

ITEM 3
MANDATE REDETERMINATION
SECOND HEARING: NEW TEST CLAIM DECISION
PROPOSED DECISION

Education Code Section 48216 and Health and Safety Code Sections 120325, 120335, 120340, and 120375 as amended by Statutes 1978, Chapter 325; Statutes 1979, Chapter 435; Statutes 1982, Chapter 472; Statutes 1991, Chapter 984; Statutes 1992, Chapter 1300; Statutes 1994, Chapter 1172; Statutes 1995, Chapters 291 and 415; Statutes 1996, Chapter 1023; and Statutes 1997, Chapters 855 and 882

California Code of Regulations, Title 17, Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075 (Register 90, No. 35; Register 80, Nos. 16, 34, and 40; Register 86, No. 6; Register 96, No. 13; and Register 97, Nos. 21, 37, and 39)

As Alleged to be Modified by:

Statutes 2010, Chapter 434 (AB 354)

Immunization Records – Hepatitis B (98-TC-05)

14-MR-04

Department of Finance, Requester

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DEPARTMENT OF
FINANCE

RECEIVED
June 29, 2015
*Commission on
State Mandates*

EDMUND G. BRDWN JR. - GOVERNOR
915 L STREET ■ SACRAMENTO CA ■ 95814-2708 ■ WWW.DOF.CA.GOV

Exhibit A

June 29, 2015

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

Dear Ms. Halsey:

Pursuant to subdivision (c) of Government Code section 17570, the Department of Finance requests that the Commission on State Mandates (Commission) adopt a new test claim decision and amend the parameters and guidelines for the Immunization Records: Hepatitis B (98-TC-05) state-mandated program to reflect the elimination of the hepatitis B immunization requirement for seventh grade students.

Effective July 1, 2011, Chapter 434, Statutes 2010 (AB 354) (as attached), amended Health and Safety Code section 120335 by eliminating the condition that schools could not admit or advance a student to the seventh grade unless the student had been fully immunized against hepatitis B. Since the statute has been amended, no reimbursement for the specified activity is required pursuant to Article XIII B, section 6 of the California Constitution and Government Code section 17514 as of July 1, 2013.

Pursuant to section 1181.2 of the California Code of Regulations, "documents that are e-filed with the Commission need not be otherwise served on persons that have provided an e-mail address for the mailing list."

If you have any questions regarding this letter, please contact Ed Hanson, Principal Program Budget Analyst at (916) 445-0328.

Sincerely,

JEFF BELL
Program Budget Manager

Enclosure

1. TITLE OF REQUEST TO ADOPT A NEW TEST CLAIM DECISION

Immunization Records: Hepatitis B (98-TC-05)

For CSM Use Only

RECEIVED
Filing Date:
June 29, 2015
Commission on
State Mandates

REQUEST#

14-MR-04

2. REQUESTER INFORMATION

Name of Local Agency, School District, Statewide Association of Local Agencies or School Districts, or State Agency

Ed Hanson

Requester Contact

Principal Program Budget Analyst

Title

California Department of Finance

Organization

915 L Street

Street Address

Sacramento, CA 95814

City, State, Zip Code

(916) 445-0328

Telephone Number

(916) 323-9530

Fax Number

ed.hanson@dof.ca.gov

E-Mail Address

3. REPRESENTATIVE INFORMATION

If requester designates another person to act as its sole representative for this request, all correspondence and communications regarding this request shall be forwarded to this representative. Any change in representation must be authorized by the requester in writing, and sent to the Commission on State Mandates. Please complete information below if designating a representative.

Representative Name

Title

Organization

Street Address

City, State, Zip Code

Telephone Number

Fax Number

E-Mail Address

4. IDENTIFYING INFORMATION

Please identify the name(s) of the programs, test claim number(s), and the date of adoption of the Statement of Decision, for which you are requesting a new test claim decision, and the subsequent change in law that allegedly changes the state's liability. Regarding the subsequent change in law, please identify all relevant code sections (include statutes, chapters, and bill numbers), regulations (include register number and effective date), executive orders (include effective date), cases, or ballot measures.

On August 24, the Commission on State Mandates (Commission) adopted the Statement of Decision for the Immunization Records: Hepatitis B (98-TC-05) mandated program and approved reimbursement for specified mandated activities. Pursuant to Government Code section 17570, the Department of Finance requests the Commission to adopt a new test claim decision and amend the parameters and guidelines for the Immunization Records: Hepatitis B mandated program to reflect the revision of subdivision (c) of Health and Safety Code section 120335 pursuant to Chapter 434, Statutes of 2010 (AB 354). Effective July 1, 2011, AB 354 eliminated the condition that schools could not admit or advance a student to the seventh grade unless the student had been fully immunized against hepatitis B.

Sections 5, 6 and 7 are attached as follows:

- 5. Detailed Analysis: Pages 1 to 1.
- 6. Declarations: Pages 2 to 3.
- 7. Documentation: Pages 4 to 4.

Sections 5, 6, and 7 should be answered on separate sheets of plain 8-1/2 x 11 paper. Each sheet should include the name of the request, requestor, section number (i.e., 5, 6, or 7), and a heading at the top of each page.

5. DETAILED ANALYSIS

Under the heading "5. Detailed Analysis," please provide a detailed analysis of how and why the state's liability for mandate reimbursement has been modified pursuant to article XIII B, section 6(a) of the California Constitution based on a "subsequent change in law" as defined in Government Code section 17570. This analysis shall be more than a written narrative or simple statement of the facts at law. It requires the application of the law (Gov. Code, § 17570 (a) and (b)) to the facts (i.e., the alleged subsequent change in law) discussing, for each activity addressed in the prior test claim decision, how and why the state's liability for that activity has been modified. Specific references shall be made to chapters, articles, sections, or page numbers that are alleged to impose or not impose a reimbursable state-mandated program.

Also include all of the following elements:

The actual or estimated amount of the annual statewide changes in the state's liability for mandate reimbursement pursuant to Article XIII B, section 6 (subdivision (a)) on a subsequent change in the law.

- A. Identification of all of the following if relevant:
1. Dedicated state funds appropriated for the program.
 2. Dedicated federal funds appropriated for the program.
 3. Fee authority to offset the costs of the program.
 4. Federal law.
 5. Court decisions.
 6. State or local ballot measures and corresponding date of election.

6. DECLARATIONS

Under the heading "6. Declarations," support the detailed analysis with declarations that:

- A. Declare actual or estimated annual statewide costs that will or will not be incurred to implement the alleged mandate.
- B. Identify all local, state, or federal funds and fee authority that may or may not be used to offset the increased costs that will or will not be incurred by the claimants to implement the alleged mandate or result in a finding of no costs mandated by the state, pursuant to Government Code section 17556.
- C. Describe new activities performed to implement specified provisions of the statute or executive order alleged to impose a reimbursable state-mandated program.
- D. Make specific references to chapters, articles, sections, or page numbers alleged to impose or not impose a reimbursable state-mandated program.
- E. Are signed under penalty of perjury, based on the declarant's personal knowledge, information, or belief, by persons who are authorized and competent to do so.

7. DOCUMENTATION

Under heading "7. Documentation," support the detailed analysis with copies of all of the following:

- A. Statutes, and administrative or court decisions cited in the detailed analysis.

Statements of Decision and published court decisions from a state mandate determination by the Board of Control or the Commission are exempt from this requirement. When an omnibus bill is pled or cited, the requester shall file only the relevant pages of the statute, including the Legislative Counsel's Digest and the specific statutory changes at issue.

8. CERTIFICATION

*Read, sign, and date this section and insert at the end of the request for a new test claim decision.**

This request for a new test claim decision is true and complete to the best of my personal knowledge, information, or belief.

Ed Hanson

Print or Type Name of Authorized Official

Principal Program Budget Analyst

Print or Type Title


Signature of Authorized Official


Date

*If declarant for this certification is different from the contact identified in section 2 of the form, please provide the declarant's address, telephone number, fax number and e-mail address.

**Request to Adopt a New Test Claim Decision
Department of Finance
Immunization Records: Hepatitis B
Section 5: Detailed Analysis**

Summary of Mandate

Chapter 882, Statutes of 1997, added subdivision (c) to Health and Safety Code section 120335, which provided that on and after July 1, 1999, the governing authority of a public elementary or secondary school could not unconditionally admit any pupil to the seventh grade, nor unconditionally advance any pupil to the seventh grade, unless the pupil had been fully immunized against hepatitis B.

The Commission on State Mandates (Commission) found that this requirement was not in effect under prior law. The Commission also found that this amendment required a school district to perform paperwork, parent notifications and file reviews, as they would have to do for a new student to the district. The parameters and guidelines specifically identify requesting and reviewing lawful exemption from, or proof of, immunization against hepatitis B for each pupil advancing to the seventh grade on or after July 1, 1999 as a reimbursable activity.

Pursuant to subdivision (c) of Government Code section 17570, the Department of Finance requests the Commission adopt a new test claim decision and amend the parameters and guidelines for the Immunization Records: Hepatitis B (98-TC-05) mandated program to reflect the revision of subdivision (c) of Health and Safety Code section 120335 pursuant to Chapter 434, Statutes of 2010 (AB 354). Effective July 1, 2011, AB 354 eliminated the condition that schools could not admit or advance a student to the seventh grade unless the student had been fully immunized against hepatitis B. Specifically, subdivision (c) of Health and Safety Code section 120335 was modified to state that commencing July 1, 2011, full immunization against hepatitis B is not a condition by which a governing authority admits or advances a pupil to the seventh grade. As a result the amended statute, no reimbursement for the specified activity is required pursuant to Article XIII B, section 6 of the California Constitution and Government Code section 17514 as of July 1, 2013. The CSM form "Request to Adopt New Test Claim Decision" is attached with a detailed analysis, declarations and documentation.

The following activities are no longer reimbursable:

A. Scope of Mandate

School districts shall **be** reimbursed for the increased costs to request and review lawful exemption or proof of hepatitis B immunizations for students entering **seventh** grade on or after July 1, 1999.

B. Reimbursable Activities/Costs

For each eligible claimant, the following cost items are reimbursable:

1. Request and review lawful exemption from, or proof of, immunization against hepatitis B for each pupil advancing to the seventh grade on or after July 1, 1999.

Request to Adopt a New Test Claim Decision
Department of Finance
Immunization Records: Hepatitis B
Section 6: Declarations

Enclosure

Based on the attached Declaration from the State Controller's Office (Attachment C), the state received reimbursement claims totaling \$1,523,274 for fiscal year 2011-12 and \$217,892 for 2012-13 for activities applicable to the proof of hepatitis B immunizations for students entering or advancing to the seventh grade on or after July 1, 1999.

The forgoing analysis provides substantiation that the reimbursable activities pursuant to subdivision (c) of Health and Safety Code section 120335 identified in the Immunization Records: Hepatitis B Statement of Decision cease to be eligible for reimbursements, therefore the state's liability for mandate reimbursement pursuant to Article XIII B, Section 6 of the California Constitution should be zero. Because the mandated activity to request and review a lawful exemption from, or proof of, immunization against hepatitis B for each pupil advancing to the seventh grade no longer exists based on the amendment of the test claim statute, the effective date of the eliminating the reimbursement of the activity from the hepatitis B mandated program should be July 1, 2013.

**Request to Adopt a New Test Claim Decision
Department of Finance
Immunization Records: Hepatitis B
6: Declarations**

Enclosure

DECLARATION OF ED HANSON
DEPARTMENT OF FINANCE

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

6/29/2015

at Sacramento, CA

Edward J. Hanson

Ed Hanson

**Request to Adopt a New Test Claim Decision
Department of Finance
Immunization Records: Hepatitis B
Section 7: Documentation**

Attachments

New Statute: Chapter 434, Statutes of 2010 (AB 354) A

Old Statute: Chapter 882, Statutes of 1997 (AB 381)..... B

California State Controller's Office: Declaration of Authenticity of Records C

Assembly Bill No. 354

CHAPTER 434

An act to amend Section 120325 of, and to amend, repeal, and add Section 120335 of, the Health and Safety Code, relating to vaccinations.

[Approved by Governor September 29, 2010. Filed with
Secretary of State September 29, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 354, Arambula. Health: immunizations.

Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized against various diseases, including hepatitis B, pertussis (whooping cough), and varicella (chickenpox), and any other disease deemed appropriate by the State Department of Public Health, taking into consideration the recommendations of specified entities.

This bill would add to these entities the American Academy of Family Physicians.

This bill would also, in part, remove certain of the age and date restrictions.

Existing law makes these provisions, as they relate to varicella (chickenpox), operative only to the extent that funds are appropriated in the annual Budget Act, and authorizes the department to adopt emergency regulations, as specified.

This bill would, regarding the varicella (chickenpox) provisions, delete the requirement that it be operative only to the extent that funds are appropriated in the annual Budget Act, and delete the department's authorization to adopt emergency regulations.

Existing law prohibits the governing authority from unconditionally admitting, or advancing, a pupil into the 7th grade unless the pupil has been fully immunized against hepatitis B.

This bill would delete immunizations against hepatitis B as a 7th grade admission or advancement requirement and would, instead, prohibit the governing authority from unconditionally admitting, or advancing, a pupil into the 7th and, for one year, the 8th through 12th grades unless the pupil has been fully immunized, as prescribed, including, but not limited to, having received all pertussis boosters appropriate for that age.

By requiring school districts to comply with these requirements, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 120325 of the Health and Safety Code is amended to read:

120325. In enacting this chapter, but excluding Section 120380, and in enacting Sections 120400, 120405, 120410, and 120415, it is the intent of the Legislature to provide:

(a) A means for the eventual achievement of total immunization of appropriate age groups against the following childhood diseases:

- (1) Diphtheria.
- (2) Hepatitis B.
- (3) Haemophilus influenzae type b.
- (4) Measles.
- (5) Mumps.
- (6) Pertussis (whooping cough).
- (7) Poliomyelitis.
- (8) Rubella.
- (9) Tetanus.
- (10) Varicella (chickenpox).
- (11) Any other disease deemed appropriate by the department, taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services, the American Academy of Pediatrics, and the American Academy of Family Physicians.

(b) That the persons required to be immunized be allowed to obtain immunizations from whatever medical source they so desire, subject only to the condition that the immunization be performed in accordance with the regulations of the department and that a record of the immunization is made in accordance with the regulations.

(c) Exemptions from immunization for medical reasons or because of personal beliefs.

(d) For the keeping of adequate records of immunization so that health departments, schools, and other institutions, parents or guardians, and the persons immunized will be able to ascertain that a child is fully or only partially immunized, and so that appropriate public agencies will be able to ascertain the immunization needs of groups of children in schools or other institutions.

(e) Incentives to public health authorities to design innovative and creative programs that will promote and achieve full and timely immunization of children.

SEC. 2. Section 120335 of the Health and Safety Code is amended to read:

120335. (a) As used in this chapter, but excluding Section 120380, and as used in Sections 120400, 120405, 120410, and 120415, the term "governing authority" means the governing board of each school district or the authority of each other private or public institution responsible for the operation and control of the institution or the principal or administrator of each school or institution.

(b) The governing authority shall not unconditionally admit any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized. The following are the diseases for which immunizations shall be documented:

- (1) Diphtheria.
- (2) *Haemophilus influenzae* type b.
- (3) Measles.
- (4) Mumps.
- (5) Pertussis (whooping cough).
- (6) Poliomyelitis.
- (7) Rubella.
- (8) Tetanus.
- (9) Hepatitis B.
- (10) Varicella (chickenpox).

(11) Any other disease deemed appropriate by the department, taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services, the American Academy of Pediatrics, and the American Academy of Family Physicians.

(c) Commencing July 1, 2011, notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority admits or advances any pupil to the 7th grade level of any private or public elementary or secondary school.

(d) Commencing July 1, 2011, the governing authority shall not unconditionally admit or advance any pupil to the 7th through 12th grade levels, inclusive, of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age.

(e) The department may specify the immunizing agents which may be utilized and the manner in which immunizations are administered.

(f) This section shall become inoperative on June 30, 2012, and as of January 1, 2013, is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

(g) The department may adopt emergency regulations to implement subdivisions (c) and (d) including, but not limited to, requirements for documentation and immunization status reports, in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The initial adoption of emergency regulations shall be deemed to be an emergency and considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, or general welfare. Emergency regulations adopted pursuant to this subdivision shall remain in effect for no more than 180 days.

SEC. 3. Section 120335 is added to the Health and Safety Code, to read:

120335. (a) As used in this chapter, but excluding Section 120380, and as used in Sections 120400, 120405, 120410, and 120415, the term "governing authority" means the governing board of each school district or the authority of each other private or public institution responsible for the operation and control of the institution or the principal or administrator of each school or institution.

(b) The governing authority shall not unconditionally admit any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized. The following are the diseases for which immunizations shall be documented:

- (1) Diphtheria.
- (2) Haemophilus influenzae type b.
- (3) Measles.
- (4) Mumps.
- (5) Pertussis (whooping cough).
- (6) Poliomyelitis.
- (7) Rubella.
- (8) Tetanus.
- (9) Hepatitis B.
- (10) Varicella (chickenpox).

(11) Any other disease deemed appropriate by the department, taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services, the American Academy of Pediatrics, and the American Academy of Family Physicians.

(c) Notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority shall admit or advance any pupil to the 7th grade level of any private or public elementary or secondary school.

(d) The governing authority shall not unconditionally admit or advance any pupil to the 7th grade level of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age.

(e) The department may specify the immunizing agents which may be utilized and the manner in which immunizations are administered.

(f) This section shall become operative on July 1, 2012.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

0

BILL NUMBER: AB 381 CHAPTERED
BILL TEXT

CHAPTER 882
FILED WITH SECRETARY OF STATE OCTOBER 12, 1997
APPROVED BY GOVERNOR OCTOBER 11, 1997
PASSED THE ASSEMBLY SEPTEMBER 11, 1997
PASSED THE SENATE SEPTEMBER 8, 1997
AMENDED IN SENATE JULY 11, 1997
AMENDED IN SENATE JUNE 16, 1997
AMENDED IN ASSEMBLY MAY 14, 1997
AMENDED IN ASSEMBLY MARCH 31, 1997

INTRODUCED BY Assembly Members Takasugi and Machado

FEBRUARY 20, 1997

An act to amend Section 120335 of the Health and Safety Code, relating to communicable disease.

LEGISLATIVE COUNSEL'S DIGEST

AB 381, Takasugi. Hepatitis B: schools: immunizations.

Existing law requires that children be immunized against certain diseases prior to admission to certain educational and other institutions, including, but not limited to, immunization against hepatitis B for all children entering these institutions at the kindergarten level or below on or after August 1, 1997.

This bill would, in addition, require immunization against hepatitis B for all students unconditionally entering, or unconditionally advancing to, the 7th grade level at these institutions on or after July 1, 1999. By expanding the duties of county health officers and other local governmental entities, including schools, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 120335 of the Health and Safety Code is amended to read:

120335. (a) As used in Chapter 1 (commencing with Section 120325, but excluding Section 120380), and as used in Sections 120400, 120405, 120410, and 120415, the term "governing authority" means the governing board of each school district or the authority of each other private or public institution responsible for the operation and

control of the institution or the principal or administrator of each school or institution.

