).)

⁴ The Federal Education Rights and Privacy Act of 1974 ("FERPA") defines "education records" as those records, files, documents, and other materials which (i) contain information directly related to a student, and (ii) are maintained by the school district or a person acting for the school

3. Expulsion Hearings: The following activities (3a – 3d) are reimbursed based on a uniform cost allowance reasonable reimbursement methodology:
 - (a) Hearing Preparation

Preparing and reviewing documents to be used during the expulsion hearing.
Arranging hearing dates and assigning panel members and translators as needed.
(§ 48918 (c).)
 - (b) Expulsion Hearing

The attendance of the review panel and other district employees required to attend the expulsion hearing. (§ 48918 (c).)
 - (c) Recommendation to the Governing Board

Preparation and submission of the hearing officer or panel’s findings of fact based solely on the evidence adduced at the hearing to recommend the expulsion of a pupil to the governing board. (§ 48918 (d) and (f).)
 - (d) Hearing Record

Maintaining a record of the hearing by any means which would allow for a reasonably accurate and complete written transcript of the proceedings to be made.
(§ 48918 (g).)

E. EXPULSION HEARING PROCEDURES FOR SEXUAL ASSAULT OR SEXUAL BATTERY

When a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n), the following activities pursuant to sections 48918 and 48918.5 are reimbursable:

1. Advise Against Party Contact

Immediately advise the complaining witnesses and accused pupils to refrain from personal or telephonic contact with each other during the pendency of any expulsion process. (§ 48918.5 (d), Stats. 1996, ch. 915.)
2. Notice to Complaining Witness
 - (a) Provide the complaining witness with a copy of the applicable disciplinary rules and advise the witness of his or her right to: (1) receive five days’ notice of the complaining witness’ scheduled testimony at the hearing; (2) have up to two adult

district. 20 U.S.C. Section 1232g(a)(4)(B) provides certain exceptions to the general definition (for example, records maintained by a law enforcement unit of a school district that were created by that law enforcement unit for the purpose of law enforcement).

support persons of his or her choosing present in the hearing at the time he or she testifies; and (3) have the hearing closed during the time he or she testifies pursuant to subdivision (c) of section 48918. (§ 48918.5 (a), Stats. 1996, ch. 915.)

(b) Give the complaining witness five days' notice prior to being called to testify. (§ 48918 (b), Stats. 1996, ch. 915.)

3. Complaining Witness Accommodations

(a) If the hearing is conducted at a public meeting, hear the witness' testimony in a session closed to the public if testifying would threaten serious psychological harm and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television. (§ 48918 (c), Stats. 1996, ch. 915.)

(b) Provide a nonthreatening environment for a complaining witness in order to better enable him or her to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. (§ 48918.5 (c), Stats. 1996, ch. 915.)

(c) Provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. (§ 48918.5 (c), Stats. 1996, ch. 915.)

4. Protocol for Support Persons

(a) Before the complaining witness' testimony, admonish the witness' support person(s) that the hearing is confidential. (§ 48918 (b), Stats. 1996, ch. 915.)

(b) Follow the provisions of section 868.5 of the Penal Code at the hearing if the complaining witness has one or more support persons, and one or more of the support persons is also a witness. (§ 48918 (b), Stats. 1996, ch. 915.)⁵

⁵ The section 868.5 procedures include:

- (1) Only one support person may accompany the witness to the witness stand, although the other may remain in the room during the witness' testimony;
- (2) For the prosecution to present evidence that the support person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness;
- (3) For the governing board, on the prosecution's showing in (2), to grant the request for the support person unless information presented by the defendant or noticed by the district establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony;

F. POST-EXPULSION HEARING PROCEDURES

If the expulsion hearing is for any of the following offenses:

- Selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities pursuant to sections 48915 and 48918 are reimbursable:

1. Expulsion Order

Issuing the expulsion order. (§ 48915 (d).)

2. Parent Notice

Sending written notice to the pupil or the pupil's parent or guardian of: (a) any decision by the governing board to expel or suspend the enforcement of an expulsion order during a period of probation; (b) the right to appeal the expulsion to the county board of education; (c) the education alternative placement at the time of the expulsion order; and (d) the obligation of the pupil, parent or guardian under Education Code section 48915.1 to notify a new school district, upon enrollment, of the pupil's expulsion. Costs of postage for mailing the notice is reimbursable under this activity. (§ 48918 (j).)

3. Pupil Records

(a) Maintaining a record of the expulsion, including the cause of the expulsion. (§ 48918 (k).)

(b) Recording the expulsion order and the cause of the expulsion in the pupil's mandatory interim record. (§ 48918 (k).)

(4) The governing board shall inform the support person or persons that the proceedings are confidential and may not be discussed with anyone not in attendance at the proceedings;

(5) For the governing board to admonish the support person or persons to not prompt, sway, or influence the witness in any way;

(6) For the testimony of the support person or persons who are also witnesses to be presented before the testimony of the prosecuting witnesses and excluding the prosecuting witnesses from the courtroom during the support person's testimony; and (7) When the evidence given by the support person would be subject to exclusion because it has been given before the corpus delicti (the basic element or fact of a crime) has been established, for the evidence to be admitted subject to the governing board or defendant's motion to strike that evidence from the record if the corpus delicti is not later established by the testimony of the prosecuting witness.

(c) Forwarding the pupil's mandatory interim record to any school in which the pupil subsequently enrolls upon the request of such school. (§ 48918 (k).)

G. REFER EXPELLED PUPIL TO DIFFERENT SCHOOLSITE, REHABILITATION PLAN, AND ALTERNATIVE EDUCATIONAL PROGRAM

When the pupil is expelled for one of the following offenses:

- Possessing, selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities pursuant to sections 48915, 48916, and 48916.1 are reimbursable:

1. Refer to Alternative Education Program During Period of Expulsion

Refer the expelled pupil to a program of study that meets the following criteria: (1) is appropriately prepared to accommodate pupils who exhibit discipline problems; (2) is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension. (§ 48915 (d), Stats. 1995, ch. 972.)

2. Rehabilitation Plan

Recommend a rehabilitation plan for the pupil, at the time of the expulsion order. (§ 48916 (b), Stats. 1995, ch. 974, operative July 1, 1996.)

3. Ensure that an Alternative Educational Program is Provided for Period of Expulsion

Ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. The educational program may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools. The educational program may not be situated within or on the grounds of the school from which the pupil was expelled (§ 48916.1, Stats. 1995, ch. 974, operative July 1, 1996.) State attendance-based funding or other state or federal sources of funding for these programs are identified as an offset in Section VIII of these parameters and guidelines to the reimbursable costs of ensuring that an alternative educational program is provided.

H. READMISSION TO THE DISTRICT

If the governing board expelled a pupil for any of the following offenses:

- Selling or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));

- Unlawfully selling any controlled substance (§ 48915(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§ 48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities pursuant to section 48916 are reimbursable:

1. Set a date when the pupil may apply for readmission to a school maintained by the district (§ 48916 (a).);
2. Provide a description of the procedure for readmission to the pupil and the pupil’s parent or guardian. (§ 48916.)
3. Review the pupil for readmission.
 - (a) Order the expelled pupil’s readmission or making a finding to deny readmission if the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district. (§48916 (c), Stats. 1995, ch. 974.)
 - (b) If readmission is denied, the governing board does the following:
 - (1) Makes the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916 (d).)
 - (2) Provides written notice to the expelled pupil and the pupil’s parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916 (e).)

I. EXPELLED PUPIL’S REQUEST TO ATTEND NEW DISTRICT

RECEIVING DISTRICT ACTIVITIES pursuant to section 48915.2:

If a pupil applying to a school district that did not expel the pupil (the “receiving school district”) has been expelled by another school district for one of the following most serious offenses:

- Unlawful possession of any controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915 (a)(3), Stats. 1995 ch. 972);
- Possessing, selling, or otherwise furnishing a firearm without permission, as specified, if the possession is verified by an employee of a school district (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined (§ 48900 (n) & 48915 (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997);

And the receiving school district does not have a voluntary interdistrict transfer agreement with the expelling district, then the following activity associated with the receiving district's admission hearing is reimbursable as follows:

Before allowing the expelled pupil to enroll, determination by the governing board pursuant to a hearing under section 48918, whether an individual expelled from another school poses a danger to either the pupils or employees of the school district. (§ 48915.2 (b), Stats. 1995, ch. 974)

J. EXPULSION APPEAL HEARINGS

If the governing board expelled a pupil for any of the following:

- Selling or otherwise furnishing a firearm § 48915 (c)(1);
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

1. Providing Copies of Documents

(a) Providing copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil who is less than 18 years of age.

(§ 48919.)

(b) Providing copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil who is 18 years of age or older, or to the parent or guardian of a pupil who is less than 18 years of age, if the documents or records are not "education records" as defined in 20 U.S.C. section 1232g(a)(4).

(§ 48919.)

2. Participation in Hearings

Participation by a school district in the county board of education's hearing on appeal if the county board of education grants a hearing de novo. (§ 48919.)

3. Remand Hearing

If the county board of education remanded the expulsion to the school district's governing board following an appeal, sending notice of the hearing, conducting a hearing on remand, and rendering a decision in the remand hearing. (§ 48923.)

4. Expunging Records

Expunging the school district's and pupil's records concerning the expulsion, when ordered by the county board of education. (§ 48923.)

K. SCHOOL DISTRICT DATA COLLECTION AND REPORTING

If the governing board expelled a pupil for any of the following offenses:

- Selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

Maintain data on the following and report it to the California Department of Education (CDE):

- a. The number of pupils recommended for expulsion;
- b. The grounds for each recommended expulsion;
- c. Whether the pupil was subsequently expelled;
- d. Whether the expulsion order was suspended;
- e. The type of referral made after the expulsion; and
- f. The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e)(1), Stats. 1996, ch. 937.)

L. TRAINING

Training school district personnel (one-time per employee) about the mandated suspension, expulsion, and expulsion appeal activities. This reimbursable component includes the labor time of administrators and other school district personnel involved with preparation of training sessions and the labor time of administrators and other school district personnel who conduct or attend training sessions. Labor time for teachers is not reimbursable. The cost of materials and supplies used or distributed in training sessions is reimbursable under this component.

V. CLAIM PREPARATION AND SUBMISSION FOR ACTUAL COSTS

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. Attach a copy of the contract to the claim. 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 dates when services were performed and itemize all costs for those services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment 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. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of the cost element A.1, Salaries and Benefits, for each applicable reimbursable activity.

6. 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 a common or joint purpose. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective. 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.

Indirect costs 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 J-380 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

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

VI. CLAIM PREPARATION AND SUBMISSION: REASONABLE REIMBURSEMENT METHODOLOGY

The Commission is adopting a *reasonable reimbursement methodology* to reimburse school districts for all direct and indirect costs, as authorized by Government Code section 17557, subdivision (b), *in lieu of payment of total actual costs incurred for the reimbursable activities specified in Section IV.D.3 above.*

A. Reasonable Reimbursement Methodology

The definition of reasonable reimbursement methodology is in Government Code section 17518.5, as follows:

Government Code Section 17518.5

- (a) *Reasonable reimbursement methodology* means a formula for reimbursing local agency and school district costs mandated by the state that meets the following conditions:
 - (1) the total amount to be reimbursed statewide is equivalent to total estimated local agency and school district costs to implement the mandate in a cost-efficient manner.
 - (2) for 50 percent or more of eligible local agency and school district claimants, the amount reimbursed is estimated to fully offset their projected costs to implement the mandate in a cost-efficient manner.
- (b) Whenever possible, a *reasonable reimbursement methodology* shall be based on general allocation formulas, uniform cost allowances, and other approximations of local costs mandated by the state rather than detailed documentation of actual

local costs. In cases when local agencies and school districts are projected to incur costs to implement a mandate over a period of more than one fiscal year, the determination of a reasonable reimbursement methodology may consider local costs and state reimbursements over a period of greater than one fiscal year, but not exceeding 10 years.

- (c) A reasonable reimbursement methodology may be developed by any of the following:
 - (1) The Department of Finance.
 - (2) The Controller.
 - (3) An affected state agency.
 - (4) A claimant.
 - (5) An interested party,

B. Uniform Cost Allowances and Formula for Reimbursable Activities

The *reasonable reimbursement methodology* shall consist of uniform cost allowances to cover all direct and indirect costs of performing activities in Section IV.D.3 and applied to a formula for calculating claimable costs.

1. The uniform cost allowances for reimbursement of activities in Section IV.D.3 are as follows:

Reimbursable Component	Uniform Cost Allowance
IV.D.3 (a) Hearing Preparation	\$115.72
IV.D.3 (b). Hearing	\$144.58
IV.D.3 (c) Written Expulsion Recommendation to the Governing Board	\$171.00
IV.D.3 (d) Hearing Record	\$1.47
Total	\$432.77

The uniform cost allowances shall be adjusted each subsequent year by the Implicit Price Deflator.

2. Formula

Reimbursement of Activities IV.D.3 (a) – (d) is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of mandatory recommendations for expulsion that resulted in expulsion hearings. If a hearing does not result, claimant may claim increased costs incurred for Section IV.D.3 (a), Preparation for Expulsion Hearing.

VII. RECORD RETENTION

A. Actual Costs and Reasonable Reimbursement Methodology

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a school district pursuant to this chapter⁶ is subject to the initiation of an audit by the State 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 documentation used to support the reimbursable activities, as described in Section V, 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.

VIII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsetting revenues 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, state attendance-based funding or other state or federal sources of funding for the costs of ensuring that an alternative educational program is provided to an expelled pupil, as described in Section IV(G)(3) of these parameters and guidelines; and other state and federal funds for the costs of the remaining activities identified in Section IV of these parameters and guidelines, shall be identified and deducted from this claim.

IX. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement no later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute, regulations, or executive order creating the mandate and the parameters and guidelines adopted by the Commission.

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

X. REMEDIES BEFORE THE COMMISSION

Upon request of a school district, the Commission shall review the claiming instructions issued by the State 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

⁶ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

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, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

XI. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The statement of decision on *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan* is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claims. The administrative record, including the statement of decision, is on file with the Commission.

ATTACHMENT 4

PROPOSED PARAMETERS AND GUIDELINES

PUPIL EXPULSIONS II (96-358-03, 03A, 98-TC-22, 01-TC-18)

PUPIL SUSPENSIONS II (98-TC-23)

EDUCATIONAL SERVICES PLAN FOR EXPELLED PUPILS (97-TC-09)

Education Code Sections 48900.8, 48915, 48915.2, 48916, 48916.1, 48918, 48918.5, 48923, 48926

As Amended by Statutes 1995, Chapters 972 and 974

Statutes 1996, Chapters 915 and 937, 1052, Statutes 1997, Chapter 637,

Statutes 1998, Chapter 498, Statutes 1999, Chapter 332, Statutes 2000, Chapter 147.

**Period of Reimbursement: July 1, 1999 through June 30, 2000
and July 1, 2000 – June 30, 2001**

I. SUMMARY OF THE MANDATE

These parameters and guidelines are the fourth in a set of six for the *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* test claims identified in the caption above. These parameters and guidelines address the costs incurred to perform the new activities mandated by Education Code sections shown in the caption above, and cover new offenses added to the Education Code that trigger existing mandatory suspension and expulsion procedures and post-expulsion requirements that increased the level of service provided by school districts during the first through sixth years of the period of reimbursement for this claim (fiscal year 1995-1996 through fiscal year 2000-2001).

The suspension and expulsion procedures and post-expulsion requirements were originally found to impose reimbursable state-mandated costs for possession of a firearm in decisions on *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) which address the program required by statutes enacted from 1975 - 1994. The consolidated test claims for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* address new statutory requirements added from 1995 to 2002.

In addition to the activities eligible for reimbursement under these parameters and guidelines, each subsequent set of parameters and guidelines for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* adds activities that correspond to the statutes with later operative dates that were determined by the Commission to impose reimbursable state-mandated activities on school districts.

The six sets of parameters and guidelines that have been adopted for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* are summarized in the table below:

<u>Parameters and Guidelines</u>	<u>Period of Reimbursement</u>	<u>Statutes Approved</u>
Set 1	July 1, 1995 - June 30, 1996	§ 48915, as amended by Statutes 1995, chapter 972, and activities triggered by the new offenses added to section 48915.
Set 2	July 1, 1996 - June 30, 1997	§§ 48915.2, 48916, 48916.1, 48918, 48918.5, 48926, as amended by Statutes 1995, chapter 874, Statutes 1996, chapters 915, 937, 1052.
Set 3 –	July 1, 1997 – June 30, 1999	§§ 48900.8, 48918, as amended by Statutes 1997, chapter 637, Statutes 1998, chapter 498.
Set 4 – current document	July 1, 1999 – June 30, 2001	§§ 48918, 48923, as amended by Statutes 1999, chapter 332, Statutes 2000, chapter 147.
Set 5	July 1, 2001 – June 30, 2012	§ 48915, Statutes 2001, chapter 116.
Set 6	July 1, 2012 –	All statutes, consolidated with <i>Pupil Suspension from School</i> , <i>Pupil Expulsion from School</i> , and <i>Pupil Expulsion Appeals</i> (CSM-4456, 4455, 4463).

Beginning in fiscal year 2012-2013, and each year thereafter, all reimbursable activities from the original program in *Pupil Suspension from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) are consolidated with *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* and are claimable under the sixth set of parameters and guidelines. The costs incurred under *Pupil Suspensions*, *Pupil Expulsions*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) until June 30, 2012 remain reimbursable under their existing parameters and guidelines and State Controller’s Claiming Instructions for Programs 176 to 271.

The statement of decision on *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan for Expelled Pupils* was adopted on August 1, 2008, and was issued in May 2011. The Commission found that the test claim statutes impose a partially reimbursable state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The Commission approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1996:

- a. For the principal or superintendent to immediately suspend, pursuant to section 48911,¹ and recommend expulsion, and for the governing board to order expulsion for:
 1. A pupil who brandishes a knife at another person (§ 48915 (c)(2), Stats. 1995 ch. 972);
 2. A pupil who sells or furnishes a firearm unless the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal (§ 48915 (c)(1) and (d), Stats. 1995, ch. 972);
 3. A pupil's first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995 ch. 972).
- b. For the principal or superintendent to immediately suspend, pursuant to section 48911, and for the governing board to order expulsion, for a pupil who sells a controlled substance, as defined (§ 48915 (c)(3), Stats. 1995 ch. 972).
- c. For the school to perform the following suspension procedures² for the offenses listed in (a) and (b) above:
 1. Precede the suspension with an informal conference conducted by the principal or the principal's designee or the superintendent of schools between the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. Inform the pupil of the reason for the disciplinary action and the evidence against him or her and give the pupil the opportunity to present his or her version and evidence in his or her defense. (§ 48911 (b).)
 2. At the time of the suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Whenever the pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension. (§ 48911 (d).)
 3. A school employee shall report the suspension of the pupil including the cause therefore, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board. (§ 48911 (e).)
- d. For the principal or superintendent of schools to recommend expelling a pupil for possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis)

¹ All statutory references are to the Education Code unless otherwise indicated.