(b) The governing authority shall not unconditionally admit any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized. The following are the diseases for which immunizations shall be documented:

- (1) Diphtheria.
- (2) Haemophilus influenzae type b, except for children who have reached the age of four years and six months.
- (3) Measles.
- (4) Mumps, except for children who have reached the age of seven years.
- (5) Pertussis (whooping cough), except for children who have reached the age of seven years.
- (6) Poliomyelitis.
- (7) Rubella.
- (8) Tetanus.
- (9) Hepatitis B for all children entering the institutions listed in this subdivision at the kindergarten level or below on or after August 1, 1997.
- (10) Any other disease deemed appropriate by the department, taking into consideration the recommendations of the United States Public Health Services' Centers for Disease Control Immunization Practices Advisory Committee and the American Academy of Pediatrics Committee of Infectious Diseases.

(c) On and after July 1, 1999, the governing authority shall not unconditionally admit any pupil to the 7th grade level, nor unconditionally advance any pupil to the 7th grade level, of any of the institutions listed in subdivision (b) unless the pupil has been fully immunized against hepatitis B.

(d) The department may specify the immunizing agents which may be utilized and the manner in which immunizations are administered.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.



BETTY T. YEE
California State Controller
Division of Accounting and Reporting

Declaration of Authenticity of Records

I, Gwendolyn Carlos, declare:

I am the Accounting Administrator I, Supervisor, of the Division of Accounting and Reporting within the State Controller's Office (SCO) and am a duly authorized and qualified witness to certify the authenticity of the attached records for the SCO.

The copies of the documents of the SCO as described below and which are attached hereto is a true copy of the records as maintained by this office.


The documents are as follow:

- Reports showing list of school districts who filed claims with SCO for Immunization Records – Hepatitis B (Program # 230), which identifies number of 7th graders (not new entrants), uniform allowance unit cost, and total uniform cost for reimbursement: Schedule A is for fiscal year 2011-12 with claims totaling \$1,523,274; and Schedule B is for fiscal year 2012-13 with claims totaling \$217,892.

These documents were prepared by personnel of the SCO under my direct supervision and were prepared in the ordinary course of business at or near the time of the acts, conditions or events described in the records.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 3, 2015 at Sacramento, California.



(Signature)

State Controller's Office
 Division of Accounting and Reporting - Local Reimbursements Section
 Immunization Records - Hepatitis B (Program # 230)
 Fiscal Year 2011-12
 March 23, 2015

(SCHEDULE A)

	C	H	I	L
2	Claimant	Number of 7th Graders (Not New Entrants) - Form 1A	Uniform Cost Allowance (Unit Cost)	Total Uniform Cost for 7th Graders (Columns H*I)
3	ABC UNIFIED SCHOOL DISTRICT	1,590	\$ 4.67	\$ 7,424
4	ACTON-AGUA DULCE SCH DIST	120	\$ 4.67	\$ 560
5	ADELANTO ELEM SCH DIST	458	\$ 4.67	\$ 2,139
6	ALAMEDA UNIFIED SCHOOL DISTRICT	-	\$ 4.67	\$ -
7	ALHAMBRA UNIFIED SCHOOL DIST	971	\$ 4.67	\$ 4,535
8	ALISAL UN ELEM SCH DIST	-	\$ 4.67	\$ -
9	ALPINE UN ELEM SCH DIST	-	\$ 4.67	\$ -
10	ALTA LOMA ELEM SCH DIST	788	\$ 4.67	\$ 3,680
11	ALUM ROCK UNION SCH DIST	250	\$ 4.67	\$ 1,168
12	ALVORD UNIFIED SCH DIST	-	\$ 4.67	\$ -
13	AMADOR CO UNIFIED SCH DIST	309	\$ 4.67	\$ 1,443
14	ANAHEIM CITY SCH DIST	-	\$ 4.67	\$ -
15	ANAHEIM UNION HIGH SCHOOL DIST	4,294	\$ 4.67	\$ 20,053
16	ANTIOCH UNIF SCH DIST	961	\$ 4.67	\$ 4,488
17	APPLE VALLEY UNIFIED SCH DIST	48	\$ 4.67	\$ 224
18	ARCADIA UNIF SCH DIST	-	\$ 4.67	\$ -
19	ARMONA UN ELEM SCH DIST	182	\$ 4.67	\$ 850
20	AROMAS/SAN JUAN UNF SCH DIST	87	\$ 4.67	\$ 406
21	ARVIN UNION ELEM SCH DIST	322	\$ 4.67	\$ 1,504
22	ATWATER ELEMENTARY SCHOOL DIST	13	\$ 4.67	\$ 61
23	AUBURN UNION ELEM SCH DIST	262	\$ 4.67	\$ 1,224
24	AZUSA UNIF SCH DIST	758	\$ 4.67	\$ 3,540
25	BAKERSFIELD CITY SCH DIST	2,544	\$ 4.67	\$ 11,880
26	BALDWIN PARK UNIF SCH DIST	1,220	\$ 4.67	\$ 5,697
27	BANNING UNIF SCH DIST	344	\$ 4.67	\$ 1,606
28	BARSTOW UNIF SCHOOL DIST	363	\$ 4.67	\$ 1,695
29	BASS LAKE JOINT UNION ELEM SD	85	\$ 4.67	\$ 397
30	BASSETT UNIF SCH DIST	249	\$ 4.67	\$ 1,163
31	BEAR VALLEY UNIF SCH DIST	207	\$ 4.67	\$ 967
32	BEARDSLEY ELEM SCH DIST	137	\$ 4.67	\$ 640
33	BEAUMONT UNIFIED SCHOOL DIST	91	\$ 4.67	\$ 425
34	BELLEVUE UNION SCHOOL DISTRICT	-	\$ 4.67	\$ -
35	BELLFLOWER UNIF SCH DIST	1,071	\$ 4.67	\$ 5,002
36	BELMONT ELEM SCH DIST	339	\$ 4.67	\$ 1,583
37	BENICIA UNIF SCH DIST	411	\$ 4.67	\$ 1,919
38	BENNETT VALLEY UNION SCH DIST	-	\$ 4.67	\$ -
39	BERRYESSA UNION SCHOOL DIST	927	\$ 4.67	\$ 4,329
40	BISHOP UNIFIED SCHOOL DISTRICT	138	\$ 4.67	\$ 644
41	BLACK OAK MINE UNIF SCH DIST	93	\$ 4.67	\$ 434
42	BONITA UNIFIED SCHOOL DISTRICT	-	\$ 4.67	\$ -
43	BONSALL UN ELEM SCH DIST	-	\$ 4.67	\$ -
44	BRAWLEY ELEM SCH DIST	431	\$ 4.67	\$ 2,013
45	BREA OLINDA UNIF SCH DIST	459	\$ 4.67	\$ 2,144
46	BRENTWOOD UN ELEM SCH DIST	1,027	\$ 4.67	\$ 4,796
47	BUCKEYE UNION SCHOOL DISTRICT	-	\$ 4.67	\$ -
48	BUELLTON UNION SCHOOL DISTRICT	66	\$ 4.67	\$ 308
49	BUENA PARK SCH DIST	591	\$ 4.67	\$ 2,760
50	BURBANK UNIFIED SCHOOL DIST	346	\$ 4.67	\$ 1,616

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	C	H	I	L
2	Claimant	Number of 7th Graders (Not New Entrants) - Form 1A	Uniform Cost Allowance (Unit Cost)	Total Uniform Cost for 7th Graders (Columns H*I)
51	BURLINGAME ELEM SCH DIST	287	\$ 4.67	\$ 1,340
52	BURTON SCHOOL DISTRICT	376	\$ 4.67	\$ 1,756
53	BUTTE CO SUPT OF SCHOOLS	107	\$ 4.67	\$ 500
54	BYRON UNION ELEM SD	203	\$ 4.67	\$ 948
55	CAJON VALLEY UNION SCHOOL DIST	1,706	\$ 4.67	\$ 7,967
56	CALAVERAS OFFICE OF EDUCATION	76	\$ 4.67	\$ 355
57	CALIPATRIA UNIFIED SCHOOL DIST	98	\$ 4.67	\$ 458
58	CALISTOGA JT UN SCH DIST	71	\$ 4.67	\$ 332
59	CAMBRIAN ELEMENTARY SCH DIST	-	\$ 4.67	\$ -
60	CAMPBELL UNION ELEM SCH DIST	516	\$ 4.67	\$ 2,410
61	CAMPBELL UNION H S DIST	-	\$ 4.67	\$ -
62	CAPISTRANO UNIFIED SCH DIST	3,218	\$ 4.67	\$ 15,028
63	CARDIFF ELEMENTARY SCH DIST	8	\$ 4.67	\$ 37
64	CARLSBAD UNIFIED SCHOOL DIST	-	\$ 4.67	\$ -
65	CARPINTERIA UNIF SCH DIST	179	\$ 4.67	\$ 836
66	CARUTHERS UNIFIED SCHOOL DIST	85	\$ 4.67	\$ 397
67	CASCADE UNION ELEMENTARY SD	140	\$ 4.67	\$ 654
68	CASTAIC UN ELEM SH DISTRICT	333	\$ 4.67	\$ 1,555
69	CASTRO VALLEY UNIF SCH DIST	-	\$ 4.67	\$ -
70	CENTRAL SCHOOL DISTRICT	542	\$ 4.67	\$ 2,531
71	CENTRAL U.S.D.	1,307	\$ 4.67	\$ 6,104
72	CENTRAL UNION ELEM SCH DIST	175	\$ 4.67	\$ 817
73	CENTRALIA ELEMENTARY SCH DIST	-	\$ 4.67	\$ -
74	CERES UNIFIED SCHOOL DISTRICT	-	\$ 4.67	\$ -
75	CHAFFEY UNION HIGH SCH DIST	-	\$ 4.67	\$ -
76	CHARTER OAK UNIFIED SCH DIST	452	\$ 4.67	\$ 2,111
77	CHATOM UNION SCHOOL DIST	76	\$ 4.67	\$ 355
78	CHICO UNIFIED SCH DIST	791	\$ 4.67	\$ 3,694
79	CHINO UNIFIED SCHOOL DIST	1,758	\$ 4.67	\$ 8,210
80	CHOWCHILLA SCHOOL DISTRICT	209	\$ 4.67	\$ 976
81	CHULA VISTA ELEMENTARY SD	-	\$ 4.67	\$ -
82	CLAREMONT UNIF SCH DIST	-	\$ 4.67	\$ -
83	CLOVERDALE UNIFIED SCHOOL DIST	114	\$ 4.67	\$ 532
84	CLOVIS U.S.D	3,085	\$ 4.67	\$ 14,407
85	COACHELLA VALLEY UN SCH DIST	1,243	\$ 4.67	\$ 5,805
86	COALINGA/HURON JT UN SCH DIST	347	\$ 4.67	\$ 1,620
87	COLTON JT UNIF SCH DIST	32	\$ 4.67	\$ 149
88	COLUMBIA ELEMENTARY SCH DIST	113	\$ 4.67	\$ 528
89	COLUSA CO SUPT OF SCHOOLS	233	\$ 4.67	\$ 1,088
90	COLUSA UNIFIED SCHOOL DIST	104	\$ 4.67	\$ 486
91	COMPTON UNIFIED SCHOOL DIST	-	\$ 4.67	\$ -
92	CONTRA COSTA CO SUPT OF SCHOOL	55	\$ 4.67	\$ 257
93	CORCORAN JOINT UNIFIED SCH DST	200	\$ 4.67	\$ 934
94	CORNING UN ELEM SCH DIST	204	\$ 4.67	\$ 953
95	CORONADO UNIF SCH DIST	-	\$ 4.67	\$ -
96	CORONA-NORCO UNIF SCH DIST	2,205	\$ 4.67	\$ 10,297
97	COTATI ROHNERT PARK USD	430	\$ 4.67	\$ 2,008
98	COTTONWOOD UN ELEM SCH DIST	98	\$ 4.67	\$ 458

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2	Claimant	Number of 7th Graders (Not New Entrants) - Form 1A	Uniform Cost Allowance (Unit Cost)	Total Uniform Cost for 7th Graders (Columns H*I)
99	COVINA VALLEY UNIF SCHOOL DIST	-	\$ 4.67	\$ -
100	CUCAMONGA SCHOOL DISTRICT	293	\$ 4.67	\$ 1,368
101	CULVER CITY UNIF SCH DIST	22	\$ 4.67	\$ 103
102	CUPERTINO UNION SCH DIST	1,934	\$ 4.67	\$ 9,032
103	CUTLER-OROSI UNIFIED SCH DIST	320	\$ 4.67	\$ 1,494
104	DAVIS JT UNIF SCH DIST	-	\$ 4.67	\$ -
105	DEL NORTE COUNTY UN SCH DIST	190	\$ 4.67	\$ 887
106	DELANO UNION SCHOOL DISTRICT	702	\$ 4.67	\$ 3,278
107	DELHI UNIFIED SCHOOL DIST	210	\$ 4.67	\$ 981
108	DENAIR UNIFIED SCHOOL DISTRICT	102	\$ 4.67	\$ 476
109	DESERT SANDS UNIF SCH DIST	439	\$ 4.67	\$ 2,050
110	DINUBA UNIFIED SCHOOL DISTRICT	425	\$ 4.67	\$ 1,985
111	DIXIE ELEMENTARY SCHOOL DIST	15	\$ 4.67	\$ 70
112	DIXON UNIFIED SCHOOL DISTRICT	288	\$ 4.67	\$ 1,345
113	DOS PALOS ORO-LOMA JOINT UN SD	199	\$ 4.67	\$ 929
114	DOWNEY UNIFIED SCHOOL DISTRICT	1,726	\$ 4.67	\$ 8,060
115	DRY CREEK JT ELEM SD	830	\$ 4.67	\$ 3,876
116	DUARTE USD	287	\$ 4.67	\$ 1,340
117	DUBLIN UNIFIED SCHOOL DIST	-	\$ 4.67	\$ -
118	DURHAM UNIFIED SCHOOL DISTRICT	104	\$ 4.67	\$ 486
119	EARLJIMART SCH DIST	193	\$ 4.67	\$ 901
120	EAST SIDE UNION H S DIST	-	\$ 4.67	\$ -
121	EAST WHITTIER CITY ELEM SD	1,027	\$ 4.67	\$ 4,796
122	EASTSIDE UNION SCHOOL DISTRICT	91	\$ 4.67	\$ 425
123	EL CENTRO SCHOOL DISTRICT	603	\$ 4.67	\$ 2,816
124	EL DORADO CO SUPT OF SCHOOLS	95	\$ 4.67	\$ 444
125	EL MONTE ELEMENTARY SCH DIST	570	\$ 4.67	\$ 2,662
126	EL RANCHO UNIFIED SCHOOL DIST	768	\$ 4.67	\$ 3,587
127	EL SEGUNDO UNIF SCH DIST	270	\$ 4.67	\$ 1,261
128	ELK GROVE UNIFIED SCH DIST	4,875	\$ 4.67	\$ 22,766
129	EMPIRE UNION SCHOOL DIST	318	\$ 4.67	\$ 1,485
130	ENTERPRISE ELEMENTARY SCH DIST	265	\$ 4.67	\$ 1,238
131	ESCALON UNIFIED SCHOOL DIST	224	\$ 4.67	\$ 1,046
132	ESCONDIDO UNION SCHOOL DIST	1,845	\$ 4.67	\$ 8,616
133	ETIWANDA ELEMENTARY SCH DIST	1,561	\$ 4.67	\$ 7,290
134	EUREKA CITY SCHOOLS DISTRICT	315	\$ 4.67	\$ 1,471
135	EVERGREEN ELEMENTARY SCH DIST	1,482	\$ 4.67	\$ 6,921
136	EVERGREEN UN ELEM SCH DIST	121	\$ 4.67	\$ 565
137	EXETER UN ELEM SCH DIST	214	\$ 4.67	\$ 999
138	FAIRFAX ELEMENTARY SCHOOL DIST	259	\$ 4.67	\$ 1,210
139	FAIRFIELD-SUISUN UNIFIED SD	1,541	\$ 4.67	\$ 7,196
140	FALL RIVER JT U S D	87	\$ 4.67	\$ 406
141	FALLBROOK UN ELEM SCH DIST	543	\$ 4.67	\$ 2,536
142	FARMERSVILLE SCH DIST	215	\$ 4.67	\$ 1,004
143	FILLMORE UNIFIED SCHOOL DIST	274	\$ 4.67	\$ 1,280
144	FIREBAUGH-LAS DELTAS UNIF SD	162	\$ 4.67	\$ 757
145	FOLSOM CORDOVA UNIFIED SCH DIS	1,114	\$ 4.67	\$ 5,202
146	FONTANA UNIF SCH DIST	2,985	\$ 4.67	\$ 13,940

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2	Claimant	Number of 7th Graders (Not New Entrants) - Form 1A	Uniform Cost Allowance (Unit Cost)	Total Uniform Cost for 7th Graders (Columns H*I)
147	FOUNTAIN VALLEY SCHOOL DIST	580	\$ 4.67	\$ 2,709
148	FOWLER UNIFIED SCHOOL DISTRICT	185	\$ 4.67	\$ 864
149	FRANKLIN MCKINLEY ELEM SCH DIS	234	\$ 4.67	\$ 1,093
150	FREMONT UNIF SCH DIST	2,230	\$ 4.67	\$ 10,414
151	FREMONT UNION HI SCH DIST	-	\$ 4.67	\$ -
152	FRESNO CO SUPT OF SCHOOLS	127	\$ 4.67	\$ 593
153	FRESNO UNIFIED SCHOOL DISTRICT	5,372	\$ 4.67	\$ 25,087
154	FRUITVALE ELEM SCH DIST	38	\$ 4.67	\$ 177
155	FULLERTON ELEM SCH DIST	1,534	\$ 4.67	\$ 7,164
156	GALT JT UNION ELEM SCH DIST	444	\$ 4.67	\$ 2,073
157	GARDEN GROVE UNIF SCH DIST	3,735	\$ 4.67	\$ 17,442
158	GARVEY SCHOOL DISTRICT	230	\$ 4.67	\$ 1,074
159	GATEWAY UNF SCH DIST	218	\$ 4.67	\$ 1,018
160	GILROY UNIFIED SCHOOL DISTRICT	855	\$ 4.67	\$ 3,993
161	GLENDALE UNIF SCH DIST	-	\$ 4.67	\$ -
162	GLENDORA UNIFIED SCHOOL DIST	600	\$ 4.67	\$ 2,802
163	GLENN CO SUPT OF SCHOOLS	177	\$ 4.67	\$ 827
164	GOLDEN PLAINS UNIFIED SCH DIST	123	\$ 4.67	\$ 574
165	GOLDEN VALLEY UNIFIED SD	153	\$ 4.67	\$ 715
166	GONZALES UNIFIED SCH DIST	210	\$ 4.67	\$ 981
167	GRAVENSTEIN UNION SCH DIST	93	\$ 4.67	\$ 434
168	GREENFIELD UNION SCH DIST	457	\$ 4.67	\$ 2,134
169	GRIDLEY UNIFIED SCHOOL DIST	159	\$ 4.67	\$ 743
170	GUADALUPE UNION ELEMENTARY SD	125	\$ 4.67	\$ 584
171	GUSTINE UNIF SCH DIST	131	\$ 4.67	\$ 612
172	HACIENDA-LA PUENTE UNF SCH	1,595	\$ 4.67	\$ 7,449
173	HANFORD ELEMENTARY SCHOOL DIST	565	\$ 4.67	\$ 2,639
174	HART-RANSOM UNION ELEM SD	85	\$ 4.67	\$ 397
175	HAWTHORNE SCHOOL DISTRICT	860	\$ 4.67	\$ 4,016
176	HAYWARD UNIFIED SCHOOL DIST	1,622	\$ 4.67	\$ 7,575
177	HEALDSBURG UNIF SCH DIST	153	\$ 4.67	\$ 715
178	HEBER ELEMENTARY SCHOOL DIST	-	\$ 4.67	\$ -
179	HEMET UNIF SCH DIST.	1,477	\$ 4.67	\$ 6,898
180	HERMOSA BEACH CITY ELEM SD	132	\$ 4.67	\$ 616
181	HESPERIA UNIFIED SCHOOL DIST	1,977	\$ 4.67	\$ 9,233
182	HILMAR UNIF SCH DIST	171	\$ 4.67	\$ 799
183	HOLLISTER ELEMENTARY SCH DIST	610	\$ 4.67	\$ 2,849
184	HOLTVILLE UNIF SCHOOL DIST	122	\$ 4.67	\$ 570
185	HUENEME SCHOOL DISTRICT	-	\$ 4.67	\$ -
186	HUGHSON UNIFIED SCHOOL DIST	157	\$ 4.67	\$ 733
187	HUMBOLDT CO SUPT OF SCHOOLS	640	\$ 4.67	\$ 2,989
188	HUNTINGTON BEACH CITY ELEM SD	830	\$ 4.67	\$ 3,876
189	IMPERIAL CO SUPT OF SCHOOLS	140	\$ 4.67	\$ 654
190	IMPERIAL UNIF SCH DIST	328	\$ 4.67	\$ 1,532
191	IRVINE UNIFIED SCHOOL DISTRICT	2,112	\$ 4.67	\$ 9,863
192	JEFFERSON ELEM SD	202	\$ 4.67	\$ 943
193	JEFFERSON ELEMENTARY SCH DIST	795	\$ 4.67	\$ 3,713
194	JOHN SWETT UNIF SCH DIST	113	\$ 4.67	\$ 528

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2	Claimant	Number of 7th Graders (Not New Entrants) - Form 1A	Uniform Cost Allowance (Unit Cost)	Total Uniform Cost for 7th Graders (Columns H*I)
195	JURUPA UNIFIED SCH DIST	1,480	\$ 4.67	\$ 6,912
196	KELSEYVILLE USD	134	\$ 4.67	\$ 626
197	KENTFIELD ELEMENTARY SCH DIST	135	\$ 4.67	\$ 630
198	KEPPEL UNION ELEM SCH DIST	-	\$ 4.67	\$ -
199	KERMAN UNIFIED SCHOOL DIST	352	\$ 4.67	\$ 1,644
200	KERN COUNTY SUPT OF SCHOOLS	292	\$ 4.67	\$ 1,364
201	KEYES UNION ELEM SCH DIST	79	\$ 4.67	\$ 369
202	KING CITY UNION SCHOOL DISTRIC	-	\$ 4.67	\$ -
203	KINGS CANYON JOINT UNIFIED SD	1,213	\$ 4.67	\$ 5,665
204	KONOCTI UNIFIED SCHOOL DISTRIC	93	\$ 4.67	\$ 434
205	LA CANADA UNIF SCH DIST	343	\$ 4.67	\$ 1,602
206	LA MESA-SPRING VALLEY SCH DIST	1,332	\$ 4.67	\$ 6,220
207	LAFAYETTE ELEMENTARY SCH DIST	348	\$ 4.67	\$ 1,625
208	LAGUNA BEACH UNIF SCH DIST	230	\$ 4.67	\$ 1,074
209	LAHABRA CITY SCHOOL DIST	612	\$ 4.67	\$ 2,858
210	LAKE CO SUPT OF SCHOOLS	67	\$ 4.67	\$ 313
211	LAKE ELSINORE UNIFIED SCH DIST	1,684	\$ 4.67	\$ 7,864
212	LAKE TAHOE UNIF SCH DIST	249	\$ 4.67	\$ 1,163
213	LAKEPORT UNIFIED SCH DIST	110	\$ 4.67	\$ 514
214	LAKESIDE UNION ELEM SCH DIST	473	\$ 4.67	\$ 2,209
215	LAMMERSVILLE UNIFIED SCHOOL	255	\$ 4.67	\$ 1,191
216	LAMONT ELEM SCH DIST	272	\$ 4.67	\$ 1,270
217	LANCASTER ELEMENTARY SCH DIST	1,599	\$ 4.67	\$ 7,467
218	LARKSPUR SCH DIST	318	\$ 4.67	\$ 1,485
219	LAS LOMITAS ELEM SCH DIST	137	\$ 4.67	\$ 640
220	LAS VIRGENS UNIF SCH DIST	910	\$ 4.67	\$ 4,250
221	LASSEN CO SUPT OF SCHOOLS	129	\$ 4.67	\$ 602
222	LAWDALE ELEMENTARY SCH DIST	298	\$ 4.67	\$ 1,392
223	LEMON GROVE ELEM SCHOOL DIST	346	\$ 4.67	\$ 1,616
224	LEMOORE UNION ELEMENTARY SD	374	\$ 4.67	\$ 1,747
225	LENNOX ELEM SCH DIST	570	\$ 4.67	\$ 2,662
226	LINCOLN UNIFIED SCHOOL DIST	374	\$ 4.67	\$ 1,747
227	LINDSAY UNIFIED SCH DIST	414	\$ 4.67	\$ 1,933
228	LITTLE LAKE CITY ELEM SCH DIST	310	\$ 4.67	\$ 1,448
229	LIVE OAK ELEMENTARY SCH DIST	162	\$ 4.67	\$ 757
230	LIVE OAK UNIF SCH DIST	142	\$ 4.67	\$ 663
231	LIVERMORE VLY JT UNIF SCH DIST	878	\$ 4.67	\$ 4,100
232	LIVINGSTON UNION SCHOOL DIST	282	\$ 4.67	\$ 1,317
233	LONG BEACH UNIFIED SCH DIST	6,038	\$ 4.67	\$ 28,197
234	LOOMIS UNION ELEMENTARY SD	314	\$ 4.67	\$ 1,466
235	LOS ALAMITOS UNIF SCH DIST	817	\$ 4.67	\$ 3,815
236	LOS ALTOS ELEM SCHOOL DIST	491	\$ 4.67	\$ 2,293
237	LOS ANGELES UNIF SCH DIST	42,966	\$ 4.67	\$ 200,651
238	LOS BANOS UNIF SCH DIST	710	\$ 4.67	\$ 3,316
239	LOS GATOS UNION SCH DISTRICT	364	\$ 4.67	\$ 1,700
240	LOS NIETOS ELEM SCH DIST	219	\$ 4.67	\$ 1,023
241	LOWELL JOINT ELEM SCHOOL DIST	363	\$ 4.67	\$ 1,695
242	LUCIA MAR UNIF SCHOOL DIST	912	\$ 4.67	\$ 4,259

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243	LUTHER BURBANK SCHOOL DIST	59	\$ 4.67	\$ 276
244	LYNWOOD UNIF SCH DIST	1,143	\$ 4.67	\$ 5,338
245	MADERA CO SUPT OF SCHOOLS	198	\$ 4.67	\$ 925
246	MADERA UNIF SCHOOL DIST	1,512	\$ 4.67	\$ 7,061
247	MAGNOLIA ELEMENTARY SCH DIST	-	\$ 4.67	\$ -
248	MAMMOTH UNIF SCH DIST	89	\$ 4.67	\$ 416
249	MANHATTAN BEACH UNIF SCH DIST	479	\$ 4.67	\$ 2,237
250	MANTECA UNIF SCHOOL DIST	1,703	\$ 4.67	\$ 7,953
251	MARIN CO SUPT OF SCHOOLS	44	\$ 4.67	\$ 205
252	MARIPOSA CO UNIF SCH DIST	146	\$ 4.67	\$ 682
253	MARK TWAIN UN ELEM SCH DIST	110	\$ 4.67	\$ 514
254	MARK WEST UNION SCH DIST	110	\$ 4.67	\$ 514
255	MARTINEZ UNIF SCH DIST	286	\$ 4.67	\$ 1,336
256	MARYSVILLE JT UNIF SCH DIST	669	\$ 4.67	\$ 3,124
257	MCCABE UN ELEM SCH DIST	-	\$ 4.67	\$ -
258	MCKINLEYVILLE UNION ELEM SD	122	\$ 4.67	\$ 570
259	MCSWAIN UN ELEM SCH DIST	94	\$ 4.67	\$ 439
260	MENDOCINO CO OFFICE OF EDU	65	\$ 4.67	\$ 304
261	MENDOTA UNIFIED SCHOOL DIST	200	\$ 4.67	\$ 934
262	MENLO PARK ELEM SCH DIST	223	\$ 4.67	\$ 1,041
263	MERCED CITY ELEM SCH DIST	598	\$ 4.67	\$ 2,793
264	MERCED CO SUPT OF SCHOOLS	87	\$ 4.67	\$ 406
265	MILL VALLEY ELEM SCH DIST	295	\$ 4.67	\$ 1,378
266	MILLBRAE ELEM SCH DIST	282	\$ 4.67	\$ 1,317
267	MILPITAS UNIFIED SCHOOL DIST	732	\$ 4.67	\$ 3,418
268	MODESTO CITY SCHOOLS	-	\$ 4.67	\$ -
269	MOJAVE UNIF SCH DIST	38	\$ 4.67	\$ 177
270	MONROVIA UNIFIED SCHOOL DIST	425	\$ 4.67	\$ 1,985
271	MONTEBELLO UNIF SCH DIST	2,403	\$ 4.67	\$ 11,222
272	MONTEREY CO SUPT OF SCHOOLS	26	\$ 4.67	\$ 121
273	MONTEREY PENINSULA UNIF S D	199	\$ 4.67	\$ 929
274	MOORPARK UNIFIED SCHOOL DIST	-	\$ 4.67	\$ -
275	MORAGA SCHOOL DISTRICT	207	\$ 4.67	\$ 967
276	MORELAND ELEMENTARY SCH DIST	361	\$ 4.67	\$ 1,686
277	MORENO VALLEY UNIF SCH DIST	967	\$ 4.67	\$ 4,516
278	MORGAN HILL USD	335	\$ 4.67	\$ 1,564
279	MORONGO UNIF SCH DIST	616	\$ 4.67	\$ 2,877
280	MOUNTAIN EMPIRE UNIFIED SD	119	\$ 4.67	\$ 556
281	MOUNTAIN VIEW ELEM SCH DIST	783	\$ 4.67	\$ 3,657
282	MOUNTAIN VIEW SCHOOL DISTRICT	26	\$ 4.67	\$ 121
283	MOUNTAIN VIEW-WHISMAN SCH DIST	449	\$ 4.67	\$ 2,097
284	MT DIABLO UNIFIED SCHOOL DIST	2,495	\$ 4.67	\$ 11,652
285	MT PLEASANT ELEMENTARY SD	293	\$ 4.67	\$ 1,368
286	MUROC JT UNIFIED SCH DISTRICT	-	\$ 4.67	\$ -
287	MURRIETA VALLEY UNIF SCH DIST	-	\$ 4.67	\$ -
288	NAPA VALLEY UNIF SCH DIST	594	\$ 4.67	\$ 2,774
289	NATIONAL SCHOOL DISTRICT	-	\$ 4.67	\$ -
290	NATOMAS UNIF SCH DIST	746	\$ 4.67	\$ 3,484

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291	NEEDLES UNIF SCH DIST	50	\$ 4.67	\$ 234
292	NEVADA CITY SCHOOL DIST	105	\$ 4.67	\$ 490
293	NEWARK USD	33	\$ 4.67	\$ 154
294	NEWHALL SCHOOL DISTRICT	-	\$ 4.67	\$ -
295	NEWMAN-CROWS LANDING UNIF SD	431	\$ 4.67	\$ 2,013
296	NEWPORT-MESA UNIFIED SCH DIST	1,743	\$ 4.67	\$ 8,140
297	NORRIS SCHOOL DIST	15	\$ 4.67	\$ 70
298	NORTH COUNTY JT UN ELEM SD	84	\$ 4.67	\$ 392
299	NORTH MONTEREY CO UNF SCH DIST	-	\$ 4.67	\$ -
300	NORWALK-LA MIRADA SCH DIST	-	\$ 4.67	\$ -
301	NUVIEW UNION SCHOOL DISTRICT	340	\$ 4.67	\$ 1,588
302	OAK GROVE ELEMENTARY SCH DIST	1,185	\$ 4.67	\$ 5,534
303	OAK GROVE UNION ELEM SCH DIST	160	\$ 4.67	\$ 747
304	OAK PARK UNIF SCH DIST	340	\$ 4.67	\$ 1,588
305	OAKLAND UNIFIED SCHOOL DIST	2,404	\$ 4.67	\$ 11,227
306	OAKLEY UNION ELEM SCH DIST	576	\$ 4.67	\$ 2,690
307	OCEAN VIEW ELEMETARY SCH DIST	263	\$ 4.67	\$ 1,228
308	OCEAN VIEW SCHOOL DISTRICT	550	\$ 4.67	\$ 2,569
309	OCEANSIDE CITY UN SCH DIST	-	\$ 4.67	\$ -
310	OJAI UNIFIED SCHOOL DISTRICT	219	\$ 4.67	\$ 1,023
311	OLD ADOBE UNION ELEM SCH DIST	-	\$ 4.67	\$ -
312	ONTARIO-MONTCLAIR SCH DIST	2,488	\$ 4.67	\$ 11,619
313	ORANGE CO SUPT OF SCHOOLS	232	\$ 4.67	\$ 1,083
314	ORANGE UNIFIED SCH DIST	2,207	\$ 4.67	\$ 10,307
315	ORCHARD SCHOOL DISTRICT	89	\$ 4.67	\$ 416
316	ORCUTT UNION SCHOOL DISTRICT	589	\$ 4.67	\$ 2,751
317	ORINDA UNION ELEM SCHOOL DIST	300	\$ 4.67	\$ 1,401
318	ORLAND JT U.S.D	173	\$ 4.67	\$ 808
319	OROVILLE CITY ELEM SCH DIST	278	\$ 4.67	\$ 1,298
320	OXNARD ELEM SCHOOL DIST	1,676	\$ 4.67	\$ 7,827
321	PACIFIC GROVE UNIF SCH DIST	145	\$ 4.67	\$ 677
322	PACIFIC UNION ELEM SCHOOL DIST	149	\$ 4.67	\$ 696
323	PACIFICA ELEM SCH DIST	373	\$ 4.67	\$ 1,742
324	PAJARO VALLEY UNIF SCH DIST	1,015	\$ 4.67	\$ 4,740
325	PALERMO UNION SCHOOL DIST	-	\$ 4.67	\$ -
326	PALM SPRINGS UNIFIED SCH DIST	1,952	\$ 4.67	\$ 9,116
327	PALMDALE ELEM SCH DIST	302	\$ 4.67	\$ 1,410
328	PALO ALTO UNIFIED SCHOOL DIST	216	\$ 4.67	\$ 1,009
329	PALO VERDE UNIFIED SCHOOL DIST	3	\$ 4.67	\$ 14
330	PALOS VERDES PENINSULA UNIFIED	-	\$ 4.67	\$ -
331	PARAMOUNT UNIF SCH DIST	457	\$ 4.67	\$ 2,134
332	PARLIER U.S.D.	231	\$ 4.67	\$ 1,079
333	PASADENA UNIF SCH DIST	1,351	\$ 4.67	\$ 6,309
334	PASO ROBLES JOINT UNIFIED SD	477	\$ 4.67	\$ 2,228
335	PATTERSON JOINT UN SCHL DIST	-	\$ 4.67	\$ -
336	PERRIS SCHOOL DISTRICT	-	\$ 4.67	\$ -
337	PERRIS UNION HIGH SCHOOL DIST	220	\$ 4.67	\$ 1,027
338	PETALUMA CITY ELEM SCH DIST	-	\$ 4.67	\$ -

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(SCHEDULE A)