² These offenses also trigger the expulsion procedures identified in the *Pupil Expulsions from School* (CSM-4455) test claim.

(§ 48915 (a)(3), Stats. 1995, ch. 972). The section 48918 expulsion hearing procedures are part of this activity.

- e. For the governing board to refer a pupil expelled for any of the most serious offenses (in § 48915 (c)) to a program of study that meets the following criteria: (1) is appropriately prepared to accommodate pupils who exhibit discipline problems; (2) is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension (§ 48915 (d), Stats. 1995, ch. 972).

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning July 1, 1996:

- a. For the superintendent of schools (or designee) to provide notice to a pupil expelled for any of the most serious offenses (in § 48915 (c)), of the education alternative placement to the pupil's parent or guardian at the time of the expulsion order. (§ 48918 (j), Stats. 1995, ch. 974.)
- b. For the governing board to amend its expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918. This is a one-time activity. (§ 48918 (i), Stats. 1995, ch. 974, §§ 7.5 & 10.)
- c. If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974.)
- d. Ensure that an educational program is provided to the pupil expelled for any of the most serious offenses in subdivision (c) of section 48915. The program must conform to the specifications in section 48916.1. (§ 48916.1, Stats. 1995, ch. 974.)
- e. Recommend a rehabilitation plan to a pupil at the time of the expulsion order (§ 48916 (b), Stats. 1995, ch. 974) when a pupil is expelled for any of the most serious offenses listed in subdivision (c) of section 48915.
- f. For the one-time activity of adopting rules and regulations to establish the process for the required review of all expelled pupils for readmission. (§ 48916 (c), Stats. 1995, ch. 974.)
- g. Perform the following activities when the governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses (in § 48915 (c)). (§ 48916, Stats. 1995, ch. 974.):
 - 1. Review the pupil for readmission. (§ 48916 (a).)
 - 2. Order the expelled pupil's readmission or make a finding to deny readmission if "the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district." (§ 48916 (c).)
 - 3. If readmission is denied, for the governing board to make the determination to either continue the placement of the expelled pupil in the alternative education program, or

to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916 (d).)

4. If readmission is denied, the governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916 (e).)
- h. Before allowing the expelled pupil to enroll in a school district that did not expel the pupil, for the receiving district's governing board to determine, pursuant to a hearing under Section 48918, whether an individual expelled from another school district for the offenses listed below poses a danger to either the pupils or employees of the school district. (§ 48915.2 (b), Stats. 1995, ch. 974.) This activity is only reimbursable for determinations of applicants who have been expelled by a district that has not entered into a voluntary interdistrict transfer agreement with the receiving district:
 1. Unlawful possession of any controlled substance [as specified] ... including the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. (§ 48915 (a)(3).)
 2. Possessing, selling, or otherwise furnishing a firearm ... [without permission as specified]. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. (§ 48915 (c)(1).)
 3. Brandishing a knife at another person. (§ 48915 (c)(2).)
 4. Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined. (§ 48900 (n) & 48915 (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997.)

From July 1, 1996 until September 25, 1996, for school districts to maintain outcome data, as specified, for pupils expelled for the most serious offenses in subdivision (c) of section 48915. (§ 48916.1, Stats. 1995, ch. 974.)

Beginning September 26, 1996, for the school district to maintain data on the following and report it to the California Department of Education (CDE) for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) Whether the expulsion order was suspended; (2) The type of referral made after the expulsion; and (3) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e), Stats. 1996, ch. 937.)

Beginning September 26, 1996 until January 7, 2002, for school districts to maintain data on the following and report it to CDE for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) The number of pupils recommended for expulsion; (2) The grounds for each recommended expulsion; (3) Whether the pupil was subsequently expelled; (4) Whether the expulsion order was suspended; (5) The type of referral made after the expulsion; and (6) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e), Stats. 1996, ch. 937.)

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1997:

- a. Amend the school district's rules and regulations, as specified, to include procedures that apply when there is a recommendation to expel a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918 (b) & 48918.5, Stats. 1996, ch. 915, one-time costs.)
- b. For the principal or superintendent to suspend, pursuant to section 48911, and recommend expulsion, and for the governing board to order expulsion for pupils who commit or attempt to commit a sexual assault or sexual battery as defined. (§ 48915 (c)(4), Stats. 1996, ch. 1052.) The section 48911 suspension procedures and section 48918 expulsion hearing procedures are part of this activity.
- c. For the principal or superintendent to recommend expelling a pupil for assault or battery on any school employee. (§ 48915 (a)(5), Stats. 1996, chs. 915 & 1052.) The expulsion hearing procedures in section 48918 are part of this activity.
- d. For school districts to follow specified procedures when a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n). (§ 48918 and 48918.5, Stats. 1996, ch. 915.)

Beginning January 1, 1998, for school districts to identify by offense, in all appropriate official records of a pupil, each suspension of that pupil for any of the most serious mandatory offenses in section 48915, subdivision (c). (§ 48900.8, Stats. 1997, ch. 637.)

Beginning January 1, 1999, for the school district to amend its expulsion rules and regulations as follows:

If compliance by the governing board with the time requirements for the conduct of an expulsion hearing under subdivision (a) of section 48918 is impracticable due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 schooldays, as defined in subdivision (c) of Section 48915, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall be held no later than 20 calendar days prior to the first day of school for the school year. (§ 48918 (a), Stats. 1998, ch. 489.)

Beginning January 1, 2000:

For school districts to perform the following one-time activities: (1) updating the school district rules and regulations on notification to the pupil regarding the opportunity to be represented by legal counsel or a nonattorney adviser, and (2) revising the pupil notification to include the right to be represented by legal counsel or a nonattorney adviser. (§ 48918 (b)(5), Stats. 1999, ch. 332). These activities are reimbursable when the pupil commits any of the offenses specified in subdivisions (a) or (c) of section 48915.

Beginning January 1, 2001:

For a county board of education to remand an expulsion matter to a school district for adoption of the required findings if the school district's decision is not supported by the findings required by section 48915, but evidence supporting the required findings exists in the record of the proceedings. (§ 48923, subdivision (b), Stats. 2000, ch. 147.) This activity is reimbursable for an expulsion for any reason.

For a school district, when adopting the required findings on remand from the county board of education, to: (1) take final action on the expulsion in a public session (not hold another hearing) and; (2) provide notice to the pupil or the pupil's parent or guardian of the following: the expulsion decision, the right to appeal to the county board, the education alternative placement to be provided during the expulsion, and the obligation of the parent or guardian to inform a new school district in which the pupil may enroll of the pupil's expulsion (§ 48918 (j)); and (3) maintain a record of each expulsion and the cause therefor. (§ 48918 (k)). (§ 48923 (b), Stats. 2000, ch. 147.) This activity is only reimbursable when the district governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses. (listed in § 48915 (c).)

For purposes of consistency, these parameters and guidelines continue to include the reasonable reimbursement methodology (RRM) adopted by the Commission in the *Pupil Suspensions*, *Pupil Expulsions*, and *Pupil Expulsion Appeals* parameters and guidelines (CSM-4456, 4455, 4463) for the reimbursement of the direct and indirect expulsion hearing costs incurred by a school district.

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. This includes county offices of education. Charter schools are not eligible claimants.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557 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 filing dates of these test claims establish eligibility for reimbursement operative July 1, 1995, pursuant to Government Code section 17557, subdivision (e).

These parameters and guidelines are for the period of reimbursement from July 1, 1999 through June 30, 2001. However, some of the statutes that impose activities have different operative dates, as follows:

Activities claimed under Statutes 1999, chapter 332, are reimbursable beginning January 1, 2000. Activities claimed under Statutes 2000, chapter 147, are reimbursable beginning January 1, 2001.

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

1. Costs for one fiscal year shall be included in each claim.
2. All claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions. (Gov. Code, § 17561 (d)(1)(A).)
3. 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. (Gov. Code, § 17560 (a).)
4. In the event revised claiming instructions are issued by the Controller pursuant to Government Code section 17558, subdivision (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, subdivision (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 except as specified in Section IV.D.3. Costs incurred for the expulsion hearing procedures in Section IV.D.3. may be claimed by using the reasonable reimbursement methodology (RRM) described in Section VI of these parameters and guidelines.

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 may claim and be reimbursed for increased costs of performing the following reimbursable activities:

A. ONE-TIME ACTIVITIES TO ADOPT POLICIES, PROCEDURES AND REVISE NOTIFICATION

The following one-time activities are reimbursable only to the extent they have not been claimed in a prior fiscal year under one of the sets of parameters and guidelines adopted for the *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* programs.

1. School Districts and County Boards of Education

- (a) Adopt and revise rules and regulations establishing procedures pertaining to pupil expulsions to conform to amendments of section 48915 by Statutes 1995, chapters 972 and 974 (operative July 1, 1996), Statutes 1996, chapters 915 and 1052, Statutes 1998, chapter 489, and Statutes 1999, chapter 332.
- (b) Adopt rules and regulations establishing the procedure for the filing and processing of requests for readmission pursuant to Education Code section 48916, and revise those rules and regulations to conform to the amendments of Statutes 1995, chapter 974, operative July 1, 1996.
- (c) Amend expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918 (Stats. 1995, ch. 974, §§ 7.5 & 10, operative July 1, 1996).
- (d) Adopt rules and regulations establishing the procedures for expelling a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§§ 48918 (b) & 48918.5, Stats 1996, ch. 915 and ch. 1052, operative Jan. 1, 1997.)
- (e) Print and disseminate rules and procedures to each school site.
- (f) Revise the pupil notification to include the right to be represented by legal counsel or a nonattorney advisor in an expulsion hearing. (§ 48918, (b)(5), Stats. 1999, ch. 332.)

2. Education Services Plan for Expelled Pupils

If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974, operative July 1, 1996.)

THE REMAINING ACTIVITIES (listed in B through L) ARE ON-GOING ACTIVITIES

B. PUPIL SUSPENSIONS

If the immediate suspension is for any of the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling a controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915 (c)(3), Stats. 1995 ch. 972);

- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);

Then the following suspension activities pursuant to section 48911 and 48900.8 are reimbursable:

1. Parent Contact

Making a reasonable effort to contact the pupil’s parent or guardian in person or by telephone. (§ 48911 (b).)

2. Attendance at Informal Conference

Conducting an informal conference (by the principal or the principal’s designee or the superintendent of schools) between the pupil³ and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal’s designee, or the superintendent of schools. Informing the pupil of the reason for the disciplinary action and the evidence against him or her and giving the pupil the opportunity to present his or her version and evidence in his or her defense. (§ 48911 (b).)

3. Written Notice

Notifying the parent or guardian in writing of the suspension whenever the pupil is suspended from school. (§ 48911 (d).)

4. Reporting to the District Office

Reporting the suspension of the pupil including the cause therefor, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board. (§ 48911 (e).)

5. Pupil Records

Identify by offense, in all appropriate official records of a pupil, each suspension of that pupil. (§ 48900.8, Stats. 1997, ch. 637.)

C. RECOMMENDATION FOR EXPULSION

The preparation of the principal’s or superintendent’s recommendation to expel a pupil for the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972);

³ Pupil is defined to include “a pupil’s parent or guardian or legal counsel.” (§ 48925, subd. (e).)

- The first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915 (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

D. EXPULSION HEARING PROCEDURAL REQUIREMENTS

If the expulsion hearing is for any of the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972);
- The first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915 (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

Then the following activities are reimbursable:

1. Hearing Notice

Including in the notice of hearing to the pupil:

- (a) A copy of the disciplinary rules of the district that relate to the alleged violation;
- (b) A notice of the parent's, guardian's, or pupil's obligation, pursuant to Education Code section 48915.1, subdivision (b), to notify a new school district, upon enrollment, of the pupil's expulsion;
- (c) Notice of the opportunity for the pupil or the pupil's parent or guardian to inspect and obtain copies of all documents to be used at the hearing (§ 48918 (b)); and
- (d) Notice of the opportunity for the pupil or the pupil's parent or guardian to be represented by counsel or by a non-attorney adviser. (§ 48918 (b)(5), Stats. 1999, ch. 332, eff. Jan. 1, 2000.)

2. Document Inspection

Allowing a pupil or pupil's parent or guardian to inspect and obtain copies of documents to be used at the expulsion hearing, as follows:

- (a) If the requesting party is a pupil less than 18 years of age or the parent or guardian of a pupil who is 18 years of age or older, all documents; or
 - (b) If the requesting party is the parent or guardian of a pupil under the age of 18, only those documents which are not “education records” as defined in 20 U.S.C. section 1232g(a)(4).⁴ (§ 48918 (b).)
3. Expulsion Hearings: The following activities (3a – 3d) are reimbursed based on a uniform cost allowance reasonable reimbursement methodology:
- (a) Hearing Preparation
 - Preparing and reviewing documents to be used during the expulsion hearing.
 - Arranging hearing dates and assigning panel members and translators as needed. (§ 48918 (c).)
 - (b) Expulsion Hearing
 - The attendance of the review panel and other district employees required to attend the expulsion hearing. (§ 48918 (c).)
 - (c) Recommendation to the Governing Board
 - Preparation and submission of the hearing officer or panel’s findings of fact based solely on the evidence adduced at the hearing to recommend the expulsion of a pupil to the governing board. (§ 48918 (d) and (f).)
 - (d) Hearing Record
 - Maintaining a record of the hearing by any means which would allow for a reasonably accurate and complete written transcript of the proceedings to be made. (§ 48918 (g).)

E. EXPULSION HEARING PROCEDURES FOR SEXUAL ASSAULT OR SEXUAL BATTERY ALLEGATIONS

When a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n), the following activities pursuant to sections 48918 and 48918.5 are reimbursable:

⁴ The Federal Education Rights and Privacy Act of 1974 (“FERPA”) defines “education records” as those records, files, documents, and other materials which (i) contain information directly related to a student, and (ii) are maintained by the school district or a person acting for the school district. 20 U.S.C. Section 1232g(a)(4)(B) provides certain exceptions to the general definition (for example, records maintained by a law enforcement unit of a school district that were created by that law enforcement unit for the purpose of law enforcement).

1. Advise Against Party Contact

Immediately advise the complaining witnesses and accused pupils to refrain from personal or telephonic contact with each other during the pendency of any expulsion process. (§ 48918.5 (d), Stats. 1996, ch. 915.)

2. Notice to Complaining Witness

(a) Provide the complaining witness with a copy of the applicable disciplinary rules and advise the witness of his or her right to: (1) receive five days' notice of the complaining witness' scheduled testimony at the hearing; (2) have up to two adult support persons of his or her choosing present in the hearing at the time he or she testifies; and (3) have the hearing closed during the time he or she testifies pursuant to subdivision (c) of section 48918. (§ 48918.5 (a), Stats. 1996, ch. 915.)

(b) Give the complaining witness five days' notice prior to being called to testify. (§ 48918 (b), Stats. 1996, ch. 915.)

3. Complaining Witness Accommodations

(a) If the hearing is conducted at a public meeting, hear the witness' testimony in a session closed to the public if testifying would threaten serious psychological harm and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television. (§ 48918 (c), Stats. 1996, ch. 915.)

(b) Provide a nonthreatening environment for a complaining witness in order to better enable him or her to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. (§ 48918.5 (c), Stats. 1996, ch. 915.)

(c) Provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. (§ 48918.5 (c), Stats. 1996, ch. 915.)

4. Protocol for Support Persons

(a) Before the complaining witness' testimony, admonish the witness' support person(s) that the hearing is confidential. (§ 48918 (b), Stats. 1996, ch. 915.)

(b) Follow the provisions of section 868.5 of the Penal Code at the hearing if the complaining witness has one or more support persons, and one or more of the support persons is also a witness. (§ 48918 (b), Stats. 1996, ch. 915.)⁵

⁵ The section 868.5 procedures include:

(1) Only one support person may accompany the witness to the witness stand, although the other may remain in the room during the witness' testimony;

F. POST-EXPULSION HEARING PROCEDURES

If the expulsion hearing is for any of the following offenses:

- Selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915 (c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities pursuant to sections 48915 and 48918 are reimbursable:

1. Expulsion Order

Issuing the expulsion order. (§ 48915 (d).)

2. Parent Notice

Sending written notice to the pupil or the pupil's parent or guardian of: (a) any decision by the governing board to expel or suspend the enforcement of an expulsion order during a period of probation; (b) the right to appeal the expulsion to the county board of education; (c) the education alternative placement at the time of the expulsion order; and (d) the obligation of the pupil, parent or guardian under Education Code section 48915.1 to notify a new school district, upon enrollment, of the pupil's expulsion. Costs of postage for mailing the notice is reimbursable under this activity. (§ 48918 (j).)

(2) For the prosecution to present evidence that the support person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness;

(3) For the governing board, on the prosecution's showing in (2), to grant the request for the support person unless information presented by the defendant or noticed by the district establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony;

(4) The governing board shall inform the support person or persons that the proceedings are confidential and may not be discussed with anyone not in attendance at the proceedings;

(5) For the governing board to admonish the support person or persons to not prompt, sway, or influence the witness in any way;

(6) For the testimony of the support person or persons who are also witnesses to be presented before the testimony of the prosecuting witnesses and excluding the prosecuting witnesses from the courtroom during the support person's testimony; and (7) When the evidence given by the support person would be subject to exclusion because it has been given before the corpus delicti (the basic element or fact of a crime) has been established, for the evidence to be admitted subject to the governing board or defendant's motion to strike that evidence from the record if the corpus delicti is not later established by the testimony of the prosecuting witness.

3. Pupil Records

- (a) Maintaining a record of the expulsion, including the cause of the expulsion. (§ 48918 (k).)
- (b) Recording the expulsion order and the cause of the expulsion in the pupil's mandatory interim record. (§ 48918 (k).)
- (c) Forwarding the pupil's mandatory interim record to any school in which the pupil subsequently enrolls upon the request of such school. (§ 48918 (k).)

G. REFER EXPELLED PUPIL TO DIFFERENT SCHOOLSITE, REHABILITATION PLAN, AND ALTERNATIVE EDUCATIONAL PROGRAM

When the pupil is expelled for one of the following offenses:

- Possessing, selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915 (c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities pursuant to sections 48915, 48916, and 48916.1 are reimbursable:

1. Refer to Alternative Education Program During Period of Expulsion

Refer the expelled pupil to a program of study that meets the following criteria: (1) is appropriately prepared to accommodate pupils who exhibit discipline problems; (2) is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension. (§ 48915 (d), Stats. 1995, ch. 972.)

2. Rehabilitation Plan

Recommend a rehabilitation plan for the pupil, at the time of the expulsion order. (§ 48916 (b), Stats. 1995, ch. 974, operative July 1, 1996.)

3. Ensure that an Alternative Educational Program is Provided for Period of Expulsion

Ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. The educational program may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools. The educational program may not be situated within or on the grounds of the school from which the pupil was expelled (§ 48916.1, Stats. 1995, ch. 974, operative July 1, 1996.) State attendance-based funding or other state or federal sources of funding for these programs are identified as an offset in Section VIII of these parameters and guidelines to the reimbursable costs of ensuring that an alternative educational program is provided.

H. READMISSION TO THE DISTRICT

If the governing board expelled a pupil for any of the following offenses:

- Selling or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915 (c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§ 48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities pursuant to section 48916 are reimbursable:

1. Set a date when the pupil may apply for readmission to a school maintained by the district. (§ 48916 (a).);
2. Provide a description of the procedure for readmission to the pupil and the pupil's parent or guardian. (§ 48916.)
3. Review the pupil for readmission.
 - (a) Order the expelled pupil's readmission or making a finding to deny readmission if the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district. (§ 48916 (c), Stats. 1995, ch. 974.)
 - (b) If readmission is denied, the governing board does the following:
 - (1) Makes the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916 (d).)
 - (2) Provides written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916 (e).)

I. EXPELLED PUPIL'S REQUEST TO ATTEND NEW DISTRICT

RECEIVING DISTRICT ACTIVITIES pursuant to section 48915.2:

If a pupil applying to a school district that did not expel the pupil (the "receiving school district") has been expelled by another school district for one of the following most serious offenses:

- Unlawful possession of any controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915 (a)(3), Stats. 1995 ch. 972);
- Possessing, selling, or otherwise furnishing a firearm without permission, as specified, if the possession is verified by an employee of a school district (§ 48915 (c)(1));

- Brandishing a knife at another person (§ 48915 (c)(2));
- Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined (§ 48900 (n) & 48915 (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997);

And the receiving school district does not have a voluntary interdistrict transfer agreement with the expelling district, then the following activity associated with the receiving district's admission hearing is reimbursable as follows:

Before allowing the expelled pupil to enroll, determination by the governing board pursuant to a hearing under section 48918, whether an individual expelled from another school poses a danger to either the pupils or employees of the school district. (§ 48915.2 (b), Stats. 1995, ch. 974

J. EXPULSION APPEAL HEARINGS

County Boards of Education (expulsion appeals for *all offenses*)

Remanding an expulsion decision to a school district for adoption of the required findings if the school district's decision is not supported by the findings required by section 48915, but evidence supporting the required findings exists in the record of the proceedings. (§ 48923 (b), Stats. 2000, ch. 147, eff. Jan. 1, 2001.)

School Districts

If the governing board expelled a pupil for any of the following:

- Selling or otherwise furnishing a firearm § 48915 (c)(1);
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915 (c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

1. Providing Copies of Documents

- (a) Providing copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil who is less than 18 years of age. (§ 48919.)
- (b) Providing copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil who is 18 years of age or older, or to the parent or guardian of a pupil who is less than 18 years of age, if the documents or records are not "education records" as defined in 20 U.S.C. section 1232g(a)(4). (§ 48919.)

2. Participation in Hearings

Participation by a school district in the county board of education's hearing on appeal if the county board of education grants a hearing de novo. (§ 48919.)

3. Remand Hearing

If the county board of education remanded the expulsion to the school district's governing board following an appeal, sending notice of the hearing, conducting a hearing on remand, and rendering a decision in the remand hearing. (§ 48923.)

Operative January 1, 2001, if following an appeal, the county board of education remanded the expulsion to the governing board, then:

- (a) Providing notice to the pupil or the pupil's parent or guardian of the following: the expulsion decision, the right to appeal to the county board, the education alternative placement to be provided during the expulsion, and the obligation of the parent or guardian to inform a new school district in which the pupil may enroll of the pupil's expulsion; and maintain a record of each expulsion and the cause therefor.
- (b) Adopting the required findings on remand from the county board of education in a public session. (Holding a hearing is not reimbursable.) (§ 48923 (b), Stats. 2000, ch. 147.)

4. Expunge Records

Expunge the school district's and pupil's records concerning the expulsion, when ordered by the county board of education. (§ 48923.)

K. SCHOOL DISTRICT DATA COLLECTION AND REPORTING

If the governing board expelled a pupil for any of the following offenses:

- Selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915 (c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

Maintain data on the following and report it to the California Department of Education (CDE):

- a. The number of pupils recommended for expulsion;
- b. The grounds for each recommended expulsion;
- c. Whether the pupil was subsequently expelled;
- d. Whether the expulsion order was suspended;
- e. The type of referral made after the expulsion; and

- f. The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e)(1), Stats. 1996, ch. 937.)

L. TRAINING

Training school district personnel (one-time per employee) about the mandated suspension, expulsion, and expulsion appeal activities. This reimbursable component includes the labor time of administrators and other school district personnel involved with preparation of training sessions and the labor time of administrators and other school district personnel who conduct or attend training sessions. Labor time for teachers is not reimbursable. The cost of materials and supplies used or distributed in training sessions is reimbursable under this component.

V. CLAIM PREPARATION AND SUBMISSION FOR ACTUAL COSTS

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. Attach a copy of the contract to the claim. 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 dates when services were performed and itemize all costs for those services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment 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. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of the cost element A.1, Salaries and Benefits, for each applicable reimbursable activity.

6. 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 a common or joint purpose. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective. 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.

Indirect costs 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 J-380 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

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

VI. CLAIM PREPARATION AND SUBMISSION: REASONABLE REIMBURSEMENT METHODOLOGY

The Commission is adopting a *reasonable reimbursement methodology* to reimburse school districts for all direct and indirect costs, as authorized by Government Code section 17557, subdivision (b), *in lieu of payment of total actual costs incurred for the reimbursable activities specified in Section IV.D.3 above.*

A. Reasonable Reimbursement Methodology

The definition of reasonable reimbursement methodology is in Government Code section 17518.5, as follows:

Government Code Section 17518.5

- (a) *Reasonable reimbursement methodology* means a formula for reimbursing local agency and school district costs mandated by the state that meets the following conditions:
 - (1) the total amount to be reimbursed statewide is equivalent to total estimated local agency and school district costs to implement the mandate in a cost-efficient manner.
 - (2) for 50 percent or more of eligible local agency and school district claimants, the amount reimbursed is estimated to fully offset their projected costs to implement the mandate in a cost-efficient manner.
- (b) Whenever possible, a *reasonable reimbursement methodology* shall be based on general allocation formulas, uniform cost allowances, and other approximations of local costs mandated by the state rather than detailed documentation of actual local costs. In cases when local agencies and school districts are projected to incur costs to implement a mandate over a period of more than one fiscal year, the determination of a reasonable reimbursement methodology may consider local costs and state reimbursements over a period of greater than one fiscal year, but not exceeding 10 years.
- (c) A reasonable reimbursement methodology may be developed by any of the following:
 - (1) The Department of Finance.
 - (2) The Controller.
 - (3) An affected state agency.
 - (4) A claimant.
 - (5) An interested party,

B. Uniform Cost Allowances and Formula for Reimbursable Activities

The *reasonable reimbursement methodology* shall consist of uniform cost allowances to cover all direct and indirect costs of performing activities in Section IV.D.3 and applied to a formula for calculating claimable costs.

1. The uniform cost allowances for reimbursement of activities in Section IV.D.3 are as follows:

Reimbursable Component	Uniform Cost Allowance
IV.D.3 (a) Hearing Preparation	\$115.72
IV.D.3 (b). Hearing	\$144.58

IV.D.3 (c) Written Expulsion Recommendation to the Governing Board	\$171.00
IV.D.3 (d) Hearing Record	\$1.47
Total	\$432.77

The uniform cost allowances shall be adjusted each subsequent year by the Implicit Price Deflator.

2. Formula

Reimbursement of Activities IV.D.3 (a) – (d) is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of mandatory recommendations for expulsion that resulted in expulsion hearings. If a hearing does not result, claimant may claim increased costs incurred for Section IV.D.3 (a), Preparation for Expulsion Hearing.

VII. RECORD RETENTION

A. Actual Costs and Reasonable Reimbursement Methodology

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a school district pursuant to this chapter⁶ is subject to the initiation of an audit by the State 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 documentation used to support the reimbursable activities, as described in Section V, 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.

VIII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsetting revenues the claimant experiences in the same program as a result of the same statues 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, state attendance-based funding or other state or federal sources of funding for the costs of ensuring that an alternative educational program is provided to an expelled pupil, as described in Section IV(G)(3) of these parameters and guidelines; and other state and federal funds for the costs of the remaining activities identified in Section IV of these parameters and guidelines, shall be identified and deducted from this claim.

⁶ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

IX. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement no later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute, regulations, or executive order creating the mandate and the parameters and guidelines adopted by the Commission.

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

X. REMEDIES BEFORE THE COMMISSION

Upon request of a school district, the Commission shall review the claiming instructions issued by the State 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, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

XI. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The statement of decision on *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan* is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claims. The administrative record, including the statement of decision, is on file with the Commission.

ATTACHMENT 5

PROPOSED PARAMETERS AND GUIDELINES

PUPIL EXPULSIONS II (96-358-03, 03A, 98-TC-22, 01-TC-18)

PUPIL SUSPENSIONS II (98-TC-23)

EDUCATIONAL SERVICES PLAN FOR EXPELLED PUPILS (97-TC-09)

Education Code Sections 48900.8, 48915, 48915.2, 48916, 48916.1, 48918, 48918.5, 48923, 48926

As Amended by Statutes 1995, Chapters 972 and 974

Statutes 1996, Chapters 915 and 937, 1052, Statutes 1997, Chapter 637,

Statutes 1998, Chapter 498, Statutes 1999, Chapter 332, Statutes 2000, Chapter 147.

Statutes 2001, Chapter 116

Period of Reimbursement: July 1, 2001 through June 30, 2012

I. SUMMARY OF THE MANDATE

These parameters and guidelines are the fifth in a set of six for the *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* test claims identified in the caption above. These parameters and guidelines address the costs incurred to perform the new activities mandated by Education Code sections shown in the caption above, and cover new offenses added to the Education Code that trigger existing mandatory suspension and expulsion procedures and post-expulsion requirements that increased the level of service provided by school districts during the first through seventh years of the period of reimbursement for this claim (fiscal year 1995-1996 through fiscal year 2011-2012).

The suspension and expulsion procedures and post-expulsion requirements were originally found to impose reimbursable state-mandated costs for possession of a firearm in decisions on *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) which address the program required by statutes enacted from 1975 - 1994. The consolidated test claim for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* addresses new statutory requirements added from 1995 to 2002.

In addition to the activities eligible for reimbursement under these parameters and guidelines, each subsequent set of parameters and guidelines for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* adds activities that correspond to the statutes with later operative dates that were determined by the Commission to impose reimbursable state-mandated activities on school districts.

The six sets of parameters and guidelines that have been adopted for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* are summarized in the table below:

<u>Parameters and Guidelines</u>	<u>Period of Reimbursement</u>	<u>Statutes Approved</u>
Set 1	July 1, 1995 - June 30, 1996	§ 48915, as amended by Statutes 1995, chapter 972, and activities triggered by the new offenses added to section 48915.
Set 2	July 1, 1996 - June 30, 1997	§§ 48915.2, 48916, 48916.1, 48918, 48918.5, 48926, as amended by Statutes 1995, chapter 874, Statutes 1996, chapters 915, 937, 1052.
Set 3 –	July 1, 1997 – June 30, 1999	§§ 48900.8, 48918, as amended by Statutes 1997, chapter 637, Statutes 1998, chapter 498.
Set 4	July 1, 1999 – June 30, 2001	§§ 48918, 48923, as amended by Statutes 1999, chapter 332, Statutes 2000, chapter 147.
Set 5 – current document	July 1, 2001 – June 30, 2012	§ 48915, Statutes 2001, chapter 116.
Set 6	July 1, 2012 –	All statutes, consolidated with <i>Pupil Suspension from School</i> , <i>Pupil Expulsion from School</i> , and <i>Pupil Expulsion Appeals</i> (CSM-4456, 4455, 4463).

Beginning in fiscal year 2012-2013, and each year thereafter, all reimbursable activities from the original program in *Pupil Suspension from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) are consolidated with *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* and are claimable under the sixth set of parameters and guidelines. The costs incurred under *Pupil Suspensions*, *Pupil Expulsions*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) until June 30, 2012 remain reimbursable under their existing parameters and guidelines and State Controller’s Claiming Instructions for Programs 176 to 271.

The statement of decision on *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan for Expelled Pupils* was adopted on August 1, 2008, and was issued in May 2011. The Commission found that the test claim statutes impose a partially reimbursable state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The Commission approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1996:

- a. For the principal or superintendent to immediately suspend, pursuant to section 48911,¹ and recommend expulsion, and for the governing board to order expulsion for:
 1. A pupil who brandishes a knife at another person (§ 48915 (c)(2), Stats. 1995 ch. 972);
 2. A pupil who sells or furnishes a firearm unless the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal (§ 48915 (c)(1) and (d), Stats. 1995, ch. 972);
 3. A pupil's first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995 ch. 972).

For the principal or superintendent to immediately suspend, pursuant to section 48911, and for the governing board to order expulsion, for a pupil who sells a controlled substance, as defined (§ 48915 (c)(3), Stats. 1995 ch. 972).

- b. For the school to perform the following suspension procedures² for the offenses listed in (a) and (b) above:
 1. Precede the suspension with an informal conference conducted by the principal or the principal's designee or the superintendent of schools between the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. Inform the pupil of the reason for the disciplinary action and the evidence against him or her and give the pupil the opportunity to present his or her version and evidence in his or her defense. (§ 48911 (b).)
 2. At the time of the suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Whenever the pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension. (§ 48911 (d).)

¹ All statutory references are to the Education Code unless otherwise indicated.

² These offenses also trigger the expulsion procedures identified in the *Pupil Expulsions from School* (CSM-4455) test claim.

3. A school employee shall report the suspension of the pupil including the cause therefore, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board. (§ 48911 (e).)
- c. For the principal or superintendent of schools to recommend expelling a pupil for possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972). The section 48918 expulsion hearing procedures are part of this activity.
- d. For the governing board to refer a pupil expelled for any of the most serious offenses (in § 48915 (c)) to a program of study that meets the following criteria: (1) is appropriately prepared to accommodate pupils who exhibit discipline problems; (2) is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension (§ 48915 (d), Stats. 1995, ch. 972).

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning July 1, 1996:

- a. For the superintendent of schools (or designee) to provide notice to a pupil expelled for any of the most serious offenses (in § 48915 (c)), of the education alternative placement to the pupil's parent or guardian at the time of the expulsion order. (§ 48918 (j), Stats. 1995, ch. 974.)
- b. For the governing board to amend its expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918. This is a one-time activity. (§ 48918 (i), Stats. 1995, ch. 974, §§ 7.5 & 10.)
- c. If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974.)
- d. Ensure that an educational program is provided to the pupil expelled for any of the most serious offenses in subdivision (c) of section 48915. The program must conform to the specifications in section 48916.1. (§ 48916.1, Stats. 1995, ch. 974.)
- e. Recommend a rehabilitation plan to a pupil at the time of the expulsion order (§ 48916 (b), Stats. 1995, ch. 974) when a pupil is expelled for any of the most serious offenses listed in subdivision (c) of section 48915.
- f. For the one-time activity of adopting rules and regulations to establish the process for the required review of all expelled pupils for readmission. (§ 48916 (c), Stats. 1995, ch. 974.)

- g. Perform the following activities when the governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses (in § 48915 (c)). (§ 48916, Stats. 1995, ch. 974.):
 - 1. Review the pupil for readmission. (§ 48916 (a).)
 - 2. Order the expelled pupil's readmission or make a finding to deny readmission if "the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district." (§ 48916 (c).)
 - 3. If readmission is denied, for the governing board to make the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916 (d).)
 - 4. If readmission is denied, the governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916 (e).)
- h. Before allowing the expelled pupil to enroll in a school district that did not expel the pupil, for the receiving district's governing board to determine, pursuant to a hearing under Section 48918, whether an individual expelled from another school district for the offenses listed below poses a danger to either the pupils or employees of the school district. (§ 48915.2 (b), Stats. 1995, ch. 974.) This activity is only reimbursable for determinations of applicants who have been expelled by a district that has not entered into a voluntary interdistrict transfer agreement with the receiving district:
 - 1. Unlawful possession of any controlled substance [as specified] ... including the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. (§ 48915 (a)(3).)
 - 2. Possessing, selling, or otherwise furnishing a firearm ... [without permission as specified]. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. (§ 48915 (c)(1).)
 - 3. Brandishing a knife at another person. (§ 48915 (c)(2).)
 - 4. Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined. (§ 48900 (n) & 48915 (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997.)

From July 1, 1996 until September 25, 1996, for school districts to maintain outcome data, as specified, for pupils expelled for the most serious offenses in subdivision (c) of section 48915. (§ 48916.1, Stats. 1995, ch. 974.)

Beginning September 26, 1996, for the school district to maintain data on the following and report it to the California Department of Education (CDE) for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) Whether the expulsion order was suspended; (2) The type of referral made after the expulsion; and (3) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e), Stats. 1996, ch. 937.)

Beginning September 26, 1996 until January 7, 2002, for school districts to maintain data on the following and report it to CDE for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) The number of pupils recommended for expulsion; (2) The grounds for each recommended expulsion; (3) Whether the pupil was subsequently expelled; (4) Whether the expulsion order was suspended; (5) The type of referral made after the expulsion; and (6) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e), Stats. 1996, ch. 937.)