	C	H	I	L
2	Claimant	Number of 7th Graders (Not New Entrants) - Form 1A	Uniform Cost Allowance (Unit Cost)	Total Uniform Cost for 7th Graders (Columns H*I)
339	PETALUMA JT UN HIGH SCH DIST	777	\$ 4.67	\$ 3,629
340	PIEDMONT CITY UNIF SCH DIST	217	\$ 4.67	\$ 1,013
341	PIERCE JT UNIFIED SCH DIST	-	\$ 4.67	\$ -
342	PINER-OLIVET UN ELEM SCH DIST	-	\$ 4.67	\$ -
343	PITTSBURG UNIF SCH DIST	40	\$ 4.67	\$ 187
344	PLACENTIA-YORBA LINDA UNIF SD	-	\$ 4.67	\$ -
345	PLACER CO SUPT OF SCHOOLS	111	\$ 4.67	\$ 518
346	PLACERVILLE UN ELEM SCH DIST	108	\$ 4.67	\$ 504
347	PLEASANT RIDGE UN ELEM SCH DIS	201	\$ 4.67	\$ 939
348	PLEASANT VALLEY SCHOOL DIST	747	\$ 4.67	\$ 3,488
349	PLEASANT VIEW ELEM SCH DIST	65	\$ 4.67	\$ 304
350	PLEASANTON UNIFIED SCHOOL DIST	1,123	\$ 4.67	\$ 5,244
351	PLUMAS ELEM SCH DIST	96	\$ 4.67	\$ 448
352	PLUMAS U.S.D	153	\$ 4.67	\$ 715
353	POMONA UNIFIED SCHOOL DIST	2,052	\$ 4.67	\$ 9,583
354	PORTERVILLE UNIFIED SD	740	\$ 4.67	\$ 3,456
355	POWAY UNIFIED SCH DISTRICT	-	\$ 4.67	\$ -
356	RAMONA UNIFIED SCHOOL DISTRICT	460	\$ 4.67	\$ 2,148
357	RED BLUFF UNION ELEM SCH DIST	208	\$ 4.67	\$ 971
358	REDDING ELEMENTARY SCH DIST	46	\$ 4.67	\$ 215
359	REDLANDS UNIF SCH DIST	1,618	\$ 4.67	\$ 7,556
360	REDONDO BEACH CITY SCH DIST	606	\$ 4.67	\$ 2,830
361	REDWOOD CITY ELEM SCH DIST	-	\$ 4.67	\$ -
362	REED UNION ELEM SCH DIST	144	\$ 4.67	\$ 672
363	REEF-SUNSET UNIFIED SCH DIST	176	\$ 4.67	\$ 822
364	RESCUE UN ELEM SD	481	\$ 4.67	\$ 2,246
365	RIALTO UNIF SCHOOL DIST	2,041	\$ 4.67	\$ 9,531
366	RICHLAND SCHOOL DISTRICT	328	\$ 4.67	\$ 1,532
367	RIM OF THE WORLD UNIFIED SD	332	\$ 4.67	\$ 1,550
368	RINCON VLY UN ELEM SCH DIST	-	\$ 4.67	\$ -
369	RIO BRAVO-GREELEY UN ELEM SD	-	\$ 4.67	\$ -
370	RIO ELEMENTARY SCH DIST	477	\$ 4.67	\$ 2,228
371	RIPON UNIF SCH DIST	240	\$ 4.67	\$ 1,121
372	RIVER DELTA UNIF SCH DIST	-	\$ 4.67	\$ -
373	RIVERBANK UNIFIED SCH DIST	167	\$ 4.67	\$ 780
374	RIVERDALE JOINT UN SCH DIST	105	\$ 4.67	\$ 490
375	RIVERSIDE UNIFIED SCHOOL DIST	-	\$ 4.67	\$ -
376	ROBLA SCHOOL DISTRICT	-	\$ 4.67	\$ -
377	ROCKLIN UNIFIED SCHOOL DIST	431	\$ 4.67	\$ 2,013
378	ROHNERVILLE ELEM SCH DIST	98	\$ 4.67	\$ 458
379	ROMOLAND ELEM SCH DIST	-	\$ 4.67	\$ -
380	ROSEDALE UNION SCHOOL DIST	661	\$ 4.67	\$ 3,087
381	ROSELAND SCHOOL DISTRICT	661	\$ 4.67	\$ 3,087
382	ROSEMEAD SCH DIST	299	\$ 4.67	\$ 1,396
383	ROSEVILLE CITY ELEMENTARY SD	1,090	\$ 4.67	\$ 5,090
384	ROSS VALLEY SCHOOL DISTRICT	195	\$ 4.67	\$ 911
385	ROWLAND UNIFIED SCHOOL DIST	1,206	\$ 4.67	\$ 5,632
386	SACRAMENTO CITY UNIF SCH DIST	-	\$ 4.67	\$ -

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(SCHEDULE A)

	C	H	I	L
2	Claimant	Number of 7th Graders (Not New Entrants) - Form 1A	Uniform Cost Allowance (Unit Cost)	Total Uniform Cost for 7th Graders (Columns H*I)
387	SADDLEBACK VALLEY UNIFIED SD	536	\$ 4.67	\$ 2,503
388	SALIDA UN SCH DIST	364	\$ 4.67	\$ 1,700
389	SAN BENITO CO SUPT OF SCHOOLS	50	\$ 4.67	\$ 234
390	SAN BERNARDINO CITY UNIF S D	1,040	\$ 4.67	\$ 4,857
391	SAN BERNARDINO CO SUPT OF SCH	134	\$ 4.67	\$ 626
392	SAN BRUNO PARK ELE SCH DIST	-	\$ 4.67	\$ -
393	SAN CARLOS ELEM SCH DIST	352	\$ 4.67	\$ 1,644
394	SAN DIEGO CO SUPT OF SCHOOLS	222	\$ 4.67	\$ 1,037
395	SAN DIEGO UNIF SCH DIST	7,883	\$ 4.67	\$ 36,814
396	SAN DIEGUITO UN HI SCH DIST	1,937	\$ 4.67	\$ 9,046
397	SAN FRANCISCO UNIF SCH DIST	3,771	\$ 4.67	\$ 17,611
398	SAN GABRIEL UNIFIED SCH DIST	442	\$ 4.67	\$ 2,064
399	SAN JACINTO UNI SCH DIST	654	\$ 4.67	\$ 3,054
400	SAN JOAQUIN CO OFFICE OF ED	131	\$ 4.67	\$ 612
401	SAN JOSE U.S.D.	-	\$ 4.67	\$ -
402	SAN JUAN UNIFIED SCHOOL DIST	3,341	\$ 4.67	\$ 15,602
403	SAN LEANDRO UNIFIED SCH DIST	625	\$ 4.67	\$ 2,919
404	SAN LORENZO UN SCH DIST	871	\$ 4.67	\$ 4,068
405	SAN LORENZO VALLEY UN SCH DIST	208	\$ 4.67	\$ 971
406	SAN LUIS COASTAL UNIF SCH DIST	866	\$ 4.67	\$ 4,044
407	SAN MARCOS UNIF SD	1,385	\$ 4.67	\$ 6,468
408	SAN MATEO FOSTER CITY SCH DIST	1,087	\$ 4.67	\$ 5,076
409	SAN MIGUEL JT UNION SCH DIST	57	\$ 4.67	\$ 266
410	SAN RAFAEL CITY ELEM S.D.	299	\$ 4.67	\$ 1,396
411	SAN RAMON VALLEY UN SCH DIST	1,402	\$ 4.67	\$ 6,547
412	SAN YSIDRO S D	565	\$ 4.67	\$ 2,639
413	SANGER UNIF SCHOOL DIST	672	\$ 4.67	\$ 3,138
414	SANTA ANA UNIF SCH DIST	4,166	\$ 4.67	\$ 19,455
415	SANTA BARBARA CO SUPT OF SCH	38	\$ 4.67	\$ 177
416	SANTA BARBARA UNIFIED SCHOOL	410	\$ 4.67	\$ 1,915
417	SANTA CLARA UNIF SCH DIST	871	\$ 4.67	\$ 4,068
418	SANTA CRUZ CITY ELE SCH DIST	-	\$ 4.67	\$ -
419	SANTA CRUZ CITY HI SCH DIST	408	\$ 4.67	\$ 1,905
420	SANTA MONICA-MALIBU UNIFIED SD	-	\$ 4.67	\$ -
421	SANTA ROSA CITY ELEM SCH DIST	-	\$ 4.67	\$ -
422	SANTA ROSA CITY H.S.D.	1,494	\$ 4.67	\$ 6,977
423	SANTEE ELEMENTARY SCHOOL DIST	785	\$ 4.67	\$ 3,666
424	SARATOGA UNION ELEM SCH DIST	278	\$ 4.67	\$ 1,298
425	SAUGUS UNION SCH DIST	-	\$ 4.67	\$ -
426	SAVANNA SCHOOL DISTRICT	-	\$ 4.67	\$ -
427	SCOTTS VALLEY UN SCH DIST	190	\$ 4.67	\$ 887
428	SEBASTOPOL UN ELEM SCH DIST	149	\$ 4.67	\$ 696
429	SELMA UNIFIED SCHOOL DISTRICT	414	\$ 4.67	\$ 1,933
430	SHASTA CO SUPT OF SCHOOLS	299	\$ 4.67	\$ 1,396
431	SIERRA SANDS UNIFIED SCH DIST	338	\$ 4.67	\$ 1,578
432	SIERRA UNIF SCH DIST	101	\$ 4.67	\$ 472
433	SILVER VALLEY UNIF SCH DIST	163	\$ 4.67	\$ 761
434	SIMI VALLEY UNIF SCH DIST	1,564	\$ 4.67	\$ 7,304

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	C	H	I	L
2	Claimant	Number of 7th Graders (Not New Entrants) - Form 1A	Uniform Cost Allowance (Unit Cost)	Total Uniform Cost for 7th Graders (Columns H*I)
435	SISKIYOU CO SUPT OF SCHOOLS	220	\$ 4.67	\$ 1,027
436	SNOWLINE JT UNIFIED SCH DIST.	659	\$ 4.67	\$ 3,078
437	SOLANA BEACH ELEM SCH DIST	-	\$ 4.67	\$ -
438	SOLEDAD UNIFIED SCH DIST	-	\$ 4.67	\$ -
439	SONOMA COUNTY OFFICE OF ED	17	\$ 4.67	\$ 79
440	SONORA ELEM SCH DIST	90	\$ 4.67	\$ 420
441	SOQUEL UN ELEM SCH DIST	262	\$ 4.67	\$ 1,224
442	SOUTH BAY UNION ELEM SD	20	\$ 4.67	\$ 93
443	SOUTH BAY UNION SCH DIST	-	\$ 4.67	\$ -
444	SOUTH SAN FRANCISCO UNIFIED SD	713	\$ 4.67	\$ 3,330
445	SOUTH WHITTIER SCHOOL DISTRICT	363	\$ 4.67	\$ 1,695
446	SOUTHERN KERN UNIF SCH DIST	210	\$ 4.67	\$ 981
447	STANDARD ELEM SCH DIST	313	\$ 4.67	\$ 1,462
448	STANISLAUS CO SUPT OF SCHOOLS	195	\$ 4.67	\$ 911
449	STANISLAUS UNION ELEM SCH DIST	331	\$ 4.67	\$ 1,546
450	STOCKTON UNIFIED SCH DIST	2,927	\$ 4.67	\$ 13,669
451	STRATHMORE UN ELEM SCH DIST	82	\$ 4.67	\$ 383
452	SULPHUR SPRINGS UNION ELEM SD	-	\$ 4.67	\$ -
453	SUNNYVALE ELEMENTARY SCHOOL	280	\$ 4.67	\$ 1,308
454	SUSANVILLE SCHOOL DISTRICT	109	\$ 4.67	\$ 509
455	SUTTER CO SUPT OF SCHOOLS	218	\$ 4.67	\$ 1,018
456	SYLVAN UNION SCHOOL DIST	929	\$ 4.67	\$ 4,338
457	TAFT CITY ELEM SCH DIST	227	\$ 4.67	\$ 1,060
458	TAHOE-TRUCKEE UNIFIED SCH DIST	10	\$ 4.67	\$ 47
459	TEHAMA CO SUPT OF SCHOOLS	87	\$ 4.67	\$ 406
460	TEMECULA VALLEY UNF SCH DIST	2,640	\$ 4.67	\$ 12,329
461	TEMPLE CITY UNIF SCH DIST	445	\$ 4.67	\$ 2,078
462	TEMPLETON UNIFIED SCHOOL DIST	152	\$ 4.67	\$ 710
463	TERRA BELLA ELEM SCH DIST	90	\$ 4.67	\$ 420
464	THERMALITO UNION SCH DIST	-	\$ 4.67	\$ -
465	TIPTON ELEM SCH DIST	72	\$ 4.67	\$ 336
466	TORRANCE UNIFIED SCHOOL DIST	1,909	\$ 4.67	\$ 8,915
467	TRACY JT UNIFIED SCH DIST	1,054	\$ 4.67	\$ 4,922
468	TRAVIS UNF SCH DIST	425	\$ 4.67	\$ 1,985
469	TRINITY CO SUPT OF SCHOOLS	145	\$ 4.67	\$ 677
470	TULARE CITY ELEMENTARY SD	1,000	\$ 4.67	\$ 4,670
471	TULARE CO SUPT OF SCHOOLS	575	\$ 4.67	\$ 2,685
472	TUOLUMNE CO SUPT OF SCHOOLS	195	\$ 4.67	\$ 911
473	TURLOCK UNIF SCH DIST	1,099	\$ 4.67	\$ 5,132
474	TUSTIN UNIFIED SCHOOL DISTRICT	1,744	\$ 4.67	\$ 8,144
475	TWIN RIVERS UNIFIED SD	1,637	\$ 4.67	\$ 7,645
476	UKIAH UNIFIED SCHOOL DISTRICT	380	\$ 4.67	\$ 1,775
477	UNION ELEMENTARY SCHOOL DIST	548	\$ 4.67	\$ 2,559
478	UNION HILL ELEM SCH DIST	97	\$ 4.67	\$ 453
479	UPLAND UNIF SCH DIST	1,010	\$ 4.67	\$ 4,717
480	VACAVILLE UNIFIED SCHOOL DIST	-	\$ 4.67	\$ -
481	VAL VERDE U.S.D.	1,604	\$ 4.67	\$ 7,491
482	VALLE LINDO SCHOOL DISTRICT	153	\$ 4.67	\$ 715

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	C	H	I	L
2	Claimant	Number of 7th Graders (Not New Entrants) - Form 1A	Uniform Cost Allowance (Unit Cost)	Total Uniform Cost for 7th Graders (Columns H*I)
483	VALLEJO CITY UNIFIED SCH DIST	1,664	\$ 4.67	\$ 7,771
484	VALLEY CENTER-PAUMA USD	316	\$ 4.67	\$ 1,476
485	VENTURA CO SUPT OF SCHOOLS	58	\$ 4.67	\$ 271
486	VENTURA UNIF SCH DIST	1,292	\$ 4.67	\$ 6,034
487	VICTOR ELEM SCHOOL DIST	-	\$ 4.67	\$ -
488	VISALIA UNIFIED SCHOOL DIST	2,121	\$ 4.67	\$ 9,905
489	VISTA UNIFIED SCHOOL DISTRICT	1,692	\$ 4.67	\$ 7,902
490	WALNUT CREEK SCH DIST	394	\$ 4.67	\$ 1,840
491	WALNUT VALLEY UNIF SCHOOL DIST	765	\$ 4.67	\$ 3,573
492	WASCO UNION ELEM SCH DIST	327	\$ 4.67	\$ 1,527
493	WASHINGTON UNIF SCH DIST	283	\$ 4.67	\$ 1,322
494	WASHINGTON UNIFIED SCHOOL DIST	191	\$ 4.67	\$ 892
495	WATERFORD UNIFIED SCH DIST	107	\$ 4.67	\$ 500
496	WEAVER UNION SCHOOL DISTRICT	50	\$ 4.67	\$ 234
497	WEST CONTRA COSTA USD	2,423	\$ 4.67	\$ 11,315
498	WEST COVINA UNIF SCH DIST	710	\$ 4.67	\$ 3,316
499	WESTERN PLACER UNIF SCH DIST	502	\$ 4.67	\$ 2,344
500	WESTMINSTER ELEMENTARY SD	909	\$ 4.67	\$ 4,245
501	WESTSIDE UNION SCH DIST	989	\$ 4.67	\$ 4,619
502	WHEATLAND SCHOOL DISTRICT	86	\$ 4.67	\$ 402
503	WHITTIER CITY ELEM SCH DIST	679	\$ 4.67	\$ 3,171
504	WILLITS UNIF SCH DIST	121	\$ 4.67	\$ 565
505	WILLOWS UNIFIED SCHOOL DISTRICT	107	\$ 4.67	\$ 500
506	WILSONA ELEM SCH DIST	167	\$ 4.67	\$ 780
507	WINDSOR UNIFIED SCHOOL DISTRICT	304	\$ 4.67	\$ 1,420
508	WINTERS JOINT UNIF SCH DIST	114	\$ 4.67	\$ 532
509	WINTON SCHOOL DISTRICT	182	\$ 4.67	\$ 850
510	WM S HART UN HIGH SCH DIST	3,389	\$ 4.67	\$ 15,827
511	WOODLAND JT UNION SCHOOL DIST	-	\$ 4.67	\$ -
512	WRIGHT ELEM SCHOOL DIST	-	\$ 4.67	\$ -
513	YOSEMITE UNIFIED SCHOOL DIST	121	\$ 4.67	\$ 565
514	YREKA UNION ELEM SCH DIST	100	\$ 4.67	\$ 467
515	YUBA CITY UNIFIED SCHOOL DIST	624	\$ 4.67	\$ 2,914
516	YUCAIPA-CALIMESA JT UNIFIED SD	632	\$ 4.67	\$ 2,951
517	GRAND TOTALS			\$ 1,523,274

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	C	H	I	L
2	Claimant	Number of 7th Graders (Not New Entrants) - Form 1A	Uniform Cost Allowance (Unit Cost)	Total Uniform Cost for 7th Graders (Columns H*I)
3	ACTON-AGUA DULCE SCH DIST	100	\$ 4.75	\$ 475
4	ALPINEUN ELEM SCH DIST	2	\$ 4.75	\$ 10
5	ALUM ROCK UNION SCH DIST	196	\$ 4.75	\$ 931
6	APPLE VALLEY UNIFIED SCH DIST	851	\$ 4.75	\$ 4,042
7	ARMONA UN ELEM SCH DIST	141	\$ 4.75	\$ 670
8	ATASCADERO UNIF SCH DIST	0	\$ 4.75	\$ -
9	BALDWIN PARK UNIF SCH DIST	1205	\$ 4.75	\$ 5,724
10	BANNING UNIF SCH DIST	328	\$ 4.75	\$ 1,558
11	BASS LAKE JOINT UNION ELEM SD	68	\$ 4.75	\$ 323
12	BEAR VALLEY UNIF SCH DIST	219	\$ 4.75	\$ 1,040
13	BELLEVUE UNION SCHOOL DISTRICT	0	\$ 4.75	\$ -
14	BELLFLOWER UNIF SCH DIST	971	\$ 4.75	\$ 4,612
15	BELMONT ELEM SCH DIST	373	\$ 4.75	\$ 1,772
16	BERRYESSA UNION SCHOOL DIST	977	\$ 4.75	\$ 4,641
17	BONITA UNIFIED SCHOOL DISTRICT	0	\$ 4.75	\$ -
18	BONSALL UN ELEM SCH DIST	179	\$ 4.75	\$ 850
19	BRAWLEY ELEM SCH DIST	407	\$ 4.75	\$ 1,933
20	BURTON SCHOOL DISTRICT	398	\$ 4.75	\$ 1,891
21	BUTTE CO SUPT OF SCHOOLS	130	\$ 4.75	\$ 618
22	BYRON UNION ELEM SD	192	\$ 4.75	\$ 912
23	CAMBRIAN ELEMENTARY SCH DIST	0	\$ 4.75	\$ -
24	CAMPBELL UNION ELEM SCH DIST	545	\$ 4.75	\$ 2,589
25	CARUTHERS UNIFIED SCHOOL DIST	85	\$ 4.75	\$ 404
26	CASTAIC UN ELEM SH DISTRICT	326	\$ 4.75	\$ 1,549
27	CASTRO VALLEY UNIF SCH DIST	0	\$ 4.75	\$ -
28	CENTRAL SCHOOL DISTRICT	569	\$ 4.75	\$ 2,703
29	CHATOM UNION SCHOOL DIST	78	\$ 4.75	\$ 371
30	CHOWCHILLA SCHOOL DISTRICT	199	\$ 4.75	\$ 945
31	CHULA VISTA ELEMENTARY SD	0	\$ 4.75	\$ -
32	CLOVIS U.S.D	3182	\$ 4.75	\$ 15,115
33	COALINGA/HURON JT UN SCH DIST	30	\$ 4.75	\$ 143
34	CORCORAN JOINT UNIFIED SCH DST	246	\$ 4.75	\$ 1,169
35	CORNING UN ELEM SCH DIST	188	\$ 4.75	\$ 893
36	CUCAMONGA SCHOOL DISTRICT	274	\$ 4.75	\$ 1,302
37	CULVER CITY UNIF SCH DIST	0	\$ 4.75	\$ -
38	DEL NORTE COUNTY UN SCH DIST	184	\$ 4.75	\$ 874
39	DELHI UNIFIED SCHOOL DIST	208	\$ 4.75	\$ 988
40	DENAIR UNIFIED SCHOOL DISTRICT	108	\$ 4.75	\$ 513
41	DRY CREEK JT ELEM SD	918	\$ 4.75	\$ 4,361
42	EL SEGUNDO UNIF SCH DIST	241	\$ 4.75	\$ 1,145
43	EMPIRE UNION SCHOOL DIST	279	\$ 4.75	\$ 1,325
44	EVERGREEN UN ELEM SCH DIST	119	\$ 4.75	\$ 565
45	EXETER UNIFIED SCHOOL DISTRICT	234	\$ 4.75	\$ 1,112
46	FAIRFIELD-SUISUN UNIFIED SD	1557	\$ 4.75	\$ 7,396
47	FALL RIVER JT U S D	97	\$ 4.75	\$ 461
48	FARMERSVILLE SCH DIST	241	\$ 4.75	\$ 1,145
49	FILLMORE UNIFIED SCHOOL DIST	286	\$ 4.75	\$ 1,359