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1997:

- a. Amend the school district's rules and regulations, as specified, to include procedures that apply when there is a recommendation to expel a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918 (b) & 48918.5, Stats. 1996, ch. 915, one-time costs.)
- b. For the principal or superintendent to suspend, pursuant to section 48911, and recommend expulsion, and for the governing board to order expulsion for pupils who commit or attempt to commit a sexual assault or sexual battery as defined. (§ 48915 (c)(4), Stats. 1996, ch. 1052.) The section 48911 suspension procedures and section 48918 expulsion hearing procedures are part of this activity.
- c. For the principal or superintendent to recommend expelling a pupil for assault or battery on any school employee. (§ 48915 (a)(5), Stats. 1996, chs. 915 & 1052.) The expulsion hearing procedures in section 48918 are part of this activity.
- d. For school districts to follow specified procedures when a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n). (§ 48918 and 48918.5, Stats. 1996, ch. 915.)

Beginning January 1, 1998, for school districts to identify by offense, in all appropriate official records of a pupil, each suspension of that pupil for any of the most serious mandatory offenses in section 48915, subdivision (c). (§ 48900.8, Stats. 1997, ch. 637.)

Beginning January 1, 1999, for the school district to amend its expulsion rules and regulations as follows:

If compliance by the governing board with the time requirements for the conduct of an expulsion hearing under subdivision (a) of section 48918 is impracticable due to a summer recess of governing board meetings of more than two weeks, the days during the

recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 schooldays, as defined in subdivision (c) of Section 48915, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall be held no later than 20 calendar days prior to the first day of school for the school year. (§ 48918 (a), Stats. 1998, ch. 489.)

Beginning January 1, 2000:

For school districts to perform the following one-time activities: (1) updating the school district rules and regulations on notification to the pupil regarding the opportunity to be represented by legal counsel or a nonattorney adviser, and (2) revising the pupil notification to include the right to be represented by legal counsel or a nonattorney advisor. (§ 48918 (b)(5), Stats. 1999, ch. 332). These activities are reimbursable when the pupil commits any of the offenses specified in subdivisions (a) or (c) of section 48915.

Beginning January 1, 2001:

For a county board of education to remand an expulsion matter to a school district for adoption of the required findings if the school district's decision is not supported by the findings required by section 48915, but evidence supporting the required findings exists in the record of the proceedings. (§ 48923, subdivision (b), Stats. 2000, ch. 147.) This activity is reimbursable for an expulsion for any reason.

For a school district, when adopting the required findings on remand from the county board of education, to: (1) take final action on the expulsion in a public session (not hold another hearing) and; (2) provide notice to the pupil or the pupil's parent or guardian of the following: the expulsion decision, the right to appeal to the county board, the education alternative placement to be provided during the expulsion, and the obligation of the parent or guardian to inform a new school district in which the pupil may enroll of the pupil's expulsion (§ 48918 (j)); and (3) maintain a record of each expulsion and the cause therefor. (§ 48918 (k)). (§ 48923 (b), Stats. 2000, ch. 147.) This activity is only reimbursable when the district governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses. (listed in § 48915 (c).)

Beginning January 1, 2002:

- For a principal or superintendent to immediately suspend, pursuant to section 48911, a pupil who possesses an explosive at school or at a school activity off school grounds. (§ 48915 (c) & (d), Stats. 2001, ch. 116.) The section 48911 suspension procedures are part of this activity.

For purposes of consistency, these parameters and guidelines continue to include the reasonable reimbursement methodology (RRM) adopted by the Commission in the *Pupil Suspensions*, *Pupil Expulsions*, and *Pupil Expulsion Appeals* parameters and guidelines (CSM-4456, 4455, 4463) for

the reimbursement of the direct and indirect expulsion hearing costs incurred by a school district.

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. This includes county offices of education. Charter schools are not eligible claimants.

III. PERIOD OF REIMBURSEMENT

These parameters and guidelines are for the period of reimbursement from July 1, 2001 through June 30, 2012. However, activities claimed under Statutes 2001, chapter 116, are reimbursable beginning January 1, 2002. Reimbursement for state-mandated costs may be claimed as follows:

1. Costs for one fiscal year shall be included in each claim.
2. All claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions. (Gov. Code, § 17561. (d)(1)(A).)
3. 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. (Gov. Code, § 17560 (a).)
4. In the event revised claiming instructions are issued by the Controller pursuant to Government Code section 17558, subdivision (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, subdivision (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 except as specified in Section IV.D.3. Costs incurred for the expulsion hearing procedures in Section IV.D.3. may be claimed by using the reasonable reimbursement methodology (RRM) described in Section VI of these parameters and guidelines.

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 may claim and be reimbursed for increased costs of performing the following reimbursable activities:

A. ONE-TIME ACTIVITIES TO ADOPT POLICIES, PROCEDURES AND REVISE NOTIFICATION

The following one-time activities are reimbursable only to the extent they have not been claimed in a prior fiscal year under one of the sets of parameters and guidelines adopted for the *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* programs.

1. School Districts and County Boards of Education

- (a) Adopt and revise rules and regulations establishing procedures pertaining to pupil expulsions to conform to amendments of section 48915 by Statutes 1995, chapters 972 and 974 (operative July 1, 1996), Statutes 1996, chapters 915 and 1052, Statutes 1998, chapter 489, and Statutes 1999, chapter 332.
- (b) Adopt rules and regulations establishing the procedure for the filing and processing of requests for readmission pursuant to Education Code section 48916, and revise those rules and regulations to conform to the amendments of Statutes 1995, chapter 974, operative July 1, 1996.
- (c) Amend expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918 (Stats. 1995, ch. 974, §§ 7.5 & 10, operative July 1, 1996).
- (d) Adopt rules and regulations establishing the procedures for expelling a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§§ 48918 (b) & 48918.5, Stats 1996, ch. 915 and ch. 1052, operative Jan. 1, 1997.)
- (e) Adopt rules and regulations establishing the procedures for suspending a pupil who possesses an explosive at school or at a school activity off school grounds. (Statutes 2001, chapter 116.)
- (f) Print and disseminate rules and procedures to each school site.
- (g) Revise the pupil notification to include the right to be represented by legal counsel or a nonattorney advisor in an expulsion hearing. (§ 48918, (b)(5), Stats. 1999, ch. 332.)

2. Education Services Plan for Expelled Pupils

If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974, operative July 1, 1996.)

THE REMAINING ACTIVITIES (listed in B through L) ARE ON-GOING ACTIVITIES

B. PUPIL SUSPENSIONS

If the immediate suspension is for any of the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling a controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915 (c)(3), Stats. 1995 ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915 (c)(5), Stats. 2001, ch. 116, eff. Jan. 1, 2002);

Then the following suspension activities pursuant to section 48911 and 48900.8 are reimbursable:

1. Parent Contact

Making a reasonable effort to contact the pupil's parent or guardian in person or by telephone. (§ 48911 (b).)

2. Attendance at Informal Conference

Conducting an informal conference (by the principal or the principal's designee or the superintendent of schools) between the pupil³ and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. Informing the pupil of the reason for the disciplinary action and the evidence against him or her and giving the pupil the opportunity to present his or her version and evidence in his or her defense. (§ 48911 (b).)

³ Pupil is defined to include "a pupil's parent or guardian or legal counsel." (§ 48925 (e).)

3. Written Notice

Notifying the parent or guardian in writing of the suspension whenever the pupil is suspended from school. (§ 48911 (d).)

4. Reporting to the District Office

Reporting the suspension of the pupil including the cause therefor, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board. (§ 48911 (e).)

5. Pupil Records

Identify by offense, in all appropriate official records of a pupil, each suspension of that pupil. (§ 48900.8, Stats. 1997, ch. 637.)

C. RECOMMENDATION FOR EXPULSION

The preparation of the principal's or superintendent's recommendation to expel a pupil for the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972);
- The first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915 (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

D. EXPULSION HEARING PROCEDURAL REQUIREMENTS

If the expulsion hearing is for any of the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972);
- The first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995, ch. 972);

- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915 (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

Then the following activities are reimbursable:

1. Hearing Notice

Including in the notice of hearing to the pupil:

- (a) A copy of the disciplinary rules of the district that relate to the alleged violation;
- (b) A notice of the parent’s, guardian’s, or pupil’s obligation, pursuant to Education Code section 48915.1, subdivision (b), to notify a new school district, upon enrollment, of the pupil’s expulsion;
- (c) Notice of the opportunity for the pupil or the pupil’s parent or guardian to inspect and obtain copies of all documents to be used at the hearing (§ 48918 (b)); and
- (d) Notice of the opportunity for the pupil or the pupil’s parent or guardian to be represented by counsel or by a non-attorney adviser. (§ 48918 (b)(5), Stats. 1999, ch. 332, eff. Jan. 1, 2000.)

2. Document Inspection

Allowing a pupil or pupil’s parent or guardian to inspect and obtain copies of documents to be used at the expulsion hearing, as follows:

- (a) If the requesting party is a pupil less than 18 years of age or the parent or guardian of a pupil who is 18 years of age or older, all documents; or
- (b) If the requesting party is the parent or guardian of a pupil under the age of 18, only those documents which are not “education records” as defined in 20 U.S.C. section 1232g(a)(4).⁴ (§ 48918 (b).)

3. Expulsion Hearings: The following activities (3a-3d) are reimbursed based on a uniform cost allowance reasonable reimbursement methodology:

⁴ The Federal Education Rights and Privacy Act of 1974 (“FERPA”) defines “education records” as those records, files, documents, and other materials which (i) contain information directly related to a student, and (ii) are maintained by the school district or a person acting for the school district. 20 U.S.C. Section 1232g(a)(4)(B) provides certain exceptions to the general definition (for example, records maintained by a law enforcement unit of a school district that were created by that law enforcement unit for the purpose of law enforcement).

(a) Hearing Preparation

Preparing and reviewing documents to be used during the expulsion hearing.
Arranging hearing dates and assigning panel members and translators as needed.
(§ 48918 (c).)

(b) Expulsion Hearing

The attendance of the review panel and other district employees required to attend the expulsion hearing. (§ 48918 (c).)

(c) Recommendation to the Governing Board

Preparation and submission of the hearing officer or panel's findings of fact based solely on the evidence adduced at the hearing to recommend the expulsion of a pupil to the governing board. (§ 48918 (d) and (f).)

(d) Hearing Record

Maintaining a record of the hearing by any means which would allow for a reasonably accurate and complete written transcript of the proceedings to be made.
(§ 48918 (g).)

E. EXPULSION HEARING PROCEDURES FOR SEXUAL ASSAULT OR SEXUAL BATTERY ALLEGATIONS

When a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n), the following activities pursuant to sections 48918 and 48918.5 are reimbursable:

1. Advise Against Party Contact

Immediately advise the complaining witnesses and accused pupils to refrain from personal or telephonic contact with each other during the pendency of any expulsion process. (§ 48918.5 (d), Stats. 1996, ch. 915.)

2. Notice to Complaining Witness

(a) Provide the complaining witness with a copy of the applicable disciplinary rules and advise the witness of his or her right to: (1) receive five days' notice of the complaining witness' scheduled testimony at the hearing; (2) have up to two adult support persons of his or her choosing present in the hearing at the time he or she testifies; and (3) have the hearing closed during the time he or she testifies pursuant to subdivision (c) of section 48918. (§ 48918.5 (a), Stats. 1996, ch. 915.)

(b) Give the complaining witness five days' notice prior to being called to testify.
(§ 48918 (b), Stats. 1996, ch. 915.)

3. Complaining Witness Accommodations

- (a) If the hearing is conducted at a public meeting, hear the witness' testimony in a and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television. (§ 48918 (c), Stats. 1996, ch. 915.)
- (b) Provide a nonthreatening environment for a complaining witness in order to better enable him or her to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. (§ 48918.5 (c), Stats. 1996, ch. 915.)
- (c) Provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. (§ 48918.5 (c), Stats. 1996, ch. 915.)

4. Protocol for Support Persons

- (a) Before the complaining witness' testimony, admonish the witness' support person(s) that the hearing is confidential. (§ 48918 (b), Stats. 1996, ch. 915.)
- (b) Follow the provisions of section 868.5 of the Penal Code at the hearing if the complaining witness has one or more support persons, and one or more of the support persons is also a witness. (§ 48918 (b), Stats. 1996, ch. 915.)⁵

⁵ The section 868.5 procedures include:

- (1) Only one support person may accompany the witness to the witness stand, although the other may remain in the room during the witness' testimony;
- (2) For the prosecution to present evidence that the support person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness;
- (3) For the governing board, on the prosecution's showing in (2), to grant the request for the support person unless information presented by the defendant or noticed by the district establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony;
- (4) The governing board shall inform the support person or persons that the proceedings are confidential and may not be discussed with anyone not in attendance at the proceedings;
- (5) For the governing board to admonish the support person or persons to not prompt, sway, or influence the witness in any way;
- (6) For the testimony of the support person or persons who are also witnesses to be presented before the testimony of the prosecuting witnesses and excluding the prosecuting witnesses from the courtroom during the support person's testimony; and (7) When the evidence given by the support person would be subject to exclusion because it has been given before the corpus delicti (the basic element or fact of a crime) has been established, for the evidence to

F. POST-EXPULSION HEARING PROCEDURES

If the expulsion hearing is for any of the following offenses:

- Selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915 (c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities pursuant to sections 48915 and 48918 are reimbursable:

1. Expulsion Order

Issuing the expulsion order. (§ 48915 (d).)

2. Parent Notice

Sending written notice to the pupil or the pupil's parent or guardian of: (a) any decision by the governing board to expel or suspend the enforcement of an expulsion order during a period of probation; (b) the right to appeal the expulsion to the county board of education; (c) the education alternative placement at the time of the expulsion order; and (d) the obligation of the pupil, parent or guardian under Education Code section 48915.1 to notify a new school district, upon enrollment, of the pupil's expulsion. Costs of postage for mailing the notice is reimbursable under this activity. (§ 48918 (j).)

3. Pupil Records

(a) Maintaining a record of the expulsion, including the cause of the expulsion. (§ 48918 (k).)

(b) Recording the expulsion order and the cause of the expulsion in the pupil's mandatory interim record. (§ 48918 (k).)

(c) Forwarding the pupil's mandatory interim record to any school in which the pupil subsequently enrolls upon the request of such school. (§ 48918 (k).)

be admitted subject to the governing board or defendant's motion to strike that evidence from the record if the corpus delicti is not later established by the testimony of the prosecuting witness.

G. REFER PUPIL TO DIFFERENT SCHOOLSITE, REHABILITATION PLAN, AND ALTERNATIVE EDUCATIONAL PROGRAM

When the pupil is expelled for one of the following offenses:

- Possessing, selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915 (c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915 (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

Then the following activities pursuant to sections 48915, 48916, and 48916.1 are reimbursable:

1. Refer to Alternative Education Program During Period of Expulsion

Refer the expelled pupil to a program of study that meets the following criteria: (1) is appropriately prepared to accommodate pupils who exhibit discipline problems; (2) is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension. (§ 48915 (d), Stats. 1995, ch. 972.)

2. Rehabilitation Plan

Recommend a rehabilitation plan for the pupil, at the time of the expulsion order. (§ 48916 (b), Stats. 1995, ch. 974, operative July 1, 1996.)

3. Ensure that Alternative Educational Program is Provided for Period of Expulsion

Ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. The educational program may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools. The educational program may not be situated within or on the grounds of the school from which the pupil was expelled (§ 48916.1, Stats. 1995, ch. 974, operative July 1, 1996.) State attendance-based funding or other state or federal sources of funding for these programs are identified as an offset in Section VIII of these parameters and guidelines to the reimbursable costs of ensuring that an alternative educational program is provided.

H. READMISSION TO THE DISTRICT

If the governing board expelled a pupil for any of the following offenses:

- Selling or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));

- Unlawfully selling any controlled substance (§ 48915 (c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§ 48915 (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915 (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

Then the following activities pursuant to section 48916 are reimbursable:

1. Set a date when the pupil may apply for readmission to a school maintained by the district. (§ 48916(a).);
2. Provide a description of the procedure for readmission to the pupil and the pupil's parent or guardian. (§ 48916.)
3. Review the pupil for readmission.
 - (a) Order the expelled pupil's readmission or making a finding to deny readmission if the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district. (§ 48916 (c), Stats. 1995, ch. 974.)
 - (b) If readmission is denied, the governing board does the following:
 - (1) Makes the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916 (d).)
 - (2) Provides written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the alternative education program for the expelled pupil. (§ 48916 (e).)

I. EXPELLED PUPIL'S REQUEST TO ATTEND NEW DISTRICT

RECEIVING DISTRICT ACTIVITIES pursuant to section 48915.2:

If a pupil applying to a school district that did not expel the pupil (the "receiving school district") has been expelled by another school district for one of the following most serious offenses:

- Unlawful possession of any controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915 (a)(3), Stats. 1995 ch. 972);
- Possessing, selling, or otherwise furnishing a firearm without permission, as specified, if the possession is verified by an employee of a school district (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));

- Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined (§ 48900 (n) & 48915 (c)(4) & (d), Stats. 1996, chs. 915 and 1052);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915 (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

And the receiving school district does not have a voluntary interdistrict transfer agreement with the expelling district, then the receiving district's admission hearing is reimbursable as follows:

Before allowing the expelled pupil to enroll, determination by the governing board pursuant to a hearing under section 48918, whether an individual expelled from another school poses a danger to either the pupils or employees of the school district. (§ 48915.2, (b), Stats. 1995, ch. 974)

J. EXPULSION APPEAL HEARINGS

County Boards of Education (for expulsion appeals for *all offenses*)

Remanding an expulsion decision to a school district for adoption of the required findings if the school district's decision is not supported by the findings required by section 48915, but evidence supporting the required findings exists in the record of the proceedings. (§ 48923 (b), Stats. 2000, ch. 147)

School Districts

If the governing board expelled a pupil for any of the following:

- Selling or otherwise furnishing a firearm § 48915 (c)(1);
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915 (c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915 (c)(4), Stats. 1996, ch. 1052);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915 (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

Then the following activities are reimbursable:

1. Providing Copies of Documents

- (a) Providing copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil who is less than 18 years of age. (§ 48919.)
- (b) Providing copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil who is 18 years of age or older, or to the parent or guardian of a pupil who is less than 18 years of age, if the documents or records are not "education records" as defined in 20 U.S.C. section 1232g(a)(4). (§ 48919.)

2. Participation in Hearings

Participation by a school district in the county board of education's hearing on appeal if the county board of education grants a hearing de novo. (§ 48919.)

3. Remand Hearing

If the county board of education remanded the expulsion to the school district's governing board following an appeal, sending notice of the hearing, conducting a hearing on remand, and rendering a decision in the remand hearing. (§ 48923.)