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	C	H	I	L
2	Claimant	Number of 7th Graders (Not New Entrants) - Form 1A	Uniform Cost Allowance (Unit Cost)	Total Uniform Cost for 7th Graders (Columns H*I)
50	FOLSOM CORDOVA UNIFIED SCH DIS	1676	\$ 4.75	\$ 7,961
51	FREMONT UNION HI SCH DIST	0	\$ 4.75	\$ -
52	FRESNO CO SUPT OF SCHOOLS	82	\$ 4.75	\$ 390
53	GARDEN GROVE UNIF SCH DIST	3722	\$ 4.75	\$ 17,680
54	GATEWAY UNF SCH DIST	175	\$ 4.75	\$ 831
55	GLENN CO SUPT OF SCHOOLS	122	\$ 4.75	\$ 580
56	GOLDEN VALLEY UNIFIED SD	117	\$ 4.75	\$ 556
57	GRANT ELEMENTARY SCHOOL DIST	52	\$ 4.75	\$ 247
58	GRIDLEY UNIFIED SCHOOL DIST	138	\$ 4.75	\$ 656
59	HEALDSBURG UNIF SCH DIST	138	\$ 4.75	\$ 656
60	HOLTVILLE UNIF SCHOOL DIST	129	\$ 4.75	\$ 613
61	HUMBOLDT CO SUPT OF SCHOOLS	163	\$ 4.75	\$ 774
62	IMPERIAL CO SUPT OF SCHOOLS	278	\$ 4.75	\$ 1,321
63	IMPERIAL UNIF SCH DIST	313	\$ 4.75	\$ 1,487
64	JEFFERSON ELEMENTARY SCH DIST	635	\$ 4.75	\$ 3,016
65	KELSEYVILLE USD	121	\$ 4.75	\$ 575
66	KEYES UNION ELEM SCH DIST	69	\$ 4.75	\$ 328
67	LAKE TAHOE UNIF SCH DIST	368	\$ 4.75	\$ 1,748
68	LAKESIDE UNION ELEM SCH DIST	175	\$ 4.75	\$ 831
69	LARKSPUR SCH DIST	146	\$ 4.75	\$ 694
70	LASSEN CO SUPT OF SCHOOLS	30	\$ 4.75	\$ 143
71	LEMON GROVE ELEM SCHOOL DIST	417	\$ 4.75	\$ 1,981
72	LINDSAY UNIFIED SCH DIST	317	\$ 4.75	\$ 1,506
73	LIVE OAK ELEMENTARY SCH DIST	167	\$ 4.75	\$ 793
74	LIVE OAK UNIF SCH DIST	111	\$ 4.75	\$ 527
75	LOMPOC UNIF SCH DIST	0	\$ 4.75	\$ -
76	MADERA CO SUPT OF SCHOOLS	235	\$ 4.75	\$ 1,116
77	MANHATTAN BEACH UNIF SCH DIST	466	\$ 4.75	\$ 2,214
78	MARIPOSA CO UNIF SCH DIST	132	\$ 4.75	\$ 627
79	MARK TWAIN UN ELEM SCH DIST	109	\$ 4.75	\$ 518
80	MCKINLEYVILLE UNION ELEM SD	114	\$ 4.75	\$ 542
81	MENDOTA UNIFIED SCHOOL DIST	206	\$ 4.75	\$ 979
82	MORAGA SCHOOL DISTRICT	218	\$ 4.75	\$ 1,036
83	NEWARK USD	428	\$ 4.75	\$ 2,033
84	NEWHALL SCHOOL DISTRICT	0	\$ 4.75	\$ -
85	NEWMAN-CROWS LANDING UNIF SD	202	\$ 4.75	\$ 960
86	NORWALK-LA MIRADA SCH DIST	0	\$ 4.75	\$ -
87	ORLAND JT U.S.D	157	\$ 4.75	\$ 746
88	OROVILLE UNION HIGH SCH DIST	0	\$ 4.75	\$ -
89	PACHECO UNION ELEM SCHOOL DIST	64	\$ 4.75	\$ 304
90	PACIFIC UNION ELEM SCHOOL DIST	80	\$ 4.75	\$ 380
91	PALMDALE ELEM SCH DIST	2562	\$ 4.75	\$ 12,170
92	PATTERSON JOINT UN SCHL DIST	106	\$ 4.75	\$ 504
93	PLEASANT VIEW ELEM SCH DIST	68	\$ 4.75	\$ 323
94	PLUMAS ELEM SCH DIST	105	\$ 4.75	\$ 499
95	PLUMAS U.S.D	148	\$ 4.75	\$ 703
96	POMONA UNIFIED SCHOOL DIST	1996	\$ 4.75	\$ 9,481

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	C	H	I	L
2	Claimant	Number of 7th Graders (Not New Entrants) - Form 1A	Uniform Cost Allowance (Unit Cost)	Total Uniform Cost for 7th Graders (Columns H*I)
97	RED BLUFF UNION ELEM SCH DIST	259	\$ 4.75	\$ 1,230
98	REDONDO BEACH CITY SCH DIST	680	\$ 4.75	\$ 3,230
99	REEF-SUNSET UNIFIED SCH DIST	240	\$ 4.75	\$ 1,140
100	RICHGROVE ELEMENTARY SCH DIST	76	\$ 4.75	\$ 361
101	RIM OF THE WORLD UNIFIED SD	133	\$ 4.75	\$ 632
102	RIVERDALE JOINT UN SCH DIST	120	\$ 4.75	\$ 570
103	ROMOLAND ELEM SCH DIST	0	\$ 4.75	\$ -
104	ROWLAND UNIFIED SCHOOL DIST	1194	\$ 4.75	\$ 5,672
105	SAN BRUNO PARK ELE SCH DIST	0	\$ 4.75	\$ -
106	SAN GABRIEL UNIFIED SCH DIST	471	\$ 4.75	\$ 2,237
107	SAN LORENZO VALLEY UN SCH DIST	159	\$ 4.75	\$ 755
108	SAN LUIS COASTAL UNIF SCH DIST	537	\$ 4.75	\$ 2,551
109	SAN YSIDRO S D	702	\$ 4.75	\$ 3,335
110	SANTA CRUZ CITY ELE SCH DIST	0	\$ 4.75	\$ -
111	SANTA CRUZ CITY HI SCH DIST	391	\$ 4.75	\$ 1,857
112	SHASTA CO SUPT OF SCHOOLS	120	\$ 4.75	\$ 570
113	SILVER VALLEY UNIF SCH DIST	170	\$ 4.75	\$ 808
114	SISKIYOU CO SUPT OF SCHOOLS	194	\$ 4.75	\$ 922
115	SOUTHERN KERN UNIF SCH DIST	204	\$ 4.75	\$ 969
116	SUNDALE UN ELEM SCH DIST	86	\$ 4.75	\$ 409
117	SUNNYSIDE UN ELEM SCH DIST	49	\$ 4.75	\$ 233
118	SUSANVILLE SCHOOL DISTRICT	101	\$ 4.75	\$ 480
119	TAHOE-TRUCKEE UNIFIED SCH DIST	0	\$ 4.75	\$ -
120	TEHAMA CO SUPT OF SCHOOLS	10	\$ 4.75	\$ 48
121	TEMPLETON UNIFIED SCHOOL DIST	184	\$ 4.75	\$ 874
122	THERMALITO UNION SCH DIST	123	\$ 4.75	\$ 584
123	TRINITY CO SUPT OF SCHOOLS	120	\$ 4.75	\$ 570
124	TULARE CITY ELEMENTARY SD	980	\$ 4.75	\$ 4,655
125	TULARE CO SUPT OF SCHOOLS	139	\$ 4.75	\$ 660
126	TURLOCK UNIF SCH DIST	1358	\$ 4.75	\$ 6,451
127	VALLEJO CITY UNIFIED SCH DIST	1172	\$ 4.75	\$ 5,567
128	WAUGH SCHOOL DISTRICT	0	\$ 4.75	\$ -
129	WHEATLAND SCHOOL DISTRICT	217	\$ 4.75	\$ 1,031
130	WILSONA ELEM SCH DIST	150	\$ 4.75	\$ 713
131	WINDSOR UNIFIED SCHOOL DISTRIC	297	\$ 4.75	\$ 1,411
132	WOODLAND JT UNION SCHOOL DIST	740	\$ 4.75	\$ 3,515
133	YOSEMITE UNIFIED SCHOOL DIST	158	\$ 4.75	\$ 751
134	YUCAIPA-CALIMESA JT UNIFIED SD	350	\$ 4.75	\$ 1,663
135	Grand Total			\$ 217,892

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

Exhibit B

IN RE TEST CLAIM ON:

Education Code Section 48216, Health and Safety Code Sections 120325, 120335, 120340, and 120375 as amended by Statutes of 1978, Chapter 325, Statutes of 1979, Chapter 435, Statutes of 1982, Chapter 472, Statutes of 1991, Chapter 984, Statutes of 1992, Chapter 1300, Statutes of 1994, Chapter 1172, Statutes of 1995, Chapters 219 and 415, Statutes of 1996, Chapter 1023, and Statutes of 1997, Chapters 855 and 882

Title 17, California Code of Regulations, Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075

Filed on August 17, 1998

By the Los Angeles County Office of Education, Claimant.

No. 98-TC-05

Immunization Records - Hepatitis B

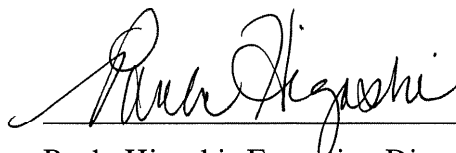
STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5, ARTICLE 7

(Adopted on August 24, 2000)

STATEMENT OF DECISION

The attached Statement of Decision of the Commission on State Mandates is hereby adopted in the above-entitled matter.

This Decision shall become effective on August 25, 2000.



Paula Higashi, Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Section 48216, Health and Safety Code Sections 120325, 120335, 120340, and 120375 as amended by Statutes of 1978, Chapter 325, Statutes of 1979, Chapter 435, Statutes of 1982, Chapter 472, Statutes of 1991, Chapter 984, Statutes of 1992, Chapter 1300, Statutes of 1994, Chapter 1172, Statutes of 1995, Chapters 219 and 415, Statutes of 1996, Chapter 1023, and Statutes of 1997, Chapters 855 and 882

Title 17, California Code of Regulations, Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075

Filed on August 17, 1998

By the Los Angeles County Office of Education, Claimant.

No. 98-TC-05

Immunization Records – Hepatitis B

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

(Adopted on August 24, 2000)

STATEMENT OF DECISION

The Commission on State Mandates (Commission) heard and decided this test claim on July 27, 2000 during a regularly scheduled hearing. The Commission approved this test claim on its consent calendar.

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

The Commission, by a vote of 7-0, approved this test claim.

BACKGROUND AND FINDINGS

The Commission noted that an earlier test claim, *Immunization Record*, was filed after the adoption of Statutes of 1977, Chapter 1176, which required school districts to require, maintain, and report on immunization records for diphtheria, pertussis, tetanus, poliomyelitis and measles for each pupil's permanent record. In 1979, the Board of Control, as predecessor to the Commission, found these requirements constituted a reimbursable state mandate, finding prior

law did not require school districts to engage in record keeping, record review, parent notification, or reporting activities related to the specified pupil immunizations.

The current test claim alleges a reimbursable state mandate resulting from legislation and regulations amending pupil immunization record requirements. This claim arises from amendments to Health and Safety Code section 120335, which establishes a list of diseases which an entering student must be immunized against prior to the first admission into the school. Specifically, Statutes of 1979, Chapter 435 amended current section 120335 by adding mumps and rubella to the list of diseases. And, Statutes of 1995, Chapter 291 further amended section 120335 by adding hepatitis B “for all children entering . . . kindergarten level or below on or after August 1, 1997.” The requirement for hepatitis B immunization was further amended pursuant to Statutes of 1997, Chapter 882 to require that:

“On and after July 1, 1999, the governing authority shall not unconditionally admit any pupil to the 7th grade level, nor unconditionally advance any pupil to the 7th grade level, . . . unless the pupil has been fully immunized against hepatitis B.”

In addition to the above amendments to Health and Safety Code section 120335, the test claim legislation amended related statutes and regulations relating to the monitoring, record keeping, reporting and parent notification requirements relative to the enforcement of the pupil immunization requirements.

The claimant contended that the test claim alleges mandated costs reimbursable by the state for meeting immunization record requirements. This claim was uncontested by the Department of Finance which agreed that the statutes result in a reimbursable state mandated local program for new activities related to review and reporting on pupil immunization records.

The sole issue before the Commission was whether the test claim statutes and regulations impose a new program or higher level of service within an existing program upon school districts within the meaning of section 6, article XIII B of the California Constitution¹ and costs mandated by the state pursuant to Government Code section 17514² by adding additional diseases and conditional enrollment policies to pupil immunization requirements?

The Commission found that the test claim legislation and regulations involve the administration of pupil immunization records by school districts. Public education in California is a peculiarly governmental function administered by local agencies as a service to the public. Moreover, the

¹ Section 6, article XIII B of the California Constitution provides: “Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such program or increased level of service, except that the Legislature may, but need not, provide such subvention of funds for the following mandates:

(a) Legislative mandates requested by the local agency affected; (b) Legislation defining a new crime or changing an existing definition of a crime; or (c) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975.”

² Government Code section 17514 provides: “Costs mandated by the state means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

test claim legislation, which requires school districts to review student immunization records and exclude students from school who have not met immunization requirements, imposes unique requirements upon school districts that do not apply generally to all residents and entities of the state. Thus, the Commission found that the administration of pupil immunization records by school districts constitutes a “program” within the meaning of section 6, article XIII B of the California Constitution.³

However, the Commission continued its inquiry to determine if the activities are new or impose a higher level of service and if so, if there are costs mandated by the state.

Prior Law

The Commission recognized that under the original mandate, Statutes of 1977, Chapter 1176, which added former Health and Safety Code section 3380, persons under 18 years of age were required to be immunized against poliomyelitis, measles, diphtheria, pertussis, and tetanus prior to unconditional first admission to a public or private elementary or secondary school, child care center, day nursery, nursery school, or development center. The law required school districts to maintain records of immunization of all school age children and report periodically to the state on the immunization status of all new entrants into the schools.⁴

Test Claim Legislation

Mumps and rubella added to immunization records for kindergarteners and incoming students

Statutes of 1979, Chapter 435, amended former Health and Safety Code sections 3380 and 3381, now renumbered as Health and Safety Code sections 120325 and 120335, by adding mumps and rubella to the list of diseases school districts must screen for and maintain immunization records before unconditionally admitting a kindergarten or out of state transfer student to school. This amendment applied for students not already enrolled in school as of January 1, 1980. The Commission found that this requirement was not in effect under prior law.

Hepatitis B added to immunization records for kindergarteners and incoming students

Statutes of 1995, Chapter 291, amended former Health and Safety Code section 3381, now renumbered by Statutes of 1996, Chapter 1023 as Health and Safety Code section 120335. The 1995 amendment added subdivision (b) (9), requiring documentation for hepatitis B for all children entering specified institutions at the kindergarten level or below on or after August 1, 1997.” The Commission found that this requirement was not in effect under prior law.

³ *Id.*

⁴ The State Board of Control initially determined the amount of the mandate to be: \$2.00 x total K-12 academic year enrollment and \$2.20 x “new entrants.”

Hepatitis B immunization required for all students entering seventh grade

Statutes of 1997, Chapter 882, added subdivision (c) to Health and Safety Code section 120335, which provided:

“On and after July 1, 1999, the governing authority shall not unconditionally admit any pupil to the 7th grade level, nor unconditionally advance any pupil to the 7th grade level, of any of the institutions listed in subdivision (b) unless the pupil has been fully immunized against Hepatitis B.”

The Commission found that this requirement was not in effect under prior law. The Commission also found that this amendment, by adding a new timeframe (entry to seventh grade) to check for an immunization that would not have been screened for previously, requires a district to perform paperwork, parent notifications and file reviews, as they would have to do for a new student to the district.

Documentation and reporting requirements for immunizations listed in section 120335

Health and Safety Code section 120375, as added by Statutes of 1995, Chapter 415 and derived from former Health and Safety Code section 3383, refers back to the list of diseases in Health and Safety Code section 120335, requiring school districts to:

- Maintain documentary proof of pupil’s immunization status in the student’s permanent record information, including adding subsequent immunizations to the file;
- File reports on state forms regarding the immunization status of entering students; and
- Prohibit further school attendance of conditionally admitted students who either fail to get their immunizations completed or fail to receive an appropriate exemption from immunizations for health or religious reasons.

The Commission found that the above requirements for all immunizations listed under Health and Safety Code section 120335 were not in existence under prior law. The Commission further found that as legislation adds diseases to section 120335, the requirements referred to in section 120375 must be performed for each of the new diseases as part of the immunization records requirements.

Mandatory pupil exclusion and parent notification requirements

Statutes of 1997, Chapter 855 amended and renumbered Education Code section 46010.5, as section 48216, operative after July 1, 1998. Statutes of 1978, Chapter 325, originally added the statute. Section 46010.5 originally provided that the district:

“Shall exclude any pupil of the district who has not been immunized properly . . . the first five schooldays of the exclusion *shall not* be deemed an absence in computing average daily attendance *if* the following conditions are complied with.” (Emphasis added.)

The Commission found that the original conditions were that if the school district did not wish an excluded student to be counted absent for the purpose of calculating average daily attendance, the district was to provide notice to the parent or guardian of the excluded student of the need for the parent to provide evidence of immunization within two weeks, and the district was to refer the parent to a medical source to obtain the required immunizations.

The Commission noted that Education Code section 48216 now provides:

“(a) The county office of education or the governing board of the school district of attendance *shall* exclude any pupil who has not been immunized properly pursuant to Chapter 1 (commencing with Section 120325) of Part 2 of Division 105 of the Health and Safety Code.

“(b) The governing board of the district *shall* notify the parent or guardian of the pupil that they have two weeks to supply evidence either that the pupil has been properly immunized, or that the pupil is exempted from the immunization requirement pursuant to Section 120365 or 120370 of the Health and Safety Code.

“(c) The governing board of the district, in the notice, *shall* refer the parent or guardian of the pupil to the pupil’s usual source of medical care to obtain the immunization, or if no usual source exists, either refer the parent or guardian to the county health department, or notify the parent or guardian that the immunizations will be administered at a school of the district.” (Emphasis added.)

The Commission found that, substantively, section 48216 removed the exceptions for having immunization exclusions counted against the district for purposes of calculating average daily attendance. In addition, the Commission found that with this amendment, the formerly optional provisions upon school districts for notifying parents to avoid counting excluded students absent was expressed in mandatory terminology. Thus, following the amendments of Statutes of 1997, Chapter 855, the Commission found that the following new activities are now required:

- Excluding a pupil whose immunizations are not up to date;
- Notifying the parent or guardian of the pupil that they have two weeks to supply evidence either that the pupil has been properly immunized or qualifies for an exemption; and
- Referring the parents to a source of medical care to obtain the immunizations.

Conclusion

The Commission found that the above-described test claim activities were not contained in prior law and thus constitute a new program or higher level of service.

The Commission further found that amendments to Health and Safety Code section 120335 requiring school districts to perform immunization records activities for additional diseases, namely mumps, rubella, and hepatitis B, for incoming kindergartners and students entering the district from out of state increases the paperwork and staff time beyond what was required under prior immunization record requirements and thus constitute a reimbursable state mandate.

The Commission also found that amendments to Health and Safety Code section 120335 requiring school districts to perform immunization records reviews for all incoming seventh graders for hepatitis B, including all students whose immunization records were checked upon entry to school, increases the paperwork and staff time beyond what was required under prior immunization record requirements and thus constitute a reimbursable state mandate.

Finally, the Commission found that the amendments to Education Code section 48216 requiring parental notifications and referrals regarding deficiencies in a pupil's immunization record were altered from optional to mandatory language and thus constitute a reimbursable state mandate.

Test Claim Regulations

The Commission noted that the requirements of Health and Safety Code sections 120325 through 120375 are codified in Title 17, California Code of Regulations, sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075. These regulations contain the requirements for record keeping and reporting on immunization records; for conditionally admitting pupils who have not completed their immunizations; and for pupil exclusion if the unconditional admission conditions are not met. The Commission found that this requirement was not in effect under prior law.

Conclusion

The Commission found that the regulations requiring school districts to perform immunization records checks for additional diseases increases the paperwork and staff time beyond what was required of school districts under prior immunization record requirements and thus constitute a new program or higher level of service and a reimbursable state mandate.

CONCLUSION

The Commission concluded that the test claim legislation and regulations impose a new program or higher level of service within an existing program upon 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 for the following activities:

- Request and review lawful exemption or proof of immunization against mumps, rubella and hepatitis B from each pupil seeking admission to school in the state for the first time;
- Record each pupil's immunization for, or exemption from, mumps, rubella, and hepatitis B on an immunization record and maintain the form in the pupil's permanent record;
- Request and review lawful exemption or proof of immunization against hepatitis B from each pupil advancing to the seventh grade;
- Conditionally admit any pupil who has not been fully immunized for mumps, rubella and hepatitis B;
- Periodically review the pupil's immunization record until the pupil is fully immunized;
- Document vaccine doses on the pupil's immunization record as they are administered;
- Notify parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunizations are not timely presented;
- Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations;
- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification; and

- Collect data and prepare reports annually on immunization status for the Department of Health Services, and prepare follow-up or additional reports upon request by county health departments and the state.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Section 482 16, Health and Safety Code Sections 120325, 120335, 120340, and 120375, as amended by Statutes 1978, Chapter 325; Statutes 1979, Chapter 435; Statutes 1982, Chapter 472; Statutes 1991, Chapter 984; Statutes 1992, Chapter 1300; Statutes 1994, Chapter 1172; Statutes 1995, Chapters 2 19 and 415; Statutes 1996, Chapter 1023; and Statutes 1997, Chapters 855 and 882

California Code of Regulations, Title 17, Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075

Filed on August 17, 1998

By the Los Angeles County Office of Education, Claimant.

No. 98-TC-05

Immunization Records: Hepatitis B

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

(Adopted on July 31, 2003)

PARAMETERS AND GUIDELINES

On July 31, 2003, the Commission on State Mandates adopted the attached Parameters and Guidelines.

This Decision shall become effective on August 1, 2003.


PAULA HIGASHI, Executive Director

PARAMETERS AND GUIDELINES

Education Code Section 48216
Health and Safety Code Sections 120325, 120335, 120340, and 120375

Statutes 1978, Chapter 325
Statutes 1979, Chapter 435
Statutes 1982, Chapter 472
Statutes 1991, Chapter 984
Statutes 1992, Chapter 1300
Statutes 1994, Chapter 1172
Statutes 1995, Chapters 291 and 415
Statutes 1996, Chapter 1023
Statutes 1997, Chapters 855 and 882

California Code of Regulations, Title 17
Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075

Immunization Records – Hepatitis B

I. SUMMARY OF THE MANDATE

Statutes 1977, chapter 1176, required persons under 18 years of age to be immunized against poliomyelitis (polio); measles; and diphtheria, pertussis, and tetanus (DPT) prior to unconditional first admission to a public or private elementary or secondary school, child care center, day nursery, nursery school, or development center. The law required school districts to maintain records of immunization of all school age children and report periodically to the state on the immunization status of all new entrants into the schools. On June 20, 1979, the Board of Control (predecessor to the Commission) adopted the Statement of Decision for the *Immunization Records* test claim, finding that Statutes 1977, chapter 1176 imposed a reimbursable state-mandated program. On July 28, 1988, the Commission determined that costs incurred for compliance with Statutes 1977, chapter 1176 would be reimbursed through the State Mandates Apportionment System (SMAS), which was enacted by the Legislature to allow certain ongoing state-mandated programs to be funded automatically through the State Budget process, without the need for local governments to file annual claims for those costs with the State Controller.

On August 24, 2000, the Commission on State Mandates (Commission) adopted the Statement of Decision for the *Immunization Records: Hepatitis B* test claim, finding that Statutes 1978, chapter 325; Statutes 1979, chapter 435; Statutes 1982, chapter 472; Statutes 1991, chapter 984; Statutes 1992, chapter 1300; Statutes 1994, chapter 1172; Statutes 1995, chapters 291 and 415; Statutes 1996, chapter 1023; Statutes 1997, chapters 855 and 882; and California Code of Regulations, title 17, sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075, imposed a new program or higher level of service within an existing program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and costs mandated by the state pursuant to Government Code section 17514 for the following activities:

- Request and review lawful exemption or proof of immunization against mumps, rubella and hepatitis B from each pupil seeking admission to school in the state for the first time.
- Record each pupil's immunization for, or exemption from, mumps, rubella, and hepatitis B on an immunization record and maintain the form in the pupil's permanent record.
- Request and review lawful exemption or proof of immunization against hepatitis B from each pupil advancing to the seventh grade.
- Conditionally admit any pupil who has not been fully immunized for mumps, rubella and hepatitis B.
- Periodically review the pupil's immunization record until the pupil is fully immunized.
- Document vaccine doses on the pupil's immunization record as they are administered.
- Notify parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunizations are not timely presented.
- Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations.
- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification.
- Collect data and prepare reports annually on immunization status for the Department of Health Services, and prepare follow-up or additional reports upon request by county health departments and the state.

II. ELIGIBLE CLAIMANTS

Any school district, as defined in Government Code section 17519, except for community colleges, that incurs increased costs as a result of this mandate is eligible to claim reimbursement.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557, prior to its amendment by Statutes 1998, chapter 681 (effective September 22, 1998), provided that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year.

The test claim for *Immunization Records: Hepatitis B* was submitted on August 17, 1998. Therefore all mandated costs incurred on or after July 1, 1997 for compliance with Statutes 1978, chapter 325, Statutes 1979, chapter 435, Statutes 1982, chapter 472, Statutes 1991, chapter 984, Statutes 1992, chapter 1300, Statutes 1994, chapter 1172, Statutes 1995, chapters 291 and 415, and Statutes 1996, chapter 1023 are eligible for reimbursement.

Statutes 1997, chapter 855 had a delayed operative date of July 1, 1998. Therefore, costs incurred on or after July 1, 1998, for compliance with Statutes 1997, chapter 855, are eligible for reimbursement.

Statutes 1997, chapter 882 was operative January 1, 1998. However, no activity was required until on or after July 1, 1999. Therefore, costs incurred on or after July 1, 1999, for compliance with Statutes 1997, chapter 882, are eligible for reimbursement.

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, subdivision (d)(1), all claims for reimbursement of initial years' costs shall be submitted within 120 days of the issuance of the State Controller's claiming instructions.

If the total costs for a given fiscal year do not exceed \$1000, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities and shall be claimed based on the uniform cost allowance adopted by the Commission. 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, district attendance and enrollment data.

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

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

For each eligible claimant, the following activities are eligible for reimbursement:

A. Proof of Immunizations for New Entrants: Kindergarteners and/or Out-of-State Transfers *(Reimbursement period begins: July 1, 1997.)*

1. Request and review lawful exemption from, or proof of, immunization against mumps and rubella from each pupil seeking admission to school in the state for the first time. (Health & Saf. Code, §§ 120325, 120335, subd. (b), 120375, subd. (a); Cal. Code Regs., tit. 17, §§ 6020, 6065, subd. (b).)¹

¹ The addition of mumps and rubella to the list of diseases an entering student must be immunized against prior to first admission into a school should create *no incremental workload*, since in California, one vaccine is given for measles, mumps, and rubella (MMR), and measles is part of the original *Immunization Records Parameters and Guidelines*.

2. Request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil entering specified institutions in the state for the first time at the kindergarten level after August 1, 1997. (Health & Saf. Code, §§ 120325, 120335, subd. (b), 120375, subd. (a); Cal. Code Regs., tit. 17, §§ 6020, 6065, subd. (b).)
- B. Proof of Hepatitis B Immunizations for Students Entering Seventh Grade on or after July 1, 1999 (*Reimbursement Period begins: July 1, 1999.*)
1. Request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999. (Health & Saf. Code, §§ 120325, 120335, subd. (c); Cal. Code Regs., tit. 17, §§ 6020, 6065, subd. (b).)
- C. Conditional Admission of Pupils and Parent Notification Requirements (*Reimbursement Period begins: July 1, 1997.*)
1. Conditionally admit any pupil who has not been fully immunized for mumps, rubella, and hepatitis B by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)
 2. Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375, subd. (a); Cal. Code Regs., tit. 17, § 6070, subd. (e).)
- D. Mandatory Pupil Exclusion and Parent Notification Requirements (*Reimbursement Period begins: July 1, 1998.*)
1. Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216, subd. (b); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
 2. Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216, subd. (c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065, subd. (c).)
 3. Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216, subd. (a); Health & Saf. Code, §§ 120325, 120375, subd. (b); Cal. Code Regs., tit. 17, § 6055.)
- E. Documentation and Reporting Requirements for Immunizations (*Reimbursement Period begins: July 1, 1997.*)
1. Record each pupil's immunization for, or exemption from mumps, rubella, and hepatitis B on an immunization record and maintain the document in each pupil's permanent record. (Health & Saf. Code, §§ 120325, 120335, subd. (b), 120375, subd. (a); Cal. Code Regs., tit. 17, § 6070.)

2. Document additional vaccine doses on the pupil's immunization record as they are administered.² (Health & Saf. Code, §§ 120325, 120375, subd. (a); Cal. Code Regs., tit. 17, § 6070.)
3. Collect data and prepare reports annually on immunization status for the Department of Health Services. (Health & Saf. Code, §§ 120325, 120375, subd. (c); Cal. Code Regs., tit. 17, § 6075.)
4. Prepare follow-up or additional reports upon request by county health departments and the state. (Health & Saf. Code, §§ 120325, 120375, subd. (c); Cal. Code Regs., tit. 17, § 6075.)

V. CLAIM PREPARATION AND SUBMISSION

Actual costs shall be claimed based on the uniform cost allowances adopted by the Commission pursuant to Government Code section 17557. The uniform cost allowances shall be adjusted each subsequent year by the Implicit Price Deflator referenced in Government Code section 17523.

The uniform cost allowances cover all the direct and indirect costs of performing the activities described in section IV. Direct costs are those costs incurred specifically for the reimbursable activities. Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both (1) overhead costs of the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Uniform Cost Allowance for New Entrants

Fiscal Year	Uniform Cost Allowance
1997-1998	\$ 2.12
1998-1999	5.87
1999-2000	6.14
2000-2001	6.38
2001-2002	6.48
2002-2003 (estimated)	6.59

Activities that are reimbursable under the uniform cost allowance for “New Entrants” are as follows:

- Section IV. A, C, and E – new activities for the hepatitis B immunization.
- Section IV. D – new activities for the DPT, polio, MMR, and hepatitis B immunizations.

Reimbursement is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of “New Entrants.” A “New Entrant” includes kindergarteners and out-of-state transfers.

² This activity is only for *documenting* additional vaccine doses on the pupil's immunization record. The test claim legislation does not mandate school districts to administer vaccines.

B. Uniform Cost Allowance for Seventh Grade Pupils (for Fiscal Year 1999-2000 through 2003-2004).

Fiscal Year	Uniform Cost Allowance
1999-2000	\$ 3.23
2000-2001	3.36
2001-2002	3.41
2002-2003 (estimated)	3.47

Activities that are reimbursable under the uniform cost allowance for “Seventh Grade Pupils” are as follows:

- Section IV. B, C, D, and E – new activities for the hepatitis B immunization.

Reimbursement is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of “Seventh Grade Pupils.” A “Seventh Grade Pupil” is any pupil advancing to the seventh grade, other than “New Entrants.”

Note: Beginning with the 2004-2005 school year, the uniform cost allowance should be calculated as follows:

Uniform Cost Allowance = [cost per activity per immunization] x 5,
where the “cost per activity per immunization” is calculated as
[the current fiscal year SMAS Rate for *Immunization Records*] ÷ 15,
and 5 equals the number of activities required for seventh grade pupils.³

The Commission has not identified any circumstances that would cause an eligible claimant to incur additional costs to perform the reimbursable activities listed in section IV. of these parameters and guidelines, which have not already been incorporated in the uniform allowance. Eligible claimants incurring any such costs within the scope of the reimbursable activities may submit a request to amend the parameters and guidelines to the Commission for such costs to be approved for reimbursement, subject to the provisions of California Code of Regulations, title 2, section 1183.2.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter⁴ 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. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the

³ Kindergarteners beginning in the 1997-1998 school year will become seventh graders by the 2004-2005 school year and their immunization records would have already been reviewed for hepatitis B.

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

Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING SAVINGS AND REIMBURSEMENTS

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

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute 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 a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. REMEDIES BEFORE THE COMMISSION

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

X. INCLUSION IN STATE MANDATES APPORTIONMENT SYTEM

The Department of Finance, State Controller, local agencies, or school districts may request that the Commission review any mandated cost programs, for which appropriations have been made by the State to local agencies and school districts for any three consecutive years, to determine if those programs are eligible for inclusion in SMAS. The requesting agency is required to file a "request for inclusion" with the Commission. When considering the request for inclusion, the Commission must determine if the program has a history of stable costs for most claimants, if the program has been recently modified, and if inclusion would accurately reflect the costs of the program.⁵

⁵ See Government Code section 17615 et seq. and California Code of Regulations, title 2, section 1184.5 et seq.



RECEIVED
August 04, 2015
Commission on
State Mandates

BETTY T. YEE
California State Controller
Division of Accounting and Reporting

August 4, 2015

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Notice of Complete Filing and Schedule for Comments
Mandate Redetermination Request, 14-MR-04
Immunization Records: Hepatitis B (98-TC-05)
Education Code Section 48216, Health and Safety Code Sections 120325, 120335, 120340,
and 120375, as amended by Statutes 1978, Chapter 325; Statutes 1979, Chapter 435;
Statutes 1982, Chapter 472; Statutes 1991, Chapter 984; Statutes 1992, Chapter 1300;
Statutes 1994, Chapter 1172; Statutes 1995, Chapters 219 and 415; Statutes 1996, Chapter
1023; and Statutes 1997, Chapters 855 and 882
California Code of Regulations, Title 17, Sections 6020, 6035, 6040, 6055, 6065, 6070,
and 6075
As Alleged to be Modified by Statutes 2010, Chapter 434 (AB 354)
California Department of Finance, Requester

Dear Ms. Halsey:

The State Controller's Office concurs with the Department of Finance's request to adopt a new test claim decision and to amend the parameters and guidelines for the Immunization Records: Hepatitis B program.

Should you have any questions regarding the above, please contact Lacey Baysinger at (916) 324-7876 or email lbaysinger@sco.ca.gov.

Sincerely,

JAY LAL, Manager
Local Reimbursements Section

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

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

On August 4, 2015, I served the:

SCO Comments

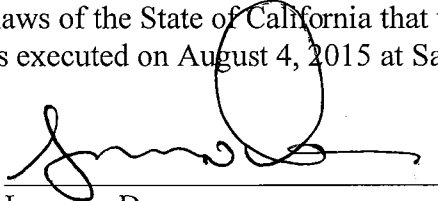
Mandate Redetermination Request, 14-MR-04

Immunization Records: Hepatitis B (98-TC-05)

Education Code Section 48216, Health and Safety Code Sections 120325, 120335, 120340, and 120375, as amended by Statutes 1978, Chapter 325; Statutes 1979, Chapter 435; Statutes 1982, Chapter 472; Statutes 1991, Chapter 984; Statutes 1992, Chapter 1300; Statutes 1994, Chapter 1172; Statutes 1995, Chapters 219 and 415; Statutes 1996, Chapter 1023; and Statutes 1997, Chapters 855 and 882

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

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



Lorenzo Duran
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 7/8/15

Claim Number: 14-MR-04

Matter: Immunization Records: Hepatitis B (98-TC-05)

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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

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Hearing Date: January 22, 2016
J:\MANDATES\1996-1999\1998\tc\98tc05 (Immuniz - Hep B)\14-MR-04\First Hearing - Adequate Showing\DraftPD.docx

ITEM __
MANDATE REDETERMINATION
FIRST HEARING: ADEQUATE SHOWING
DRAFT PROPOSED DECISION

Education Code Section 48216 and Health and Safety Code Sections 120325, 120335, 120340, and 120375; as amended by Statutes 1978, Chapter 325; Statutes 1979, Chapter 435; Statutes 1982, Chapter 472; Statutes 1991, Chapter 984; Statutes 1992, Chapter 1300; Statutes 1994, Chapter 1172; Statutes 1995, Chapters 291 and 415; Statutes 1996, Chapter 1023; and Statutes 1997, Chapters 855 and 882

California Code of Regulations, Title 17, Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075; as amended by Register 90, No. 35; Register 80, Nos. 16, 34, 40; Register 86, No. 6; Register 96, No. 13; Register 97, Nos. 21, 37, 39)

As Alleged to be Modified by:

Statutes 2010, Chapters 434 (AB 354)

Immunization Records – Hepatitis B (98-TC-05)

14-MR-04

Department of Finance, Requester

EXECUTIVE SUMMARY

Overview

On August 24, 2000, the Commission on State Mandates (Commission) adopted the Statement of Decision for the *Immunization Records -Hepatitis B, 98-TC-05* test claim, finding that the test claim statutes and regulations imposed a new program or higher level of service on school districts within the meaning of article XIII B, section 6 of the California Constitution and costs mandated by the state for the following activities:

- Request and review lawful exemption or proof of immunization against mumps, rubella, and hepatitis B for each pupil seeking admission to school in the state for the first time.
- Record each pupil’s immunization for, or exemption from, mumps, rubella, and hepatitis B on an immunization record and maintain the form in the pupil’s permanent record.
- Request and review lawful exemption or proof of immunization against hepatitis B from each pupil advancing to the seventh grade.
- Conditionally admit any pupil who has not been fully immunized as required by law; notify the parents or guardians of the deadline to complete the required immunizations;

and review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized.