If following an appeal, the county board of education remanded the expulsion to the governing board, then:

- (a) Providing notice to the pupil or the pupil's parent or guardian of the following: the expulsion decision, the right to appeal to the county board, the education alternative placement to be provided during the expulsion, and the obligation of the parent or guardian to inform a new school district in which the pupil may enroll of the pupil's expulsion; and maintain a record of each expulsion and the cause therefor.
- (b) Adopting the required findings on remand from the county board of education in a public session. (Holding a hearing is not reimbursable.) (§ 48923 (b), Stats. 2000, ch. 147.)

4. Expunge Records

Expunge the school district's and pupil's records concerning the expulsion, when ordered by the county board of education. (§ 48923.)

K. SCHOOL DISTRICT DATA COLLECTION AND REPORTING

If the governing board expelled a pupil for any of the following offenses:

- Selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915 (c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915 (c)(4), Stats. 1996, ch. 1052);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915 (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

Then the following activities are reimbursable until January 7, 2002:

Maintain data on the following and report it to the California Department of Education (CDE):

- a. The number of pupils recommended for expulsion;
- b. The grounds for each recommended expulsion;

- c. Whether the pupil was subsequently expelled;
- d. Whether the expulsion order was suspended;
- e. The type of referral made after the expulsion; and
- f. The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e)(1), Stats. 1996, ch. 937.)

Beginning January 8, 2002, it is reimbursable for the school district to maintain data on the following and report it to CDE for pupils expelled for the offenses listed above (section 48915 (c)):

- a. Whether the expulsion order was suspended;
- b. The type of referral made after the expulsion; and
- c. The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e), Stats. 1996, ch. 937.)

L. TRAINING

Training school district personnel (one-time per employee) about the mandated suspension, expulsion, and expulsion appeal activities. This reimbursable component includes the labor time of administrators and other school district personnel involved with preparation of training sessions and the labor time of administrators and other school district personnel who conduct or attend training sessions. Labor time for teachers is not reimbursable. The cost of materials and supplies used or distributed in training sessions is reimbursable under this component.

V. CLAIM PREPARATION AND SUBMISSION FOR ACTUAL COSTS

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. Attach a copy of the contract to the claim. 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 dates when services were performed and itemize all costs for those services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment 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. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of the cost element A.1, Salaries and Benefits, for each applicable reimbursable activity.

6. 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 a common or joint purpose. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost

objective. 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.

Indirect costs 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 J-380 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

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

VI. CLAIM PREPARATION AND SUBMISSION: REASONABLE REIMBURSEMENT METHODOLOGY

The Commission is adopting a *reasonable reimbursement methodology* to reimburse school districts for all direct and indirect costs, as authorized by Government Code section 17557, subdivision (b), *in lieu of payment of total actual costs incurred for the reimbursable activities specified in Section IV.D.3 above.*

A. Reasonable Reimbursement Methodology

The definition of reasonable reimbursement methodology is in Government Code section 17518.5, as follows:

Government Code Section 17518.5

- (a) *Reasonable reimbursement methodology* means a formula for reimbursing local agency and school district costs mandated by the state that meets the following conditions:
 - (1) the total amount to be reimbursed statewide is equivalent to total estimated local agency and school district costs to implement the mandate in a cost-efficient manner.
 - (2) for 50 percent or more of eligible local agency and school district claimants, the amount reimbursed is estimated to fully offset their projected costs to implement the mandate in a cost-efficient manner.
- (b) Whenever possible, a *reasonable reimbursement methodology* shall be based on general allocation formulas, uniform cost allowances, and other approximations of local costs mandated by the state rather than detailed documentation of actual local costs. In cases when local agencies and school districts are projected to incur costs to implement a mandate over a period of more than one fiscal year, the determination of a reasonable reimbursement methodology may consider local costs and state reimbursements over a period of greater than one fiscal year, but not exceeding 10 years.

- (c) A reasonable reimbursement methodology may be developed by any of the following:
- (1) The Department of Finance.
 - (2) The Controller.
 - (3) An affected state agency.
 - (4) A claimant.
 - (5) An interested party.

B. Uniform Cost Allowances and Formula for Reimbursable Activities

The *reasonable reimbursement methodology* shall consist of uniform cost allowances to cover all direct and indirect costs of performing activities in Section IV.D.3 and applied to a formula for calculating claimable costs.

1. The uniform cost allowances for reimbursement of activities in Section IV.D.3 are as follows:

Reimbursable Component	Uniform Cost Allowance
IV.D.3 (a) Hearing Preparation	\$115.72
IV.D.3 (b). Hearing	\$144.58
IV.D.3 (c) Written Expulsion Recommendation to the Governing Board	\$171.00
IV.D.3 (d) Hearing Record	\$1.47
Total	\$432.77

The uniform cost allowances shall be adjusted each subsequent year by the Implicit Price Deflator.

2. Formula

Reimbursement of Activities IV.D.3 (a) – (d) is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of mandatory recommendations for expulsion that resulted in expulsion hearings. If a hearing does not result, claimant may claim increased costs incurred for Section IV.D.3 (a), Preparation for Expulsion Hearing.

VII. RECORD RETENTION

A. Actual Costs and Reasonable Reimbursement Methodology

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a school district pursuant to this chapter⁶ is subject to the initiation of an audit by the State 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 documentation used to support the reimbursable activities, as described in Section V, 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.

VIII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsetting revenues 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, state attendance-based funding or other state or federal sources of funding for the costs of ensuring that an alternative educational program is provided to an expelled pupil, as described in Section IV(G)(3) of these parameters and guidelines; and other state and federal funds for the costs of the remaining activities identified in Section IV of these parameters and guidelines, shall be identified and deducted from this claim.

IX. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement no later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute, regulations, or executive order creating the mandate and the parameters and guidelines adopted by the Commission.

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

X. REMEDIES BEFORE THE COMMISSION

Upon request of a school district, the Commission shall review the claiming instructions issued by the State 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

⁶ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

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, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

XI. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The statement of decision on *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan* is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claims. The administrative record, including the statement of decision, is on file with the Commission.

ATTACHMENT 6

PROPOSED PARAMETERS AND GUIDELINES

CONSOLIDATED SUSPENSIONS, EXPULSIONS, and EXPULSION APPEALS

PUPIL EXPULSIONS II (96-358-03, 03A, 98-TC-22, 01-TC-18)

PUPIL SUSPENSIONS II (98-TC-23)

EDUCATIONAL SERVICES PLAN FOR EXPELLED PUPILS (97-TC-09)

Education Code Sections 48900.8, 48915, 48915.2, 48916, 48916.1,
48918, 48918.5, 48923, 48926

As Amended by Statutes 1995, Chapters 972 and 974;
Statutes 1996, Chapters 915, 937, and 1052; Statutes 1997, Chapter 637;
Statutes 1998, Chapter 489; Statutes 1999, Chapter 332; Statutes 2000, Chapter 147;
Statutes 2001, Chapter 116

Consolidated With

PUPIL SUSPENSIONS FROM SCHOOL (CSM-4456)

Education Code Section 48911, Subdivisions (b) and (e)

Statutes 1977, Chapter 965; Statutes 1978, Chapter 668; Statutes 1980, Chapter 73;
Statutes 1983, Chapter 489; Statutes 1985, Chapter 856; Statutes 1987, Chapter 134

PUPIL EXPULSIONS FROM SCHOOL (CSM-4455)

Education Code Sections 48915, Subdivisions (a) and (b),
48915.1, 48915.2, 48916 and 48918

Statutes 1975, Chapter 1253; Statutes 1977, Chapter 965; Statutes 1978, Chapter 668; Statutes
1982, Chapter 318; Statutes 1983, Chapter 498; Statutes 1984, Chapter 622; Statutes 1987,
Chapter 942; Statutes 1990, Chapter 1231; Statutes 1992, Chapter 152; Statutes 1993, Chapters
1255, 1256, and 1257; Statutes 1994, Chapter 146

PUPIL EXPULSION APPEALS (CSM-4463)

Education Code Sections 48919, 48921, 48924

Statutes 1975, Chapter 1253; Statutes 1977, Chapter 965,; Statutes 1978, Chapter 668;
Statutes 1983, Chapter 498

Period of Reimbursement: From July 1, 2012 Forward

I. SUMMARY OF THE MANDATE

These parameters and guidelines are the sixth in a set of six on the *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* test claims identified in the caption above. For costs incurred beginning July 1, 2012, these parameters and guidelines are consolidated with the parameters and guidelines for *Pupil Suspensions from School* (CSM 4456), *Pupil Expulsions from School* (CSM 4455), and *Pupil Expulsion Appeals* (4463). The costs incurred under *Pupil Suspensions*, *Pupil Expulsions*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) until June 30, 2012 remain reimbursable under their existing parameters and guidelines and State Controller’s Claiming Instructions for Programs 176 to 271.

The suspension and expulsion procedures and post-expulsion requirements were originally found to impose reimbursable state-mandated costs for possession of a firearm in decisions on *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) which address the program required by statutes enacted from 1975 - 1994. The test claims on *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* address new statutory requirements added to the Education Code from 1995 to 2002. A summary of the Commission’s decisions on all of these test claims is provided below following the table.

The six sets of parameters and guidelines that have been adopted for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* are summarized in the table below:

<u>Parameters and Guidelines</u>	<u>Period of Reimbursement</u>	<u>Statutes Approved</u>
Set 1	July 1, 1995 - June 30, 1996	§ 48915, as amended by Statutes 1995, chapter 972, and activities triggered by the new offenses added to section 48915.
Set 2	July 1, 1996 - June 30, 1997	§§ 48915.2, 48916, 48916.1, 48918, 48918.5, 48926, as amended by Statutes 1995, chapter 874, Statutes 1996, chapters 915, 937, 1052.
Set 3 –	July 1, 1997 – June 30, 1999	§§ 48900.8, 48918, as amended by Statutes 1997, chapter 637, Statutes 1998, chapter 498.
Set 4	July 1, 1999 – June 30, 2001	§§ 48918, 48923, as amended by Statutes 1999, chapter 332, Statutes 2000, chapter 147.

Set 5	July 1, 2001 – June 30, 2012	§ 48915, Statutes 2001, chapter 116.
Set 6– current document	July 1, 2012 –	All statutes, consolidated with <i>Pupil Suspension from School, Pupil Expulsion from School, and Pupil Expulsion Appeals</i> (CSM-4456, 4455, 4463).

A. *Pupil Suspensions from School (CSM 4456)*

On December 19, 1996, the Commission on State Mandates (Commission) adopted its statement of decision determining that certain provisions of Education Code section 48911,¹ subdivisions (b) and (e), impose a new program or higher level of service within the meaning of section 6 of article XIII B of the California Constitution and costs mandated by the state pursuant to Government Code section 17514. The mandate is limited to the following reimbursable activities for suspensions based upon (1) possession of a firearm (October 11, 1993 to present), and (2) possession of a knife or explosive (October 11, 1993 to December 31, 1993):

- The attendance of the referring school employee in the pre-suspension conference between the principal (or designee or superintendent) and the pupil, whenever practicable (§ 48911 (b)); and
- A report of the cause of each school suspension to the district board. (§ 48911 (e).)

B.. *Pupil Expulsions from School (CSM-4455)*

On May 26, 1997, the Commission adopted its statement of decision, and on May 26, 2005, adopted its amended statement of decision pursuant to the California Supreme Court decision in *San Diego Unified School District. v. Commission on State Mandates* (2004) 33 Cal.4th 859, finding that certain provisions of the Education Code impose a new program or higher level of service for school districts within the meaning of section 6 of article XIII B of the California Constitution and costs mandated by the state pursuant to Government Code section 17514:

To suspend a pupil for possessing a firearm,² and recommend expulsion of a pupil for:

- (a) Causing serious physical injury to another person, except in self defense;
- (b) Possession of any firearm, knife, explosive, or other dangerous device of no reasonable use to the pupil at school or at a school activity off school grounds;

¹ All statutory references are to the Education Code unless otherwise indicated.

² The statement of decision also lists: From October 11, 1993 to December 31, 1993, suspending a pupil for possession of a firearm, knife of no reasonable use to the pupil, or possession of an explosive.

(c) Unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis;

(d) Robbery or extortion. (§ 48915 (a), Stats. 1983, ch. 498 Stats. 1993, ch. 1255 and ch. 1256; § 48915 (b), Stats. 1993, ch. 1255 and ch. 1256.)

When a pupil is expelled for any of the following:

(a) Causing serious physical injury to another person, except in self defense;

(b) Possession of any firearm, knife, explosive, or other dangerous device of no reasonable use to the pupil at school or at a school activity off school grounds;

(c) Unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of Health and Safety Code, except for the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis;

(d) Robbery or extortion.

Then it is reimbursable to include specified provisions in the notice of hearing to the pupil, and on request, allow a pupil or pupil's parent or guardian to inspect and obtain copies of documents to be used at the expulsion hearing, as specified. (§ 48915 (a), Stats. 1983, ch. 498, Stats. 1983, ch. 1255 and ch. 1256; § 48915 (b), Stats. 1993, ch. 1255 and ch. 1256.)

If the pupil is expelled for the following:

From October 11, 1993, to December 31, 1993, for possession of a firearm, knife of no reasonable use to the pupil, or explosive. (§ 48915 (b), Stats. 1993, ch. 1255.)

From January 1, 1994 to the present, for possession of a firearm. (§ 48915 (b), Stats. 1993, ch. 1256.)

Then it is reimbursable to (1) send written notice of specified provisions (§ 48918 (i)); (2) Maintain a record of each expulsion, including the cause thereof (§ 48918 (j).); and (3) Record expulsion orders and the causes thereof as specified, and, on request, forward the record to any school in which the pupil subsequently enrolls. (§ 48918 (j).)

For a pupil expelled for possessing a firearm, the following is reimbursable: (1) Set a date when the pupil may apply for readmission to a district school; (2) Make available to the same pupil and his or her parent or guardian a description of the procedure for readmission; and (3) Adopt rules and regulations to establish a procedure for the filing and processing of requests for readmission. (§ 48916.)

The following were also found to be reimbursable for school districts that do not have an interdistrict transfer agreement with another school district: (1) Determine whether a pupil expelled by another school district, would pose a potential danger to the pupils and employees of the receiving district and whether to admit, deny admission, or conditionally admit the applicant

during or after the period of expulsion (§ 48915.1 (d)); (2) Respond to a receiving district's request for recommendation (§ 48915.1) if the pupil is expelled for the following offenses: (a) from October 11, 1993 to December 31, 1993, for possession of a firearm, knife of no reasonable use to the pupil, or explosive; (§ 48915 (b), Stats. 1993, ch. 1255); (b) from January 1, 1994 to the present, for possession of a firearm (§ 48915 (b), Stats. 1993, ch. 1256); (3) include in the notice of hearing specified information (§§ 48915.1, 48915.2, and 48918 (b)); (4) Allow a pupil or pupil's parent or guardian to inspect and obtain copies of documents to be used at the admission hearing upon request, as specified (§§ 48915.1, 48915.2, and 48918 (b)); (5) Maintain records as specified (§§ 48915.1, 48915.2, and 48918 (j)); and (6) Notify the applicant and parent/guardian of the governing board's determination, as specified. (§§ 48915.1 (a), 48915.2 & 48918 (i).)

C. Pupil Expulsion Appeals (CSM-4463)

On March 27, 1997, the Commission adopted its statement of decision finding that certain provisions of Education Code sections 48919 and 48921 through 48924 impose a new program or higher level of service within the meaning of section 6 of article XIII B of the California Constitution for school districts and county boards of education to hear and decide pupil expulsion appeals.

The Commission determined that the following provisions applicable to all pupil expulsion appeals establish costs mandated by the state pursuant to Government Code section 17514 for county boards of education to:

- Adopt rules and regulations establishing procedures for expulsion appeals;
- Notify persons appealing a school district expulsion of the procedures for the conduct of the appeal, as part of the county board's notice to the pupil regarding the appeal;
- Review the appeal and the record of the expulsion hearing conducted by the governing board (including the written transcript of the hearing and supporting documents);
- Conduct the initial hearing on the appeal, if the county board of education decides in such hearing to grant a hearing de novo;
- By either personal service or certified mail, notify the pupil and the school district of the final and binding order of the county board of education; and
- Preserve the record of appeal.

The Commission determined that, limited to those expulsions which were based upon Education Code section 48915, subdivision (b) (as amended by Stats. 1993, chs. 1255 & 1256), the following provisions establish costs mandated by the state pursuant to Government Code section 17514 for school districts to:

- Provide copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil or the pupil's parent or guardian, as follows:

1. If the requesting party is a pupil less than 18 years of age or the parent or guardian of a pupil who is 18 years of age or older, all documents; or
2. If the requesting party is the parent or guardian of a pupil under the age of 18, only those documents which are not “education records” as defined in 20 U.S.C. section 1232g(a)(4).³
3. Participate in the initial appeal hearing at the county board of education, if the county board decides in such hearing to grant a trial de novo.
4. If the county board of education remands the matter to the school district, send notice of hearing, conduct the hearing and render a decision in the remand hearing.
5. If ordered by the county board of education, expunge the district’s and the pupil’s records of the expulsion.

D. Pupil Expulsions II, Pupil Suspensions II, and Educational Services Plan for Expelled Pupils

The statement of decision on *Pupil Expulsions II, Pupil Suspensions II, and Educational Services Plan for Expelled Pupils* was adopted on August 1, 2008, and was issued in May 2011. The Commission found that the test claim statutes impose a partially reimbursable state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The Commission approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1996:

- a. For the principal or superintendent to immediately suspend, pursuant to section 48911, and recommend expulsion, and for the governing board to order expulsion for:
 1. A pupil who brandishes a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
 2. A pupil who sells or furnishes a firearm unless the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal (§ 48915 (c)(1) and (d), Stats. 1995, ch. 972);
 3. A pupil’s first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995 ch. 972).

³The Federal Education Rights and Privacy Act of 1974 (“FERPA”) defines “education records” as those records, files, documents and other materials which (i) contain information directly related to a student, and (ii) are maintained by the school district or a person acting for the school district. 20 U.S.C. Section 1232g(a)(4)(B)) provides certain exceptions to the general definition (for example, records maintained by a law enforcement unit of a school district that were created by that law enforcement unit for the purpose of law enforcement).

- b. For the principal or superintendent to immediately suspend, pursuant to section 48911, and for the governing board to order expulsion, for a pupil who sells a controlled substance, as defined (§ 48915 (c)(3), Stats. 1995 ch. 972).
- c. For the school to perform the following suspension procedures⁴ for the offenses listed in (a) and (b) above:
 - 1. Precede the suspension with an informal conference conducted by the principal or the principal's designee or the superintendent of schools between the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. Inform the pupil of the reason for the disciplinary action and the evidence against him or her and give the pupil the opportunity to present his or her version and evidence in his or her defense. (§ 48911 (b).)
 - 2. At the time of the suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Whenever the pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension. (§ 48911 (d).)
 - 3. A school employee shall report the suspension of the pupil including the cause therefore, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board. (§ 48911 (e).)
- d. For the principal or superintendent of schools to recommend expelling a pupil for possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972). The section 48918 expulsion hearing procedures are part of this activity.
- e. For the governing board to refer a pupil expelled for any of the most serious offenses (in § 48915 (c)) to a program of study that meets the following criteria: (1) is appropriately prepared to accommodate pupils who exhibit discipline problems; (2) is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension (§ 48915 (d), Stats. 1995, ch. 972).

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning July 1, 1996:

- a. For the superintendent of schools (or designee) to provide notice to a pupil expelled for any of the most serious offenses (in § 48915 (c)), of the education alternative placement

⁴ These offenses also trigger the expulsion procedures identified in the *Pupil Expulsions from School* (CSM-4455) test claim.

to the pupil's parent or guardian at the time of the expulsion order. (§ 48918 (j), Stats. 1995, ch. 974.)

- b. For the governing board to amend its expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918. This is a one-time activity. (§ 48918 (i), Stats. 1995, ch. 974, §§ 7.5 & 10.)
- c. If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974.)
- d. Ensure that an educational program is provided to the pupil expelled for any of the most serious offenses in subdivision (c) of section 48915. The program must conform to the specifications in section 48916.1. (§ 48916.1, Stats. 1995, ch. 974.)
- e. Recommend a rehabilitation plan to a pupil at the time of the expulsion order (§ 48916 (b), Stats. 1995, ch. 974) when a pupil is expelled for any of the most serious offenses listed in subdivision (c) of section 48915.
- f. For the one-time activity of adopting rules and regulations to establish the process for the required review of all expelled pupils for readmission. (§ 48916 (c), Stats. 1995, ch. 974.)
- g. Perform the following activities when the governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses (in § 48915 (c)). (§ 48916, Stats. 1995, ch. 974.):
 1. Review the pupil for readmission. (§ 48916 (a).)
 2. Order the expelled pupil's readmission or make a finding to deny readmission if "the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district." (§ 48916 (c).)
 3. If readmission is denied, for the governing board to make the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916 (d).)
 4. If readmission is denied, the governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916 (e).)
- h. Before allowing the expelled pupil to enroll in a school district that did not expel the pupil, for the receiving district's governing board to determine, pursuant to a hearing under Section 48918, whether an individual expelled from another school district for the offenses listed below poses a danger to either the pupils or employees of the school

district. (§ 48915.2 (b), Stats. 1995, ch. 974.) This activity is only reimbursable for determinations of applicants who have been expelled by a district that has not entered into a voluntary interdistrict transfer agreement with the receiving district:

1. Unlawful possession of any controlled substance [as specified] ... including the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. (§ 48915 (a)(3).)
2. Possessing, selling, or otherwise furnishing a firearm ... [without permission as specified]. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. (§ 48915 (c)(1).)
3. Brandishing a knife at another person. (§ 48915 (c)(2).)
4. Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined. (§ 48900 (n) & 48915 (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997.)

From July 1, 1996 until September 25, 1996, for school districts to maintain outcome data, as specified, for pupils expelled for the most serious offenses in subdivision (c) of section 48915. (§ 48916.1, Stats. 1995, ch. 974.)

Beginning September 26, 1996, for the school district to maintain data on the following and report it to the California Department of Education (CDE) for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) Whether the expulsion order was suspended; (2) The type of referral made after the expulsion; and (3) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e), Stats. 1996, ch. 937.)

Beginning September 26, 1996 until January 7, 2002, for school districts to maintain data on the following and report it to CDE for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) The number of pupils recommended for expulsion; (2) The grounds for each recommended expulsion; (3) Whether the pupil was subsequently expelled; (4) Whether the expulsion order was suspended; (5) The type of referral made after the expulsion; and (6) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e), Stats. 1996, ch. 937.)

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1997:

- a. Amend the school district's rules and regulations, as specified, to include procedures that apply when there is a recommendation to expel a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918 (b) & 48918.5, Stats. 1996, ch. 915, one-time costs.)
- b. For the principal or superintendent to suspend, pursuant to section 48911, and recommend expulsion, and for the governing board to order expulsion for pupils who commit or attempt to commit a sexual assault or sexual battery as defined. (§ 48915

(c)(4), Stats. 1996, ch. 1052.) The section 48911 suspension procedures and section 48918 expulsion hearing procedures are part of this activity.

- c. For the principal or superintendent to recommend expelling a pupil for assault or battery on any school employee. (§ 48915 (a)(5), Stats. 1996, chs. 915 & 1052.) The expulsion hearing procedures in section 48918 are part of this activity.
- d. For school districts to follow specified procedures when a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n). (§ 48918 and 48918.5, Stats. 1996, ch. 915.)

Beginning January 1, 1998, for school districts to identify by offense, in all appropriate official records of a pupil, each suspension of that pupil for any of the most serious mandatory offenses in section 48915, subdivision (c). (§ 48900.8, Stats. 1997, ch. 637.)

Beginning January 1, 1999, for the school district to amend its expulsion rules and regulations as follows:

If compliance by the governing board with the time requirements for the conduct of an expulsion hearing under subdivision (a) of section 48918 is impracticable due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 schooldays, as defined in subdivision (c) of Section 48915, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall be held no later than 20 calendar days prior to the first day of school for the school year. (§ 48918 (a), Stats. 1998, ch. 489.)

Beginning January 1, 2000:

For school districts to perform the following one-time activities: (1) updating the school district rules and regulations on notification to the pupil regarding the opportunity to be represented by legal counsel or a nonattorney adviser, and (2) revising the pupil notification to include the right to be represented by legal counsel or a nonattorney adviser. (§ 48918 (b)(5), Stats. 1999, ch. 332). These activities are reimbursable when the pupil commits any of the offenses specified in subdivisions (a) or (c) of section 48915.

Beginning January 1, 2001:

For a county board of education to remand an expulsion matter to a school district for adoption of the required findings if the school district's decision is not supported by the findings required by section 48915, but evidence supporting the required findings exists in the record of the proceedings. (§ 48923, subdivision (b), Stats. 2000, ch. 147.) This activity is reimbursable for an expulsion for any reason.

For a school district, when adopting the required findings on remand from the county board of education, to: (1) take final action on the expulsion in a public session (not hold another hearing) and; (2) provide notice to the pupil or the pupil's parent or guardian of the following: the expulsion decision, the right to appeal to the county board, the education alternative placement to be provided during the expulsion, and the obligation of the parent or guardian to inform a new school district in which the pupil may enroll of the pupil's expulsion (§ 48918 (j)); and (3) maintain a record of each expulsion and the cause therefor. (§ 48918 (k)). (§ 48923 (b), Stats. 2000, ch. 147.) This activity is only reimbursable when the district governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses. (listed in § 48915(c).)

Beginning January 1, 2002:

For a principal or superintendent to immediately suspend, pursuant to section 48911, a pupil who possesses an explosive at school or at a school activity off school grounds. (§ 48915 (c) & (d), Stats. 2001, ch. 116.) The section 48911 suspension procedures are part of this activity.

For purposes of consistency, these parameters and guidelines continue to include the reasonable reimbursement methodology (RRM) adopted by the Commission in the *Pupil Suspensions, Pupil Expulsions*, and *Pupil Expulsion Appeals* parameters and guidelines (CSM-4456, 4455, 4463) for the reimbursement of the direct and indirect expulsion hearing costs incurred by a school district.

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. This includes county offices of education. Charter schools are not eligible claimants.

III. PERIOD OF REIMBURSEMENT

These consolidated parameters and guidelines are for the period of reimbursement beginning July 1, 2012. Reimbursement for state-mandated costs may be claimed as follows:

1. Costs for one fiscal year shall be included in each claim.
2. 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. (Gov. Code, § 17560.)
3. In the event revised claiming instructions are issued by the Controller pursuant to Government Code section 17558, subdivision (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).)
4. 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, subdivision (a).

5. 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 for all reimbursable activities listed below except for the expulsion hearing procedures identified in Section IV.D.3. Costs incurred for the expulsion hearing procedures in Section IV.D.3 may be claimed by using the reasonable reimbursement methodology (RRM) described in Section VI of these parameters and guidelines.

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 may claim and be reimbursed for only the increased costs of performing the following reimbursable activities:

A. ONE-TIME ACTIVITIES TO ADOPT POLICIES, PROCEDURES AND REVISE NOTIFICATION

The following one-time activities are reimbursable only to the extent they have not been claimed in a prior fiscal year under one of the five sets of parameters and guidelines adopted for the *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* programs.

1. School Districts and County Boards of Education
 - (a) Adopt and revise rules and regulations establishing procedures pertaining to pupil expulsions to conform to amendments of section 48915 by Statutes 1995, chapters 972 and 974; Statutes 1996, chapters 915 and 1052; Statutes 1998, chapter 489; and Statutes 1999, chapter 332.
 - (b) Adopt rules and regulations establishing the procedure for the filing and processing of requests for readmission pursuant to Education Code section 48916, and revise those rules and regulations to conform to the amendments of Statutes 1995, chapter 974.

- (c) Amend expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918 (Stats. 1995, ch. 974, §§ 7.5 & 10).
 - (d) Adopt rules and regulations establishing the procedures for expelling a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§§ 48918 (b) & 48918.5, Stats 1996, ch. 915 and ch. 1052.)
 - (e) Adopt rules and regulations establishing the procedures for suspending a pupil who possesses an explosive at school or at a school activity off school grounds. (Stats. 2001, ch. 116.)
 - (f) Print and disseminate rules and procedures to each school site.
 - (g) Revise the pupil notification to include the right to be represented by legal counsel or a nonattorney advisor in an expulsion hearing. (§ 48918, (b)(5), Stats. 1999, ch. 332.)
2. County Boards of Education - Expulsion Appeals
- (a) Adopt rules and procedures pertaining to pupil expulsions appeals and revise those rules and procedures to conform to amendments approved in this test claim of the statutory requirements.
 - (b) Print and disseminate rules and procedures to each school district in the county.
3. Education Services Plan for Expelled Pupils
- If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974.)

THE REMAINING ACTIVITIES (listed in B through L) ARE ON-GOING ACTIVITIES

B. PUPIL SUSPENSIONS

1. If the suspension is for possession of a firearm, then the following suspension activities pursuant to sections 48911 and 48900.8 are reimbursable:
- (a) Attendance at Informal Conference
The attendance of the teacher, supervisor, or other school district employee who referred the pupil to the principal for suspension in the pre-suspension conference between the principal (or principal's designee) or superintendent and the pupil. (§ 48911 (b).)
 - (b) Reporting to the District Office
Reporting the cause of the suspension to the school district's superintendent or governing board in accordance with the regulations of the school district's governing board. Such report may be oral or written. (§ 48911 (e).)

(c) Pupil Records

Identifying by offense, in all appropriate official records of a pupil, each suspension of that pupil. (§ 48900.8, Stats. 1997, ch. 637.)

(Reimbursement is not required to make reasonable efforts to contact the pupil's parent or guardian or to provide written notice of the suspension to the parent or guardian when the offense is possession of a firearm.)

2. If the immediate suspension is for any of the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling a controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915, (c)(3), Stats. 1995 ch. 972);
- Selling or furnishing a firearm (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915 (c)(5), Stats. 2001, ch. 116);

Then the following suspension activities pursuant to sections 48911 and 48900.8 are reimbursable:

(a) Parent Contact

Make a reasonable effort to contact the pupil's parent or guardian in person or by telephone at the time of suspension. (§ 48911 (d).)

(b) Attendance at Informal Conference

Conduct an informal conference (by the principal or the principal's designee or the superintendent of schools) between the pupil⁵ and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. Inform the pupil of the reason for the disciplinary action and the evidence against him or her and giving the pupil the opportunity to present his or her version and evidence in his or her defense. (§ 48911 (b).)

(c) Written Notice

Notify the parent or guardian in writing of the suspension whenever the pupil is suspended from school. (§ 48911 (d).)

(d) Reporting to the District Office

Report the suspension of the pupil including the cause therefor, to the governing board of

⁵ Pupil is defined to include "a pupil's parent or guardian or legal counsel." (§ 48925 (e).)

the school district or to the school district superintendent in accordance with the regulations of the governing board. (§ 48911 (e).)

(e) Pupil Records

Identify by offense, in all appropriate official records of a pupil, each suspension of that pupil. (§ 48900.8, Stats. 1997, ch. 637.)

C. RECOMMENDATION FOR EXPULSION

The preparation of the principal's or superintendent's recommendation to expel a pupil for the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Possessing, selling or furnishing a firearm (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052);
- Assault or battery on any school employee (§ 48915 (a)(5) Stats. 1996, chs. 915 & 1052);
- Causing serious physical injury to another person, except in self defense (§ 48915 (a)(1));
- Possession of any knife or other dangerous object of no reasonable use to the pupil (§ 48915 (a)(2));
- Unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code (§ 48915 (c)(3)), including the first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995, ch. 972);
- Robbery or extortion. (§ 48915 (a)(4).)

D. EXPULSION HEARING PROCEDURES

If the expulsion hearing is for any of the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Possessing, selling or furnishing a firearm (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972);

- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915 (c)(4), Stats. 1996, chs. 915 & 1052);
- Assault or battery on any school employee (§ 48915 (a)(5) Stats. 1996, chs. 915 & 1052,);
- Causing serious physical injury to another person, except in self defense (§ 48915 (a)(1));
- Possession of any knife or other dangerous object of no reasonable use to the pupil (§ 48915 (a)(2));
- Unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, including the first offense of a sale of not more than one avoirdupois ounce of marijuana (§ 48915 (c)(3), Stats. 1995, ch. 972);
- Robbery or extortion; (§ 48915 (a)(4));

Then the following activities pursuant to section 48918 are reimbursable:

1. Hearing Notice

Include in the notice of hearing to the pupil:

- (a) A copy of the disciplinary rules of the district that relate to the alleged violation;
- (b) A notice of the parent's, guardian's, or pupil's obligation, pursuant to Education Code section 48915.1 (b), to notify a new school district, upon enrollment, of the pupil's expulsion;
- (c) Notice of the opportunity for the pupil or the pupil's parent or guardian to inspect and obtain copies of all documents to be used at the hearing (§ 48918 (b)); and
- (d) Notice of the opportunity for the pupil or the pupil's parent or guardian to be represented by counsel or by a non-attorney adviser. (§ 48918 (b)(5), Stats. 1999, ch. 332.)

2. Document Inspection

Allow a pupil or pupil's parent or guardian to inspect and obtain copies of documents to be used at the expulsion hearing, as follows:

- (a) If the requesting party is a pupil less than 18 years of age or the parent or guardian of a pupil who is 18 years of age or older, all documents; or

- (b) If the requesting party is the parent or guardian of a pupil under the age of 18, only those documents which are not “education records” as defined in 20 U.S.C. section 1232g(a)(4).⁶ (§ 48918 (b).)

3. Expulsion Hearings

The following activities (3a-3d) are reimbursed based on a uniform cost allowance reasonable reimbursement methodology.

(a) Hearing Preparation

Prepare and review documents to be used during the expulsion hearing. Arrange hearing dates and assigning panel members and translators as needed. (§ 48918 (c).)

(b) Expulsion Hearing

The attendance of the review panel and other district employees required to attend the expulsion hearing. (§ 48918 (c).)

(c) Recommendation to the Governing Board

Preparation and submission of the hearing officer or panel’s findings of fact based solely on the evidence adduced at the hearing to recommend the expulsion of a pupil to the governing board. (§ 48918. (d) & (f).)

(d) Hearing Record

Maintain a record of the hearing by any means which would allow for a reasonably accurate and complete written transcript of the proceedings to be made. (§ 48918 (g).)

E. EXPULSION HEARING PROCEDURES FOR SEXUAL ASSAULT OR SEXUAL BATTERY ALLEGATIONS

When a pupil is recommended for an expulsion involving allegations of committed or attempted sexual assault or sexual battery as defined in section 48900, subdivision (n), the following activities pursuant to sections 48918 and 48918.5 are reimbursable:

⁶ The Federal Education Rights and Privacy Act of 1974 (“FERPA”) defines “education records” as those records, files, documents, and other materials which (i) contain information directly related to a student, and (ii) are maintained by the school district or a person acting for the school district. 20 U.S.C. Section 1232g(a)(4)(B) provides certain exceptions to the general definition (for example, records maintained by a law enforcement unit of a school district that were created by that law enforcement unit for the purpose of law enforcement).

1. Advise Against Party Contact

Immediately advise the complaining witnesses and accused pupils to refrain from personal or telephonic contact with each other during the pendency of any expulsion process. (§ 48918.5 (d), Stats. 1996, ch. 915.)

2. Notice to Complaining Witness

(a) Provide the complaining witness with a copy of the applicable disciplinary rules and advise the witness of his or her right to: (1) receive five days' notice of the complaining witness' scheduled testimony at the hearing; (2) have up to two adult support persons of his or her choosing present in the hearing at the time he or she testifies; and (3) have the hearing closed during the time he or she testifies pursuant to subdivision (c) of section 48918. (§ 48918.5 (a), Stats. 1996, ch. 915.)

(b) Give the complaining witness five days' notice prior to being called to testify. (§ 48918 (b), Stats. 1996, ch. 915.)

3. Complaining Witness Accommodations

(a) If the hearing is conducted at a public meeting, hear the witness' testimony in a session closed to the public if testifying would threaten serious psychological harm and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television. (§ 48918 (c), Stats. 1996, ch. 915.)

(b) Provide a nonthreatening environment for a complaining witness in order to better enable him or her to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. (§ 48918.5 (c), Stats. 1996, ch. 915.)

(c) Provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. (§ 48918.5 (c), Stats. 1996, ch. 915.)

4. Protocol for Support Persons

(a) Before the complaining witness' testimony, admonish the witness' support person(s) that the hearing is confidential. (§ 48918 (b), Stats. 1996, ch. 915.)