- Notify parents or guardians of the requirement to exclude a pupil from school if proof of required immunization or lawful exemption is not timely received after notification, and exclude if required; refer parents or guardians to medical professionals for provision of the immunizations, or notify them that the immunizations will be administered at a school of the district.
- Record and maintain documents of each pupil's immunization record or lawful exemption, and maintain the documents in each pupil's permanent record; collect data and prepare reports for the DPH and county health departments.

This mandate finding was based, in part, on Health and Safety Code section 120335(c) which, as added by Statutes 1997, chapter 882 provided:

On and after July 1, 1999, the governing authority shall not unconditionally admit any pupil to the 7th grade level, nor unconditionally advance any pupil to the 7th grade level, . . . unless the pupil has been fully immunized against hepatitis B.

The mandate redetermination request in this matter is based upon changes in law made by Statutes 2010, chapter 434 (A.B. 354), amending Health and Safety Code section 120335(c) to provide as follows:

Commencing July 1, 2011, notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority admits or advances any pupil to the 7th grade level of any private or public elementary or secondary school.¹

The Department of Finance (Finance) argues that this change in law eliminates the mandated activities approved in *Immunization Records – Hepatitis B*, 98-TC-05. Based on the plain language of Statutes 1997, chapter 882, it appears that activities related to the conditional admission of seventh graders are no longer required since admission is no longer conditional. Therefore, Finance has made an adequate showing that the state's liability may have been modified based on a subsequent change in law such that Finance has a substantial possibility of prevailing at the second hearing.

Procedural History

On June 29, 2015, Finance filed a request for redetermination of the *Immunization Records – Hepatitis B* test claim, 98-TC-05.² Finance asserts the amendment of Health and Safety Code section 120335 constitutes a “subsequent change in law” and the “state's obligation to reimburse affected local agencies for those related activities has ceased.”³ On August 4, 2015, the State

¹ Health and Safety Code section 120335(c), (Stats 2010, ch. 434, §2). Section 3 of Statutes 2010, chapter 434 also replaced section 120335 with a new code section, effective July 1, 2012 with identical language to that in section 2.

² Exhibit A, Request for Redetermination, page 1.

³ Based on the plain language of section 120335(c), the potential period of reimbursement affected by this redetermination begins July 1, 2011.

Controller's Office (Controller) submitted comments, concurring with Finance's request to adopt a new test claim decision.⁴ On October 19, 2015, Commission staff issued the draft proposed decision for the first hearing.

Commission Responsibilities

Government Code section 17570 provides a process whereby a previously determined mandate finding can be redetermined by the Commission, based on a subsequent change in law. The redetermination process provides for a two hearing process. The Commission's regulations state:

The first hearing shall be limited to the issue of whether the requester has made an adequate showing which identifies a subsequent change in law as defined by Government Code section 17570, material to the prior test claim decision, that may modify the state's liability pursuant to article XIII B, section 6(a) of the California Constitution. The Commission shall find that the requester has made an adequate showing if it finds that the request, when considered in light of all of the written comments and supporting documentation in the record of this request, has a substantial possibility of prevailing at the second hearing.⁵

A subsequent change in law is defined in section 17570 as follows:

[A] change in law that requires a finding that an incurred cost is a cost mandated by the state, as defined by Section 17514, or is not a cost mandated by the state pursuant to Section 17556, or a change in mandates law, except that a "subsequent change in law" does not include the amendments to Section 6 of Article XIII B of the California Constitution that were approved by the voters on November 2, 2004. A "subsequent change in law" also does not include a change in the statutes or executive orders that impose new state-mandated activities and require a finding pursuant to subdivision (a) of Section 17551.⁶

An "adequate showing" is determined in the Commission's regulations as follows:

The Commission shall find that the requester has made an adequate showing if it finds that the request, when considered in light of all of the written comments and supporting documentation in the record of this request, has a substantial possibility of prevailing at the second hearing.⁷

If the Commission finds, at the first hearing, that:

The requester has made an adequate showing, when considered in light of all of the written comments, rebuttals and supporting documentation in the record and testimony at the hearing, the Commission shall publish a decision finding that an adequate showing has been made and setting the second hearing on whether the

⁴ Exhibit D, Controller's Comments on Request for Redetermination, page 1.

⁵ California Code of Regulations, title 2, section 1190.5(a)(1) (Register 2014, No. 21).

⁶ Government Code section 17570, as added by Statutes 2010, chapter 719.

⁷ California Code of Regulations, title 2, section 1190.5(a)(1) (Register 2014, No. 21).

Commission shall adopt a new test claim decision to supersede the previously adopted test claim decision.⁸

Thus, the first hearing in the mandate redetermination process is to determine, pursuant to the Government Code and the Commission's regulations, only whether the requester has made an adequate showing that the state's liability may be modified based on a subsequent change in law, as defined. Therefore, this analysis will be limited to whether "the request, when considered in light of all of the written comments and supporting documentation in the record of this request, has a substantial possibility of prevailing at the second hearing."⁹ If the Commission finds that there has been an adequate showing, a thorough mandates analysis to determine whether and to what extent the state's liability has been modified, considering the applicable law, the arguments put forth by the parties and interested parties, and the facts in the record, will be prepared for the second hearing on this matter.

Staff Analysis

Staff finds that Finance has made an adequate showing that the state's liability pursuant to article XIII B, section 6(a) of the California Constitution, for the *Immunization Records – Hepatitis B* mandate, may be modified based on a subsequent change in law, and that Finance has a substantial possibility of prevailing at the second hearing. Specifically, Health and Safety Code section 120335 has been amended by Statutes 2010, chapter 434 (AB 354) to remove the hepatitis B immunization as a condition by which a school district admits or advances a pupil to the seventh grade, effective July 1, 2011. This change in law appears to have removed the requirement to perform activities related to the conditional admission of seventh graders since, based on the plain language of the statute, admission is no longer conditional on proof of hepatitis B vaccination.

Staff Recommendation

Staff recommends that the Commission adopt the proposed decision and, pursuant to Government Code section 17570(b)(d)(4), direct staff to notice the second hearing to determine if a new test claim decision shall be adopted to supersede the previously adopted test claim decision. If the Commission adopts the attached proposed decision, the second hearing for this matter will be set for March 25, 2016.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical changes to the proposed decision following the hearing.

⁸ California Code of Regulations, title 2, section 1190.5(a)(5)(B) (Register 2014, No. 21).

⁹ California Code of Regulations, title 2, section 1190.5(a)(1) (Register 2014, No. 21).

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE MANDATE REDETERMINATION:
FIRST HEARING: ADEQUATE SHOWING
ON:

Education Code Section 48216 and
Health and Safety Code Sections
120325, 120335, 120340, and 120375;
as amended by Statutes 1978, Chapter
325; Statutes 1979, Chapter 435;
Statutes 1982, Chapter 472; Statutes
1991, Chapter 984; Statutes 1992,
Chapter 1300; Statutes 1994, Chapter
1172; Statutes 1995, Chapters 291 and
415; Statutes 1996, Chapter 1023; and
Statutes 1997, Chapters 855 and 882

California Code of Regulations, Title
17, Sections 6020, 6035, 6040, 6055,
6065, 6070, and 6075;

As Alleged to be Modified by:

Statutes 2010, Chapter 434 (AB 354)

Filed on June 29, 2015

By the Department of Finance, Requester

Case No.: 14-MR-04

*Immunization Records – Hepatitis B
(98-TC-05)*

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

(Adopted January 22, 2016)

DECISION

The Commission on State Mandates (Commission) heard and decided this mandate redetermination during a regularly scheduled hearing on January 22, 2016. [Witness list will be included in the adopted decision.]

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., title 2, California Code of Regulations 1181 et seq., and related case law.

The Commission [adopted/modified] the proposed decision at the hearing by a vote of [vote count will be included in the adopted decision], and [directed/did not direct] staff to notice a second hearing to determine whether to adopt a new test claim decision to supersede the previously adopted test claim decision as follows:

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

Summary of Findings

The Commission finds that the Department of Finance (Finance) has made an adequate showing that the state’s liability pursuant to article XIII B, section 6(a) of the California Constitution, for the *Immunization Records – Hepatitis B*, 98-TC-05 mandate may be modified based on a subsequent change in law, such that Finance has a substantial probability of prevailing at the second hearing. Specifically, Health and Safety Code section 120335 has been amended by Statutes 2010, chapter 434 (AB 354) to remove the hepatitis B immunization as a condition by which a school district admits or advances a pupil to the seventh grade, effective July 1, 2011. This change in law appears to have removed the requirement to perform activities related to the conditional admission of seventh graders since, based on the plain language of the statute, admission is no longer conditional on proof of hepatitis B vaccination. Pursuant to Government Code section 17570(b)(d)(4), the Commission will hold a second hearing to determine if a new test claim decision shall be adopted to supersede the previously adopted test claim decision.

COMMISSION FINDINGS

I. Chronology

- 08/24/1998 The Commission adopted the test claim statement of decision.¹⁰
- 07/31/2003 The Commission adopted the parameters and guidelines.¹¹
- 09/29/2010 Statutes 2010, chapter 434 was enacted and became effective January 1, 2011.
- 07/01/2011 Section 2 of Statutes 2010, chapter 434, which amends Health and Safety Code section 120335 by adding subdivision (c), became operative.
- 06/29/2015 Finance filed a request for redetermination on *Immunization Records – Hepatitis B*, 98-TC-05.¹²

¹⁰ Exhibit B, Test Claim Statement of Decision, 98-TC-05.

¹¹ Exhibit C, Parameters and Guidelines, 98-TC-05.

¹² Exhibit A, Request for Redetermination.

- 08/04/2015 The State Controller’s Office (Controller) submitted written comments on the redetermination request.¹³
- 10/19/2015 Commission staff issued the draft proposed decision for the first hearing.

II. Background

On August 24, 2000, the Commission adopted the Statement of Decision for the *Immunization Records - Hepatitis B* test claim, finding that the test claim statutes and regulations imposed a new program or higher level of service upon school districts within the meaning of article XIII B, section 6 of the California Constitution and costs mandated by the state pursuant to Government Code section 17514. The test claim statutes and regulations added mumps, rubella, and hepatitis B to the list of diseases an entering pupil must be immunized against, or show proof of a lawful exemption, prior to the pupil’s first admission into a school. Hepatitis B immunizations, or proof of a lawful exemption, were also required by the test claim statute for students entering the seventh grade on or after July 1, 1999. Section IV of the parameters and guidelines identifies the following reimbursable activities:

A. Proof of Immunizations for New Entrants: Kindergarteners and/or Out-of-State Transfers
(*Reimbursement period begins: July 1, 1997.*)

1. Request and review lawful exemption from, or proof of, immunization against mumps and rubella from each pupil seeking admission to school in the state for the first time. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)
2. Request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil entering specified institutions in the state for the first time at the kindergarten level after August 1, 1997. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)

B. Proof of Hepatitis B Immunizations for Students Entering Seventh Grade on or after July 1, 1999
(*Reimbursement Period begins: July 1, 1999.*)

1. Request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999. (Health & Saf. Code, §§ 120325, 120335(c); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)

C. Conditional Admission of Pupils and Parent Notification Requirements
(*Reimbursement Period begins: July 1, 1997.*)

1. Conditionally admit any pupil who has not been fully immunized for mumps, rubella, and hepatitis B by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)

¹³ Exhibit D, Controller’s Comments on Request for Redetermination.

2. Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070(e).)

D. Mandatory Pupil Exclusion and Parent Notification Requirements

(Reimbursement Period begins: July 1, 1998.)

1. Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216(b); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
2. Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(c).)
3. Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)

E. Documentation and Reporting Requirements for Immunizations

(Reimbursement Period begins: July 1, 1997.)

1. Record each pupil's immunization for, or exemption from mumps, rubella, and hepatitis B on an immunization record and maintain the document in each pupil's permanent record. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, § 6070.)
2. Document additional vaccine doses on the pupil's immunization record as they are administered.¹⁴ (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070.)
3. Collect data and prepare reports annually on immunization status for the Department of Health Services. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)
4. Prepare follow-up or additional reports upon request by county health departments and the state. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)

In lieu of claiming reimbursement based on actual costs incurred, Section V of the parameters and guidelines contains a base uniform cost allowance to reimburse school districts for all reimbursable activities required for new pupil entrants at \$2.12 per pupil, and a separate base uniform cost allowance to reimburse school districts for all reimbursable activities related to the hepatitis B immunization for 7th grade pupils at \$3.23 per pupil, adjusted for inflation. Section V(B) of the parameters and guidelines further states that the “[a]ctivities that are reimbursable under the uniform cost allowance for “Seventh Grade Pupils” are as follows: Section IV. B, C, D

¹⁴ This activity is only for *documenting* additional vaccine doses on the pupil's immunization record. The test claim legislation does not mandate school districts to administer vaccines.

and E – new activities for the hepatitis B immunization.” The uniform cost allowance for the hepatitis B immunization for 7th grade pupils therefore pays for the following activities:

- Section IV. B - Request and review lawful exemption from, or proof of, immunization against . . . hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999. (Health & Saf. Code, §§ 120325, 120335(c); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)
- Section IV. C -Conditionally admit any pupil who has not been fully immunized for hepatitis B by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)
- Section IV. C - Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070(e).)
- Section IV. D - Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216(b); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
- Section IV. D - Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(c).)
- Section IV. D - Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)
- Section IV. E - Record each pupil’s immunization for, or exemption from . . . hepatitis B on an immunization record and maintain the document in each pupil’s permanent record. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Section IV. E - Document additional vaccine doses on the pupil’s immunization record as they are administered. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Section IV. E - Collect data and prepare reports annually on immunization status for the Department of Health Services. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)

The Alleged Subsequent Change in Law

Statutes 2010, chapter 434, amended Health and Safety Code section 120335(c), operative July 1, 2011 and inoperative July 1, 2012, to read:

Commencing July 1, 2011, notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority

admits or advances any pupil to the 7th grade level of any private or public elementary or secondary school.¹⁵

Section 3 of Statutes 2010, chapter 434 then added a new section 120335(c), operative July 1, 2012. Section 120335(c) again stated:

Notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority shall admit or advance any pupil to the 7th grade level of any private or public elementary or secondary school.¹⁶

Finance alleges that Statutes 2010, chapter 434, is a subsequent change in law that modifies the state's liability by eliminating the condition that schools require proof of immunization against hepatitis B as a condition of a pupil advancing or being admitted to the seventh grade.

Mandate Redetermination Process under Section 17570

Government Code section 17570 provides a process whereby a test claim decision may be redetermined and superseded by a new test claim decision, if a subsequent change in law, as defined, has altered the state's liability for reimbursement. The redetermination process calls for a two hearing process. At the first hearing, the requester must make "an adequate showing which identifies a subsequent change in law as defined by Government Code section 17570, material to the prior the claim decision, that may modify the state's liability pursuant to Article XIII B, section 6(a) of the California Constitution."¹⁷ A subsequent change in law is defined in section 17570 as follows:

[A] change in law that requires a finding that an incurred cost is a cost mandated by the state, as defined by Section 17514, or is not a cost mandated by the state pursuant to Section 17556, or a change in mandates law, except that a "subsequent change in law" does not include the amendments to Section 6 of Article XIII B of the California Constitution that were approved by the voters on November 2, 2004. A "subsequent change in law" also does not include a change in the statutes or executive orders that impose new state-mandated activities and require a finding pursuant to subdivision (a) of Section 17551.¹⁸

An "adequate showing" is determined in the Commission's regulations as follows:

The Commission shall find that the requester has made an adequate showing if it finds that the request, when considered in light of all of the written comments and supporting documentation in the record of this request, has a substantial possibility of prevailing at the second hearing.¹⁹

If the Commission finds, at the first hearing, that:

¹⁵ Health and Safety Code section 120335(c), Statutes 2010, chapter 434 (AB 354), section 2.

¹⁶ Health and Safety Code section 120335(c), Statutes. 2010, chapter 434 (AB 354, §§ 2 and 3).

¹⁷ California Code of Regulations, title 2, section 1190.5(a)(1) (Register 2014, No. 21).

¹⁸ Government Code section 17570, as added by Statutes 2010, chapter 719 (SB 856).

¹⁹ California Code of Regulations, title 2, section 1190.5(a)(1) (Register 2014, No. 21).

The requester has made an adequate showing, when considered in light of all of the written comments, rebuttals and supporting documentation in the record and testimony at the hearing, the Commission shall publish a decision finding that an adequate showing has been made and setting the second hearing on whether the Commission shall adopt a new test claim decision to supersede the previously adopted test claim decision.²⁰

III. Positions of the Parties, Interested Parties, and Interested Persons

A. Department of Finance, Requester

Finance asserts that the enactment of Health and Safety Code section 120335(c), as amended, is a subsequent change in law that eliminates the condition that schools require proof of immunization against hepatitis B as a condition of a student advancing or being admitted to the seventh grade. Finance states that “since the statute has been amended, no reimbursement for the specified activity is required pursuant to Article XIII B, section 6 of the California Constitution and Government Code section 17514 as of July 1, 2013.”²¹

B. State Controller

The Controller states that it “concur[s] with the Department of Finance’s request to adopt a new test claim decision and to amend the parameters and guidelines for the Immunization Records: Hepatitis B program.”²²

IV. Discussion

Under Government Code section 17570, upon request, the Commission may consider the adoption of a new test claim decision to supersede a prior test claim decision based on a subsequent change in law which modifies the state’s liability.

The first hearing in the mandate redetermination process is to determine, pursuant to the Government Code and the Commission’s regulations, only whether the requester has made an adequate showing that the state’s liability has been modified based on a subsequent change in law, as defined. Therefore, the analysis will be limited to whether the request, when considered in light of all of the written comments and supporting documentation in the records of this request, has a substantial possibility of prevailing at the second hearing.”²³ A thorough mandates

²⁰ California Code of Regulations, title 2, section 1190.5(a)(5)(B) (Register 2014, No. 21).