(b) Follow the provisions of section 868.5 of the Penal Code at the hearing if the complaining witness has one or more support persons, and one or more of the support persons is also a witness. (§ 48918 (b), Stats. 1996, ch. 915.)⁷

⁷ The section 868.5 procedures include:

F. POST-EXPULSION HEARING PROCEDURES

If the expulsion hearing is for any of the following offenses:

- Possessing, selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915 (c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915 (c)(4), Stats. 1996, ch. 1052);

Then the following activities pursuant to sections 48915 and 48918 are reimbursable:

1. Expulsion Order

Issue the expulsion order. (§ 48915 (d).)

2. Parent Notice

Send written notice to the pupil or the pupil's parent or guardian of: (a) any decision by the governing board to expel or suspend the enforcement of an expulsion order during a period of probation; (b) the right to appeal the expulsion to the county board of education; (c) the education alternative placement at the time of the expulsion order; and

-
- (1) Only one support person may accompany the witness to the witness stand, although the other may remain in the room during the witness' testimony;
 - (2) For the prosecution to present evidence that the support person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness;
 - (3) For the governing board, on the prosecution's showing in (2), to grant the request for the support person unless information presented by the defendant or noticed by the district establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony;
 - (4) The governing board shall inform the support person or persons that the proceedings are confidential and may not be discussed with anyone not in attendance at the proceedings;
 - (5) For the governing board to admonish the support person or persons to not prompt, sway, or influence the witness in any way;
 - (6) For the testimony of the support person or persons who are also witnesses to be presented before the testimony of the prosecuting witnesses and excluding the prosecuting witnesses from the courtroom during the support person's testimony; and (7) When the evidence given by the support person would be subject to exclusion because it has been given before the corpus delicti (the basic element or fact of a crime) has been established, for the evidence to be admitted subject to the governing board or defendant's motion to strike that evidence from the record if the corpus delicti is not later established by the testimony of the prosecuting witness.

(d) the obligation of the pupil, parent or guardian under Education Code section 48915.1 to notify a new school district, upon enrollment, of the pupil's expulsion. Costs of postage for mailing the notice is reimbursable under this activity. (§ 48918 (j).)

3. Pupil Records

- (a) Maintain a record of the expulsion, including the cause of the expulsion. (§ 48918 (k).)
- (b) Record the expulsion order and the cause of the expulsion in the pupil's mandatory interim record. (§ 48918 (k).)
- (c) Forward the pupil's mandatory interim record to any school in which the pupil subsequently enrolls upon the request of such school. (§ 48918 (k).)

G. REFER EXPELLED PUPIL TO DIFFERENT SCHOOLSITE, REHABILITATION PLAN, AND ALTERNATIVE EDUCATIONAL PROGRAM

When the pupil is expelled for one of the following offenses:

- Possessing, selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915 (c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915 (c)(4), Stats. 1996, ch. 1052);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915 (c)(5), Stats., ch. 116);

Then the following activities pursuant to sections 48915, 48916, and 48916.1 are reimbursable:

1. Refer to Alternative Education Program During Period of Expulsion

Refer the expelled pupil to a program of study that meets the following criteria:
(1) is appropriately prepared to accommodate pupils who exhibit discipline problems;
(2) is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension. (§ 48915 (d), Stats. 1995, ch. 972.)

2. Rehabilitation Plan

Recommend a rehabilitation plan for the pupil at the time of the expulsion order. (§ 48916 (b), Stats. 1995, ch. 974.)

3. Ensure that Alternative Educational Program is Provided for Period of Expulsion

Ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. The educational program may be operated by the school district, the county superintendent of schools, or a consortium of

districts or in joint agreement with the county superintendent of schools. The educational program may not be situated within or on the grounds of the school from which the pupil was expelled (§ 48916.1, Stats. 1995, ch. 974.) State attendance-based funding or other state or federal sources of funding for these programs are identified as an offset in Section VIII of these parameters and guidelines to the reimbursable costs of ensuring that an alternative educational program is provided.

H. READMISSION TO THE DISTRICT

If the governing board expels a pupil for any of the following offenses:

- Possessing, selling or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915 (c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§ 48915 (c)(4), Stats. 1996, ch. 1052);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915 (c)(5), Stats., ch. 116);

Then the following activities pursuant to section 48916 are reimbursable:

1. Set a date when the pupil shall be reviewed for readmission to a school maintained by the district. (§48916(a).)
2. Provide a description of the procedure for readmission to the pupil and the pupil's parent or guardian. (§ 48916.)
3. Review the pupil for readmission.
 - (a) Order the expelled pupil's readmission or make a finding to deny readmission if the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district. (§ 48916 (c), Stats. 1995, ch. 974.)
 - (b) If readmission is denied, the governing board does the following:
 - (1) Makes the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916 (d).)
 - (2) Provides written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the alternative education program for the expelled pupil. (§ 48916 (e).)

I. EXPELLED PUPIL'S REQUEST TO ATTEND A NEW DISTRICT

RECEIVING DISTRICT ACTIVITIES pursuant to sections 48915.1 and 48915.2:

If a pupil (applicant) who was expelled for *any offense* requests to attend a school district that did not expel the pupil (the receiving district), and the receiving school district does not have a voluntary interdistrict transfer agreement with the expelling district, then the following activities associated with the receiving district's hearing on the request are reimbursable:

1. Notice of Hearing
Include in the notice of hearing to the applicant: (a) a copy of the hearing procedure rules of the receiving district; and (b) notice of the opportunity for the applicant or the applicant's parent or guardian to inspect and obtain copies of all documents to be used at the hearing.
2. Document Inspection
Allow an applicant or applicant's parent or guardian to inspect and obtain copies of documents to be used at the admission hearing, as follows:
 - (a) if the requesting party is an applicant less than 18 years of age, or the parent or guardian of an applicant who is 18 years of age or older, all documents; or
 - (b) if the requesting party is the parent or guardian of an applicant under the age of 18, only those documents which are not "education records" as defined in 20 U.S.C. section 1232g(a)(4).
3. Admission Determination
 - (a) Determination by the governing board, whether an applicant would pose a danger to the pupils and employees of the receiving district and whether to admit, deny admission, or conditionally admit the applicant during or after the period of expulsion. (§ 48915.2 (b), Stats. 1995, ch. 974.)
 - (b) Maintain a record of each admission denial, including the cause of the denial.
 - (c) Notify the applicant and the applicant's parent or guardian of the governing board's determination of whether the applicant poses a potential danger to the pupils or employees of the receiving district and whether to admit, deny admission, or conditionally admit the applicant during or after the period of expulsion. (§§ 48915.1 & 48915.2)

J. EXPULSION APPEAL HEARINGS

County Boards of Education (for expulsion appeals for *all offenses*)

1. Provide Notice to the Parties
 - (a) Notify the pupil and the pupil's parent(s) or guardian(s) of the procedures for the appeal. (§ 48919.)

(b) Notify the school district and pupil in writing of the final order of the county board of education, either by personal service or certified mail. (§ 48924.)

2. Review of District Hearing Record

Review the filed appeal and the transcript and record of the hearing conducted by the school district governing board. (§§ 48921-48922.)

3. Conduct De Novo Hearings

Conduct the initial appeal hearing and rendering a decision. Reimbursement for this component is limited to appeals for which the county board of education decides to grant a hearing de novo. (§§ 48919 & 48923.)

4. Remand to District

Remand an expulsion decision to a school district for adoption of the required findings if the school district's decision is not supported by the findings required by section 48915, but evidence supporting the required findings exists in the record of the proceedings. (§ 48923 (b), Stats. 2000, ch. 147, eff. Jan. 1, 2001.)

4. Preserve Records

Preserve the record of appeal. (§ 48919.)

School Districts

If the governing board expelled a pupil for any of the following:

- Possessing, selling or otherwise furnishing a firearm (§ 48915(c)(1));
- Brandishing a knife at another person (§ 48915(c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915 (c)(4), Stats. 1996, ch. 1052);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915 (c)(5), Stats., ch. 116);

Then the following activities are reimbursable:

1. Provide Copies of Documents

(a) Provide copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil who is less than 18 years of age. (§ 48919.)

(b) Provide copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil who is 18 years of age or older, or to the parent or guardian of a pupil who is less than 18 years of age, if the documents or

records are not “education records” as defined in 20 U.S.C. section 1232g(a)(4). (§ 48919.)

2. Participation in Hearings

Participation by a school district in the county board of education’s hearing on appeal if the county board of education grants a hearing de novo. (§ 48919.)

3. Remand Hearing

If the county board of education remanded the expulsion to the school district’s governing board following an appeal, send notice of the hearing, conducting a hearing on remand, and rendering a decision in the remand hearing. (§ 48923.)

If following an appeal, the county board of education remanded the expulsion to the governing board, then:

- (a) Provide notice to the pupil or the pupil’s parent or guardian of the following: the expulsion decision, the right to appeal to the county board, the education alternative placement to be provided during the expulsion, and the obligation of the parent or guardian to inform a new school district in which the pupil may enroll of the pupil’s expulsion; and maintain a record of each expulsion and the cause therefor.
- (b) Adopt the required findings on remand from the county board of education in a public session. (Holding a hearing is not reimbursable.) (§ 48923 (b), Stats. 2000, ch. 147.)

4. Expunge Records

Expunge the school district’s and pupil’s records concerning the expulsion, when ordered by the county board of education. (§ 48923.)

K. SCHOOL DISTRICT DATA COLLECTION AND REPORTING

If the governing board expelled a pupil for any of the following offenses:

- Selling or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915 (c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915 (c)(4), Stats. 1996, ch. 1052);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915 (c)(5), Stats., ch. 116);

Maintain and report to the California Department of Education the following:

- Whether the expulsion order was suspended;
- The type of referral made after the expulsion; and
- The disposition of the pupil after the end of the period of expulsion. (§ 48916.1 (e),.)

L. TRAINING

Training school district personnel (one-time per employee) about the mandated suspension, expulsion, and expulsion appeal activities. This reimbursable component includes the labor time of administrators and other school district personnel involved with preparation of training sessions and the labor time of administrators and other school district personnel who conduct or attend training sessions. Labor time for teachers is not reimbursable. The cost of materials and supplies used or distributed in training sessions is reimbursable under this component.

V. CLAIM PREPARATION AND SUBMISSION FOR ACTUAL COSTS

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. Attach a copy of the contract to the claim. 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 dates when services were performed and itemize all costs for those services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment 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. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of the cost element A.1, Salaries and Benefits, for each applicable reimbursable activity.

6. 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 a common or joint purpose. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective. 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.

Indirect costs 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 J-380 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

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

VI. CLAIM PREPARATION AND SUBMISSION: REASONABLE REIMBURSEMENT METHODOLOGY

The Commission has adopted a *reasonable reimbursement methodology* to reimburse school districts for all direct and indirect costs, as authorized by Government Code section 17557, subdivision (b), *in lieu of payment of total actual costs incurred for the reimbursable activities specified in Section IV.D.3 above.*

A. Reasonable Reimbursement Methodology

The definition of reasonable reimbursement methodology is in Government Code section 17518.5, as follows:

- (a) *Reasonable reimbursement methodology* means a formula for reimbursing local agency and school district costs mandated by the state that meets the following conditions:
 - (1) the total amount to be reimbursed statewide is equivalent to total estimated local agency and school district costs to implement the mandate in a cost-efficient manner.
 - (2) for 50 percent or more of eligible local agency and school district claimants, the amount reimbursed is estimated to fully offset their projected costs to implement the mandate in a cost-efficient manner.
- (b) Whenever possible, a *reasonable reimbursement methodology* shall be based on general allocation formulas, uniform cost allowances, and other approximations of local costs mandated by the state rather than detailed documentation of actual local costs. In cases when local agencies and school districts are projected to incur costs to implement a mandate over a period of more than one fiscal year, the determination of a reasonable reimbursement methodology may consider local costs and state reimbursements over a period of greater than one fiscal year, but not exceeding 10 years.
- (c) A reasonable reimbursement methodology may be developed by any of the following:
 - (1) The Department of Finance.
 - (2) The Controller.
 - (3) An affected state agency.
 - (4) A claimant.
 - (5) An interested party,

B. Uniform Cost Allowances and Formula for Reimbursable Activities

The *reasonable reimbursement methodology* shall consist of uniform cost allowances to cover all direct and indirect costs of performing activities in Section IV.D.3 and applied to a formula for calculating claimable costs.

1. The uniform cost allowances for reimbursement of activities in Section IV.D.3 are as follows:

Reimbursable Component	Uniform Cost Allowance
IV.D.3 (a) Hearing Preparation	\$115.72

IV.D.3 (b). Hearing	\$144.58
IV.D.3 (c) Written Expulsion Recommendation to the Governing Board	\$171.00
IV.D.3 (d) Hearing Record	\$1.47
Total	\$432.77

The uniform cost allowances shall be adjusted each subsequent year by the Implicit Price Deflator.

2. Formula

Reimbursement of Activities IV.D.3 (a) – (d) is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of mandatory recommendations for expulsion that resulted in expulsion hearings. If a hearing does not result, claimant may claim increased costs incurred for Section IV.D.3 (a), Preparation for Expulsion Hearing, based on the uniform cost allowance.

VII. RECORD RETENTION

A. Actual Costs and Reasonable Reimbursement Methodology

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a school district pursuant to this chapter⁸ is subject to the initiation of an audit by the State 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 documentation used to support the reimbursable activities, as described in Section V, 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.

VIII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsetting revenues the claimant experiences in the same program as a result of the same statues 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, state attendance-based funding or other state or federal sources of funding for the costs of ensuring that an alternative educational program is provided to an expelled pupil, as described in Section IV(G)(3) of these parameters and guidelines; and other state and federal funds for the

⁸ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

costs of the remaining activities identified in Section IV of these parameters and guidelines, shall be identified and deducted from this claim

IX. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement no later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute, regulations, or executive order creating the mandate and the parameters and guidelines adopted by the Commission.

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

X. REMEDIES BEFORE THE COMMISSION

Upon request of a school district, the Commission shall review the claiming instructions issued by the State 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, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

XI. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The following statements of decision:

- *Pupil Suspensions from School and Pupil Expulsion Appeals*;
- *Pupil Expulsions from School*, as modified pursuant to the California Supreme Court decision in *San Diego Unified School District. v. Commission on State Mandates* (2004) 33 Cal.4th 859, and adopted on May 26, 2005; and
- *Pupil Expulsions II, Pupil Suspensions II, and Educational Services Plan*;

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 for the test claims. The administrative record, including the statement of decision, is on file with the Commission.

AMENDED CONSOLIDATED PARAMETERS AND GUIDELINES

PUPIL SUSPENSIONS, EXPULSIONS, AND EXPULSION APPEALS

Pupil Suspensions from School - CSM-4456

Education Code section 48911, subdivisions (b) and (e)
Statutes 1977, Chapter 965; Statutes 1978, Chapter 668
Statutes 1980, Chapter 73; Statutes 1983, Chapter 498
Statutes 1985, Chapter 856; Statutes 1987, Chapter 134

Pupil Expulsions from School -CSM-4455

Education Code Sections 48915, subdivisions (a) and (b),
48915.1, 48915.2, 48916 and 48918
Statutes 1975, Chapter 1253; Statutes 1977, Chapter 965;
Statutes 1978, Chapter 668; Statutes 1982, Chapter 318;
Statutes 1983, Chapter 498; Statutes 1984, Chapter 622;
Statutes 1987, Chapter 942; Statutes 1990, Chapter 1231;
Statutes 1992, Chapter 152; Statutes 1993, Chapters 1255, 1256, 1257; and,
Statutes 1994, Chapter 146

Pupil Expulsion Appeals - CSM-4463

Education Code Sections 48919, 48921-48924
Statutes 1975, Chapter 1253; Statutes 1977, Chapter 965;
Statutes 1978, Chapter 668; and Statutes 1983, Chapter 498

These parameters and guidelines are effective until June 30, 2012. Beginning July 1, 2012, claims for these programs should be filed under the parameters and guidelines for *Consolidated Suspensions, Expulsions and Expulsion Appeals*.¹

I. Summary of the Mandates

These consolidated parameters and guidelines address the following three test claim decisions:

A. Pupil Suspensions from School

On December 19, 1996, the Commission on State Mandates adopted its Statement of Decision determining that certain provisions of Education Code section 48911, subdivisions (b) and (e) impose a new program or higher level of service within the meaning of section 6, article XIII B of the California Constitution and costs mandated by the state pursuant to Government Code section 17514. The mandate is limited to the following reimbursable activities for suspensions based upon (1) possession of a firearm (October 11, 1993 to present), and (2) possession of a knife or explosive October 11, 1993 to December 31, 1993).

¹ *Pupil Expulsions II* (96-358-03, 03A, 98-TC-22, 01-TC-18) *Pupil Suspensions II* (98-TC-23) and *Educational Services Plan For Expelled Pupils* (97-TC-09).

- The attendance of the referring school employee in the pre-suspension conference between the principal (or designee or superintendent) and the pupil, whenever practicable. (Ed. Code, § 48911, subd. (b).)
- A report of the cause of each school suspension to the district board (Ed. Code, § 48911, subdivision (e).)

B. Pupil Expulsions from School

On May 26, 1997, the Commission on State Mandates adopted its Statement of Decision, and on May 26, 2005, adopted its Amended Statement of Decision pursuant to the Supreme Court decision in *San Diego Unified School District. v. Commission on State Mandates* (2004) 33 Cal.4th 859. finding that certain provisions of 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 and costs mandated by the state pursuant to Government Code section 17514.

- Education Code section 48915, subdivision (a), as added by Statutes 1983, chapter 498 and amended by Statutes 1993, chapters 1255 and 1256.;
- Education Code section 48915, subdivision (b), as amended by Statutes 1993, chapter 1255 and 1256;
- Education Code section 48918 (opening paragraph and subds. (a), (b), (f), (g), (h), (i) & (j)), as added by Statutes 1975, chapter 1253 and amended by Statutes 1977, chapter 965, Statutes 1978, chapter 668, Statutes 1982, chapter 318, Statutes 1983, chapter 498, Statutes 1990, chapter 1231, and Statutes 1994, chapter 146;
- Education Code section 48916, as added by Statutes 1983, chapter 498 and amended by Statutes 1992, chapter 152;
- Education Code section 48915.1, as added by Statutes 1987, chapter 943 and amended by Statutes 1990, chapter 1231 and Statutes 1993, chapter 1257;
- Education Code section 48915.2, as added by Statutes 1993, chapter 1257.

The Commission further determined that certain of the foregoing sections imposed a new program or higher level of service only with respect to expulsion procedures instituted for certain specified offenses.

C. Expulsion Appeals

On March 27, 1997, the Commission on State Mandates adopted its Statement of Decision finding that certain provisions of Education Code sections 48919 and 48921 through 48924 impose a new program or higher level of service within the meaning of section 6, article XIII B of the California Constitution for school districts and county boards of education to hear and decide pupil expulsion appeals.

The Commission determined that the following provisions applicable to all student expulsion appeals establish costs mandated by the state pursuant to Government Code section 17514 for county boards of education to:

- Adopt rules and regulations establishing procedures for expulsion appeals.
- Notify persons appealing a school district expulsion of the procedures for the conduct of the appeal, as part of the county board’s notice to the pupil regarding the appeal.
- Review the appeal and the record of the expulsion hearing conducted by the governing board (including the written transcript of the hearing and supporting documents).
- Conduct the initial hearing on the appeal, if the county board of education decides in such hearing to grant a hearing de novo.
- By either personal service or certified mail, notify the pupil and the school district of the final and binding order of the county board of education,
- Preserve the record of appeal.

The Commission determined that, limited to those expulsions which were based upon Education Code section 48915, subdivision (b) (as amended by Stats. 1993, ch. 1255 and 1256), the following provisions establish costs mandated by the state pursuant to Government Code section 17514 for school districts to:

- Provide copies of supporting documents and records from the district’s expulsion hearing (other than the transcript) to a pupil or the pupil’s parent or guardian, as follows:
 1. If the requesting party is a pupil less than 18 years of age or the parent or guardian of a pupil who is 18 years of age or older, all documents; or
 2. If the requesting party is the parent or guardian of a pupil under the age of 18, only those documents which are not “education records” as defined in 20 U.S.C. section 1232g(a)(4).²
 3. Participate in the initial appeal hearing at the county board of education, if the county board decides in such hearing to grant a trial de novo.
 4. If the county board of education remands the matter to the school district, send notice of hearing, conduct the hearing and render a decision in the remand hearing.
 5. If ordered by the county board of education, expunge the district’s and the pupil’s records of the expulsion.

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. Charter schools are not eligible claimants.

²The Federal Education Rights and Privacy Act of 1974 (“FERPA”) defines “education records” as those records, files, documents and other materials which (i) contain information directly related to a student, and (ii) are maintained by the school district or a person acting for the school district. 20 U.S.C. Section 1232g(a)(4)(B)) provides certain exceptions to the general definition (for example, records maintained by a law enforcement unit of a school district that were created by that law enforcement unit for the purpose of law enforcement).

III. PERIOD OF REIMBURSEMENT

These parameters and guidelines are effective until June 30, 2012. Beginning July 1, 2012, claims for these programs should be filed under the parameters and guidelines for *Consolidated Suspensions, Expulsions and Expulsion Appeals*.

These consolidated parameters and guidelines are operative for reimbursement claims filed for increased costs beginning July 1, 2006. Pursuant to Government Code section 17560, reimbursement for state-mandated costs may be claimed as follows:

1. A school district may file an estimated reimbursement claim by January 15 of the fiscal year in which costs are to be incurred, and, by January 15 following that fiscal year shall file an annual reimbursement claim that details the costs actually incurred for that fiscal year; or it may comply with the provisions of subdivision (b).
2. A school district may, by January 15 following the fiscal year in which costs are incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
3. In the event revised claiming instructions are issued by the Controller pursuant to subdivision (c) of section 17558 between October 15 and January 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.

Reimbursable actual costs for one fiscal year shall 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 (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. 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.

Costs for *Pupil Suspensions, Expulsions, and Expulsion Appeals* (CSM-4456, 4455, 4463) that have been claimed for fiscal years 1993-1994 through 2005-2006 pursuant to the State Controller's claiming instructions for Program 176 may not be claimed and are not reimbursable under these parameters and guidelines.

However, costs for *Pupil Suspensions, Expulsions, and Expulsion Appeals* beginning with fiscal years 2006-2007 may be claimed for activities specified in section IV. of these parameters and guidelines.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed except as specified in Section VII of these parameters and guidelines.

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 may claim and be reimbursed for increased costs for reimbursable activities identified below by either the actual cost method or by the reasonable reimbursement methodology for additional hearing costs. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate. Only increased costs for reimbursable activities identified below are reimbursable.

For each eligible claimant, the following activities are reimbursable:

A. ADOPTION AND REVISION OF RULES AND PROCEDURES

1. County Boards of Education

- (a) Adopting rules and procedures for expulsion appeal hearings and revising those rules and procedures to conform to amendments of the statutory hearing requirements.
- (b) Printing and disseminating rules and procedures to each school district in the county.

2. School Districts and County Boards of Education

- (a) Adopting rules and procedures pertaining to pupil expulsions and revising those rules and procedures to conform to amendments of the statutory requirements.
- (b) Adopting rules and regulations establishing the procedure for the filing and processing of requests for readmission pursuant to Education Code section 48916.
- (c) Printing and disseminating rules and procedures to each school site.

B. SUSPENSION CONFERENCE AND REPORT

If the suspension is for possession of a firearm, then the following activities are reimbursable:

1. Attendance at Informal Conference

The attendance of the teacher, supervisor or other school district employee who referred the pupil to the principal for suspension in the pre-suspension conference between the principal (or principal's designee) or superintendent and the pupil.

2. Reporting the Cause to the District Office

Reporting the cause of the suspension to the school district's superintendent or governing board in accordance with the regulations of the school district's governing board. Such report may be oral or written.

C. RECOMMENDATION OF EXPULSION

The preparation of a report to the school district governing board concerning the principal's or superintendent's recommendation to expel a pupil for the following offenses:

- causing serious physical injury to another person, except in self defense;³
- possession of any firearm,⁴ knife,⁵ explosive,⁶ or other dangerous object⁷ of no reasonable use to the pupil at school or at a school activity off school grounds;
- unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of Health and Safety Code,⁸ except for the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis; or
- robbery or extortion.⁹

D. EXPULSION HEARING PROCEDURAL REQUIREMENTS

If the expulsion hearing is for one of the following offenses:

- causing serious physical injury to another person, except in self defense;¹⁰
- possession of any firearm,¹¹ knife,¹² explosive,¹³ or other dangerous object¹⁴ of no reasonable use to the pupil at school or at a school activity off school grounds;
- unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 1053) of Division 10 of Health and Safety Code,¹⁵ except for the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis ;
or
- robbery or extortion.¹⁶

³ Education Code section 48915, subdivision (a)(1).

⁴ Education Code section 48915, subdivision (c)(1).

⁵ Education Code section 48915, subdivision (a)(2).

⁶ Education Code section 48915, subdivision (c)(5).

⁷ Education Code section 48915, subdivision (a)(2); the word "device" is replaced with "object" to conform with text of this section.

⁸ Education Code section 48915, subdivision (c)(3).

⁹ Education Code section 48915, subdivision (a)(4).

¹⁰ Education Code section 48915, subdivision (a)(1).

¹¹ Education Code section 48915, subdivision (c)(1).

¹² Education Code section 48915, subdivision (a)(2).

¹³ Education Code section 48915, subdivision (c)(5).

¹⁴ Education Code section 48915, subdivision (a)(2); the word "device" is replaced with "object" to conform with text of this section.

¹⁵ Education Code section 48915, subdivision (a)(2); the word "device" is replaced with "object" to conform with text of this section.

¹⁶ Education Code section 48915, subdivision (a)(4).

Then the following activities are reimbursable:

1. Including in the notice of hearing to the pupil:

- (a) a copy of the disciplinary rules of the district that relate to the alleged violation;
- (b) a notice of the parent's, guardian's or pupil's obligation, pursuant to Education Code section 48915.1, subdivision (b), to notify a new school district, upon enrollment, of the pupil's expulsion; and
- (c) notice of the opportunity for the pupil or the pupil's parent or guardian to inspect and obtain copies of all documents to be used at the hearing.

2. Allowing a pupil or pupil's parent or guardian to inspect and obtain copies of documents to be used at the expulsion hearing, as follows:

- (a) if the requesting party is a pupil less than 18 years of age or the parent or guardian of a pupil who is 18 years of age or older, all documents; or
- (b) if the requesting party is the parent or guardian of a pupil under the age of 18, only those documents which are not "education records" as defined in 20 U.S.C. section 1232g(a)(4).

3. Expulsion hearing costs:

(a) Preparation for Expulsion Hearing

Preparing and reviewing documents to be used during the expulsion hearing. Arranging hearing dates and assigning panel members and translators as needed.

(b) Conducting Expulsion Hearing

The attendance of the review panel and other district employees required to attend the expulsion hearing.

(c) Hearing Officer or Panel's Expulsion Recommendation to the Governing Board

Preparation and submission of the hearing officer or panel's findings of fact based solely on the evidence adduced at the hearing to recommend the expulsion of a pupil to the governing board.

(d) Record of Hearing

Maintaining a record of the hearing by any means which would allow for a reasonably accurate and complete written transcript of the proceedings to be made.

E. POST-EXPULSION PROCEDURES

If the expulsion hearing is for possession of a firearm, then the following activities are reimbursable:

1. Sending written notice to the pupil or the pupil's parent or guardian of: (a) any decision by the governing board to expel or suspend the enforcement of an expulsion order during a period of probation; (b) the right to appeal the expulsion to the county board of education, and (c) the obligation of the pupil, parent or guardian under Education Code section 48915.1 to notify a new school district, upon enrollment, of the pupil's expulsion. Costs of postage for mailing the notice is reimbursable under this activity.

2. Maintaining a record of the expulsion, including the cause of the expulsion.
3. Recording the expulsion order and the cause of the expulsion in the pupil's mandatory interim record.
4. Forwarding the student's mandatory interim record to any school in which the pupil subsequently enrolls upon the request of such school.

F. READMISSION PROCEDURES

If the governing board expelled a pupil for possession of a firearm, then the following activities are reimbursable:

1. setting a date when the pupil may apply for readmission to a district school; and
2. providing a description of the procedure for readmission to the pupil and the pupil's parent or guardian.

G. APPLICATION BY EXPELLED PUPIL TO ATTEND NEW DISTRICT

If a pupil ("applicant") seeking application to a school district (the "receiving school district") has been expelled by another school district for any offense and the receiving school district does not have a voluntary interdistrict transfer agreement with the expelling district, then the following activities associated with the receiving district's hearing are reimbursable, as specified below:

1. Including in the notice of hearing to the applicant: (a) a copy of the hearing procedure rules of the receiving district; and (b) notice of the opportunity for the applicant or the applicant's parent or guardian to inspect and obtain copies of all documents to be used at the hearing.
2. Allowing an applicant or applicant's parent or guardian to inspect and obtain copies of documents to be used at the admission hearing, as follows:
 - (a) if the requesting party is an applicant less than 18 years of age, or the parent or guardian of an applicant who is 18 years of age or older, all documents; or
 - (b) if the requesting party is the parent or guardian of an applicant under the age of 18, only those documents which are not "education records" as defined in 20 U.S.C. section 1232g(a)(4).¹⁷
3. Determination by the governing board whether a pupil expelled by another school district would pose a danger to the pupils and employees of the receiving district and whether to admit, deny admission, or conditionally admit the pupil during or after the period of expulsion.
4. Maintaining a record of each admission denial, including the cause of the denial.
5. Notifying the applicant and the applicant's parent or guardian of the governing board's determination of whether the applicant poses a potential danger to the pupils or employees of the receiving district and whether to admit, deny admission, or conditionally admit the applicant during or after the period of expulsion.

¹⁷ See footnote 1.

H. RESPONDING TO REQUESTS FOR RECOMMENDATIONS

If the governing board expelled a pupil for possession of a firearm and the expelled student applies for admission to another school district (the “receiving district”) then, unless the expelling district entered into a voluntary interdistrict transfer agreement with the receiving district, the activities of the expelling district in responding to the receiving district’s request for a recommendation regarding the admission of the applicant are reimbursable.

I. EXPULSION APPEAL HEARINGS

1. County Boards of Education (applicable to all student expulsion appeals)

(a) Providing Notice to the Parties

(1) Notifying the pupil and the pupil’s parent(s) or guardian(s) of the procedures for the appeal.

(2) Notifying the school district and pupil in writing of the final order of the county board of education, either by personal service or certified mail.

(b) Review of Hearing Record

Reviewing the filed appeal and the transcript and record of the hearing conducted by the school district governing board.

(c) Conducting Hearings

Conducting the initial appeal hearing and rendering a decision. Reimbursement for this component is limited to appeals for which the county board of education decides to grant a hearing de novo.

(d) Preserving Records

Preserving the record of appeal.

2. School Districts

If the governing board expelled a pupil for possession of a firearm then the following activities are reimbursable

(a) Providing Copies of Documents

(1) Providing copies of supporting documents and records from the district’s expulsion hearing (other than the transcript) to a pupil who is less than 18 years of age.

(2) Providing copies of supporting documents and records from the district’s expulsion hearing (other than the transcript) to a pupil who is 18 years of age or older, or to the parent or guardian of a pupil who is less than 18 years of age, if the documents or records are not “education records” as defined in 20 U.S.C. section 1232g(a)(4).¹⁸

¹⁸ See footnote 1

(b) Participation In Hearings

Participation by a school district in the county board of education's hearing on appeal if the county board of education grants a hearing de novo,

(c) Remand Hearing

If the county board of education remanded the expulsion to the school district's governing board following an appeal, sending notice of the hearing, conducting a hearing on remand, and rendering a decision in the remand hearing.

(d) Expunging Records

Expunging the school district's and pupil's records concerning the expulsion, when ordered by the county board of education.

J. TRAINING

Training school district personnel about the mandated suspension, expulsion, and expulsion appeal activities. This reimbursable component includes the labor time of administrators and other school district personnel involved with preparation of training sessions and the labor time of administrators and other school district personnel who conduct or attend training sessions. Labor time for teachers is not reimbursable. The cost of materials and supplies used or distributed in training sessions is reimbursable under this component.

V. CLAIM PREPARATION AND SUBMISSION FOR ACTUAL COSTS

Each of the following cost elements must be identified for each reimbursable activity identified in Section V, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section V. 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. Attach a copy of the contract to the claim. 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 dates when services were performed and itemize all costs for those services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment 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. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of the cost element A.1. Salaries and Benefits, for each applicable reimbursable activity.

6. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section V 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 a common or joint purpose. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective. 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.

Indirect costs 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 J-380 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

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

VI. CLAIM PREPARATION AND SUBMISSION: REASONABLE REIMBURSEMENT METHODOLOGY

The Commission is adopting a *reasonable reimbursement methodology* to reimburse school districts for all direct and indirect costs, as authorized by Government Code section 17557, subdivision (b), *in lieu of payment of total actual costs incurred for the reimbursable activities specified in Section IV.D. 3 above.*

A. Reasonable Reimbursement Methodology

The definition of reasonable reimbursement methodology is in Government Code section 17518.5, as follows:

Government Code Section 17518.5

- (a) *Reasonable reimbursement methodology* means a formula for reimbursing local agency and school district costs mandated by the state that meets the following conditions:
 - (1) the total amount to be reimbursed statewide is equivalent to total estimated local agency and school district costs to implement the mandate in a cost-efficient manner.
 - (2) for 50 percent or more of eligible local agency and school district claimants, the amount reimbursed is estimated to fully offset their projected costs to implement the mandate in a cost-efficient manner.
- (b) Whenever possible, a *reasonable reimbursement methodology* shall be based on general allocation formulas, uniform cost allowances, and other approximations of local costs mandated by the state rather than detailed documentation of actual local costs. In cases when local agencies and school districts are projected to incur costs to implement a mandate over a period of more than one fiscal year, the determination of a reasonable reimbursement methodology may consider local costs and state reimbursements over a period of greater than one fiscal year, but not exceeding 10 years.
- (c) A reasonable reimbursement methodology may be developed by any of the following:
 - (1) The Department of Finance.
 - (2) The Controller.
 - (3) An affected state agency.
 - (4) A claimant.
 - (5) An interested party,

B. Uniform Cost Allowances and Formula for Reimbursable Activities

The *reasonable reimbursement methodology* shall consist of uniform cost allowances to cover all direct and indirect costs of performing activities in D. 3, as described under Section IV, Reimbursable Activities, and applied to a formula for calculating claimable costs.

1. The uniform cost allowances for reimbursement of activities, IV. D. 3 are *as follows*:

Reimbursable Component	Uniform Cost Allowance Fiscal Year 2005-2006
IV. D.3 (a) Preparation for Expulsion Hearing	\$157.00
IV. D. 3 (b). Conducting Expulsion Hearing	\$196.16
IV. D 3 (c) Hearing Officer or Panel’s Expulsion Recommendation to the Governing Board	\$232.00

IV. D.3 (d) Record of Hearing	\$2.00
Total	\$587.16

The State Controller’s Office shall update these Uniform Cost Allowances by the Implicit Price Deflator referenced in Government Code section 17523 for fiscal year 2006-2007 and each subsequent fiscal year.

2. Formula

Reimbursement of Activities IV. D. 3. (a) – (d) is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of mandatory recommendations for expulsion that resulted in expulsion hearings. If a hearing does not result, claimant may claim increased costs incurred for Section IV.D 3 (a), Preparation for Expulsion Hearing.

VII. RECORD RETENTION

A. Actual Costs

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a school district pursuant to this chapter¹⁹ is subject to the initiation of an audit by the State 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 documentation used to support the reimbursable activities, as described in Section V, 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.

B. Reasonable Reimbursement Methodology

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs based on this reasonable reimbursement methodology filed by a school district pursuant to this chapter²⁰ 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. 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.

School districts must retain documentation which supports the total number of mandatory expulsions initiated and hearings conducted during the period subject to audit.

¹⁹ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

²⁰ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

VIII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsetting revenues 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, services fees collected, federal funds, and other state funds shall be identified and deducted from this claim.

IX. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement no later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute, regulations, or executive order creating the mandate and the parameters and guidelines adopted by the Commission.

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

X. REMEDIES BEFORE THE COMMISSION

Upon request of a school district, the Commission shall review the claiming instructions issued by the State 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 instruction 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, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

XI. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The Statements of Decision on *Pupil Suspensions from School* and *Pupil Expulsion Appeals* 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 for the test claims. The administrative records, including the Statements of Decision, are on file with the Commission.

The Statement of Decision on *Pupil Expulsions from School*, as modified pursuant to the Supreme Court decision in *San Diego Unified School District. v. Commission on State Mandates* (2004) 33 Cal.4th 859, and adopted on May 26, 2005, is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim and the Supreme Court decision. The administrative record, including the Statement of Decision, as modified, and the Supreme Court decision is on file with the Commission.