²¹ Exhibit A, Request for Redetermination, page 5.

²² Exhibit D, Controller’s Comments on Request for Redetermination, page 1.

²³ California Code of Regulations, Title 2, section 1190.5 (Register 2014, No. 21). This regulation describes the standard for the first hearing as follows:

The first hearing shall be limited to the issue of whether the requester has made an adequate showing which identifies a subsequent change in law as defined by Government Code section 17570, material to the prior test claim decision, that may modify the state’s liability pursuant to Article XIII B, section 6(a) of the California Constitution. The Commission shall find that the requester has made an adequate showing if it finds that the request, when considered in light of all of the written comments and supporting

analysis to determine whether and to what extent the state's liability has been modified, considering the applicable law, the arguments put forth by the parties and interested parties, and the facts in the record, will be prepared for the second hearing on this matter.

Finance Has Made an Adequate Showing That Statutes 2010, Chapter 434, Which Amended Health and Safety Code Section 120335(c), Constitutes a Subsequent Change in Law, Within the Meaning of Government Code Section 17570 That May Modify the State's Liability For the *Immunization Records – Hepatitis B Program*.

Government Code section 17570(b) states that the Commission may adopt a new test claim decision to supersede a previously adopted test claim decision only upon a showing that, pursuant to article XIII B section 6, the state's liability has been modified based on a subsequent change in law. A subsequent change in law is defined in Government Code section 17570(a)(2) as:

A change in law that requires a finding that an incurred cost is a cost mandated by the state, as defined by Section 17514, or is not a cost mandated by the state pursuant to Section 17556, or a change in mandates law, except that a "subsequent change in law" does not include the amendments to Section 6 of Article XIII B of the California Constitution that were approved by the voters on November 2, 2004. A "subsequent change in law" also does not include a change in the statutes or executive orders that impose new state-mandated activities and require a finding pursuant to subdivision (a) of Section 17551.²⁴

The test claim statement of decision and parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, found reimbursable activities resulting from "amendments to Health and Safety Code section 120335 which establishes a list of diseases which an entering student must be immunized against prior to the first admission into the school."²⁵ More specifically, Statutes 1997, chapter 882 required that "on and after July 1, 1999, the governing authority [of a school district] shall not unconditionally admit any pupil to the seventh grade level, nor unconditionally advance any pupil to the seventh grade level, ...unless the pupil has been fully immunized against hepatitis B."

The Commission found activities related to this requirement, as well as numerous other requirements as specified in the Background, above, to be reimbursable and included those activities in the parameters and guidelines adopted July 31, 2003.

Finance alleges that Health and Safety Code section 120335(c) as amended by Statutes 2010, chapter 434, requires a new finding that the costs relating to the hepatitis B immunization for seventh graders are not costs mandated by the state. Health and Safety Code section 120335(c) as amended in Section 2 of the bill provides:

documentation in the record of this request, has a substantial possibility of prevailing at the second hearing.

²⁴ Government Code section 17570(a)(2).

²⁵ Exhibit B, Test Claim Decision 98-TC-05, page 3.

Commencing July 1, 2011, notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority admits or advances any pupil to the 7th grade level of any private or public elementary or secondary school.²⁶

Section 120335(c) is “a change in mandates law,” as defined in Government Code section 17570, since it amends section 120335(c) to remove the requirement for immunization prior to admitting or advancing a student to the seventh grade level. This appears to make the activities related to the conditional admission pending hepatitis B vaccination no longer required. Therefore, the state’s liability for some of the activities approved in the test claim may be modified.

At this hearing the Commission is required only to determine whether “the request, when considered in light of all of the written comments and supporting documentation in the record of this request, has a substantial possibility of prevailing at the second hearing.”²⁷ Based upon the amendment to section 120335(c) which is a subsequent change in law, the Commission finds that there is a substantial possibility that the request for a new test claim decision will prevail at the second hearing on this matter.

V. Conclusion

Based on the foregoing, the Commission finds that the requester has made an adequate showing that the state’s liability for the *Immunization Records – Hepatitis B*, 98-TC-05, mandate may be modified based on a subsequent change in law and that Finance has a substantial probability of prevailing at the second hearing. The Commission hereby directs Commission staff to notice the second hearing to determine whether to adopt a new test claim decision to supersede the Commission’s previously adopted test claim decision on *Immunization Records – Hepatitis B*, 98-TC-05.

²⁶ Section 3 of Statutes 2010, chapter 434, then, repeals and replaces section 120335(c), operative July 1, 2012, to delete the July 1, 2011 operative date language. Section 120335(c) now states:

Notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority shall admit or advance any pupil to the 7th grade level of any private or public elementary or secondary school.

²⁷ California Code of Regulations, title 2, section 1190.5 (Register 2014, No. 21).



Exhibit F

RECEIVED

October 29, 2015

Commission on
State Mandates

BETTY T. YEE
California State Controller
Division of Accounting and Reporting

October 29, 2015

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Draft Proposed Decision, Schedule for Comments, and Notice of Hearing
Mandate Redetermination Request, 14-MR-04
First Hearing: Adequate Showing
Immunization Records: Hepatitis B (98-TC-05)
Education Code Section 48216 et al.
As Alleged to be Modified by Statutes 2010, Chapter 434 (AB 354)
Department of Finance, Requester

Dear Ms. Halsey:

The State Controller's Office reviewed the draft proposed decision for the Immunization Records: Hepatitis B program and recommends no changes.

Should you have any questions regarding the above, contact Lacey Baysinger by email at LBaysinger@sco.ca.gov or by telephone at (916) 324-7876.

Sincerely,

JAY LAL, Manager
Local Reimbursements Section

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

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

On October 29, 2015, I served the:

SCO Comments

Mandate Redetermination Request, 14-MR-04

First Hearing: Adequate Showing

Immunization Records: Hepatitis B (98-TC-05)

Education Code Section 48216 et al.

As Alleged to be modified by Statutes 2010, Chapter 434 (AB 354)

Department of Finance, Requester

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 29, 2015 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 10/29/15

Claim Number: 14-MR-04

Matter: Immunization Records: Hepatitis B (98-TC-05)

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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

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BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE MANDATE REDETERMINATION:
FIRST HEARING: ADEQUATE SHOWING
ON:

Education Code Section 48216 and
Health and Safety Code Sections
120325, 120335, 120340, and 120375;
as amended by Statutes 1978, Chapter
325; Statutes 1979, Chapter 435;
Statutes 1982, Chapter 472; Statutes
1991, Chapter 984; Statutes 1992,
Chapter 1300; Statutes 1994, Chapter
1172; Statutes 1995, Chapters 291 and
415; Statutes 1996, Chapter 1023; and
Statutes 1997, Chapters 855 and 882

California Code of Regulations, Title
17, Sections 6020, 6035, 6040, 6055,
6065, 6070, and 6075; as amended by
Register 90, No. 35; Register 80, Nos.
16, 34, and 40; Register 86, No. 6;
Register 96, No. 13; and Register 97,
Nos. 21, 37, and 39

As Alleged to be Modified by:

Statutes 2010, Chapter 434 (AB 354)

Filed on June 29, 2015

By the Department of Finance, Requester

Case No.: 14-MR-04

*Immunization Records – Hepatitis B
(98-TC-05)*

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

(Adopted January 22, 2016)

(Served January 26, 2016)

DECISION

The Commission on State Mandates (Commission) heard and decided this mandate redetermination during a regularly scheduled hearing on January 22, 2016. Rebecca Hamilton appeared on behalf of the Department of Finance (Finance).

Government Code section 17570 and section 1190 et seq. of the Commission’s regulations establish the mandate redetermination process. The law applicable to the Commission’s determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., title 2, California Code of Regulations 1181 et seq., and related case law.

The Commission adopted the proposed decision by a vote of 6 to 0, and directed staff to notice a second hearing to determine whether to adopt a new test claim decision to supersede the previously adopted test claim decision as follows:

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

Summary of Findings

The Commission finds that the Department of Finance (Finance) has made an adequate showing that the state’s liability pursuant to article XIII B, section 6(a) of the California Constitution, for the *Immunization Records – Hepatitis B*, 98-TC-05 mandate may be modified based on a subsequent change in law, such that Finance has a substantial probability of prevailing at the second hearing. Specifically, Health and Safety Code section 120335 has been amended by Statutes 2010, chapter 434 (AB 354) to remove the hepatitis B immunization as a condition by which a school district admits or advances a pupil to the seventh grade, effective July 1, 2011. This change in law appears to have removed the requirement to perform activities related to the conditional admission of seventh graders since, based on the plain language of the statute, admission is no longer conditional on proof of hepatitis B immunization. Pursuant to Government Code section 17570(b)(d)(4), the Commission will hold a second hearing to determine if a new test claim decision shall be adopted to supersede the previously adopted test claim decision.

COMMISSION FINDINGS

I. Chronology

- 08/24/2000 The Commission adopted the test claim statement of decision.¹
- 07/31/2003 The Commission adopted the parameters and guidelines.²
- 09/29/2010 Statutes 2010, chapter 434 was enacted and became effective January 1, 2011.

¹ Exhibit B, Test Claim Statement of Decision, 98-TC-05.

² Exhibit C, Parameters and Guidelines, 98-TC-05.

- 07/01/2011 Section 2 of Statutes 2010, chapter 434, which amends Health and Safety Code section 120335 by adding subdivision (c), became operative.
- 06/29/2015 Finance filed a request for redetermination on *Immunization Records – Hepatitis B*, 98-TC-05.³
- 08/04/2015 The State Controller’s Office (Controller) submitted written comments on the redetermination request.⁴
- 10/19/2015 Commission staff issued the draft proposed decision for the first hearing.⁵
- 10/29/2015 The Controller submitted written comments on the draft proposed decision for the first hearing, recommending no changes.⁶

II. Background

On August 24, 2000, the Commission adopted the Statement of Decision for the *Immunization Records - Hepatitis B* test claim, finding that the test claim statutes and regulations imposed a new program or higher level of service upon school districts within the meaning of article XIII B, section 6 of the California Constitution and costs mandated by the state pursuant to Government Code section 17514. The test claim statutes and regulations added mumps, rubella, and hepatitis B to the list of diseases an entering pupil must be immunized against, or show proof of a lawful exemption, prior to the pupil’s first admission into a school. Hepatitis B immunizations, or proof of a lawful exemption, were also required by the test claim statute for students entering the seventh grade on or after July 1, 1999. Section IV of the parameters and guidelines identifies the following reimbursable activities:

A. Proof of Immunizations for New Entrants: Kindergarteners and/or Out-of-State Transfers
(*Reimbursement period begins: July 1, 1997.*)

1. Request and review lawful exemption from, or proof of, immunization against mumps and rubella from each pupil seeking admission to school in the state for the first time. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)
2. Request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil entering specified institutions in the state for the first time at the kindergarten level after August 1, 1997. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)

B. Proof of Hepatitis B Immunizations for Students Entering Seventh Grade on or after July 1, 1999 (*Reimbursement Period begins: July 1, 1999.*)

³ Exhibit A, Request for Mandate Redetermination.

⁴ Exhibit D, Controller’s Comments on Request for Mandate Redetermination.

⁵ Exhibit E, Draft Proposed Decision, First Hearing.

⁶ Exhibit F, Controller’s Comments on Draft Proposed Decision, First Hearing.

1. Request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999. (Health & Saf. Code, §§ 120325, 120335(c); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)

C. Conditional Admission of Pupils and Parent Notification Requirements

(Reimbursement Period begins: July 1, 1997.)

1. Conditionally admit any pupil who has not been fully immunized for mumps, rubella, and hepatitis B by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)
2. Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070(e).)

D. Mandatory Pupil Exclusion and Parent Notification Requirements

(Reimbursement Period begins: July 1, 1998.)

1. Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216(b); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
2. Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(c).)
3. Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)

E. Documentation and Reporting Requirements for Immunizations

(Reimbursement Period begins: July 1, 1997.)

1. Record each pupil's immunization for, or exemption from mumps, rubella, and hepatitis B on an immunization record and maintain the document in each pupil's permanent record. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, § 6070.)
2. Document additional vaccine doses on the pupil's immunization record as they are administered.⁷ (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070.)
3. Collect data and prepare reports annually on immunization status for the Department of Health Services. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)

⁷ This activity is only for *documenting* additional vaccine doses on the pupil's immunization record. The test claim legislation does not mandate school districts to administer vaccines.

4. Prepare follow-up or additional reports upon request by county health departments and the state. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)

In lieu of claiming reimbursement based on actual costs incurred, Section V of the parameters and guidelines contains a base uniform cost allowance to reimburse school districts for all reimbursable activities required for new pupil entrants at \$2.12 per pupil, and a separate base uniform cost allowance to reimburse school districts for all reimbursable activities related to the hepatitis B immunization for 7th grade pupils at \$3.23 per pupil, adjusted for inflation. Section V(B) of the parameters and guidelines further states that the “[a]ctivities that are reimbursable under the uniform cost allowance for ‘Seventh Grade Pupils’ are as follows: Section IV. B, C, D, and E – new activities for the hepatitis B immunization.” The uniform cost allowance for the hepatitis B immunization for 7th grade pupils therefore pays for the following activities:

- Section IV. B - Request and review lawful exemption from, or proof of, immunization against . . . hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999. (Health & Saf. Code, §§ 120325, 120335(c); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)
- Section IV. C -Conditionally admit any pupil who has not been fully immunized for hepatitis B by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)
- Section IV. C - Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070(e).)
- Section IV. D - Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216(b); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
- Section IV. D - Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(c).)
- Section IV. D - Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)
- Section IV. E - Record each pupil’s immunization for, or exemption from . . . hepatitis B on an immunization record and maintain the document in each pupil’s permanent record. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Section IV. E - Document additional vaccine doses on the pupil’s immunization record as they are administered. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070.)

- Section IV. E - Collect data and prepare reports annually on immunization status for the Department of Health Services. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)

The Alleged Subsequent Change in Law

Statutes 2010, chapter 434, amended Health and Safety Code section 120335(c), operative July 1, 2011 and inoperative July 1, 2012, to read:

Commencing July 1, 2011, notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority admits or advances any pupil to the 7th grade level of any private or public elementary or secondary school.⁸

Section 3 of Statutes 2010, chapter 434 then added a new section 120335(c), operative July 1, 2012. Section 120335(c) again stated:

Notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority shall admit or advance any pupil to the 7th grade level of any private or public elementary or secondary school.⁹

Finance alleges that Statutes 2010, chapter 434, is a subsequent change in law that modifies the state's liability by eliminating the condition that schools require proof of immunization against hepatitis B as a condition of a pupil advancing or being admitted to the seventh grade.

Mandate Redetermination Process under Section 17570

Government Code section 17570 provides a process whereby a test claim decision may be redetermined and superseded by a new test claim decision, if a subsequent change in law, as defined, has altered the state's liability for reimbursement. The redetermination process calls for a two hearing process. At the first hearing, the requester must make "an adequate showing which identifies a subsequent change in law as defined by Government Code section 17570, material to the prior the claim decision, that may modify the state's liability pursuant to Article XIII B, section 6(a) of the California Constitution."¹⁰ A subsequent change in law is defined in section 17570 as follows:

[A] change in law that requires a finding that an incurred cost is a cost mandated by the state, as defined by Section 17514, or is not a cost mandated by the state pursuant to Section 17556, or a change in mandates law, except that a "subsequent change in law" does not include the amendments to Section 6 of Article XIII B of the California Constitution that were approved by the voters on November 2, 2004. A "subsequent change in law" also does not include a change

⁸ Health and Safety Code section 120335(c), Statutes 2010, chapter 434 (AB 354), section 2.

⁹ Health and Safety Code section 120335(c), Statutes. 2010, chapter 434 (AB 354, §§ 2 and 3).

¹⁰ California Code of Regulations, title 2, section 1190.5(a)(1) (Register 2014, No. 21).

in the statutes or executive orders that impose new state-mandated activities and require a finding pursuant to subdivision (a) of Section 17551.¹¹

An “adequate showing” is determined in the Commission’s regulations as follows:

The Commission shall find that the requester has made an adequate showing if it finds that the request, when considered in light of all of the written comments and supporting documentation in the record of this request, has a substantial possibility of prevailing at the second hearing.¹²

If the Commission finds, at the first hearing, that:

The requester has made an adequate showing, when considered in light of all of the written comments, rebuttals and supporting documentation in the record and testimony at the hearing, the Commission shall publish a decision finding that an adequate showing has been made and setting the second hearing on whether the Commission shall adopt a new test claim decision to supersede the previously adopted test claim decision.¹³

III. Positions of the Parties, Interested Parties, and Interested Persons

A. Department of Finance, Requester

Finance asserts that the enactment of Health and Safety Code section 120335(c), as amended, is a subsequent change in law that eliminates the condition that schools require proof of immunization against hepatitis B as a condition of a student advancing or being admitted to the seventh grade. Finance states that “since the statute has been amended, no reimbursement for the specified activity is required pursuant to Article XIII B, section 6 of the California Constitution and Government Code section 17514 as of July 1, 2013.”¹⁴

B. State Controller

The Controller states that it “concur[s] with the Department of Finance's request to adopt a new test claim decision and to amend the parameters and guidelines for the Immunization Records: Hepatitis B program.”¹⁵ The Controller filed comments on the Draft Proposed Decision for the first hearing, recommending no changes.¹⁶

IV. Discussion

Under Government Code section 17570, upon request, the Commission may consider the adoption of a new test claim decision to supersede a prior test claim decision based on a subsequent change in law which modifies the states liability.

¹¹ Government Code section 17570, as added by Statutes 2010, chapter 719 (SB 856).

¹² California Code of Regulations, title 2, section 1190.5(a)(1) (Register 2014, No. 21).

¹³ California Code of Regulations, title 2, section 1190.5(a)(5)(B) (Register 2014, No. 21).

¹⁴ Exhibit A, Request for Mandate Redetermination, page 5.

¹⁵ Exhibit D, Controller’s Comments on Request for Mandate Redetermination, page 1.

¹⁶ Exhibit F, Controller’s Comments on Draft Proposed Decision, First Hearing.

The first hearing in the mandate redetermination process is to determine, pursuant to the Government Code and the Commission's regulations, only whether the requester has made an adequate showing that the state's liability has been modified based on a subsequent change in law, as defined. Therefore, the analysis will be limited to whether the request, when considered in light of all of the written comments and supporting documentation in the records of this request, has a substantial possibility of prevailing at the second hearing.¹⁷ A thorough mandates analysis to determine whether and to what extent the state's liability has been modified, considering the applicable law, the arguments put forth by the parties and interested parties, and the facts in the record, will be prepared for the second hearing on this matter.

Finance Has Made an Adequate Showing That Statutes 2010, Chapter 434, Which Amended Health and Safety Code Section 120335(c), Constitutes a Subsequent Change in Law, Within the Meaning of Government Code Section 17570 That May Modify the State's Liability For the *Immunization Records – Hepatitis B* Program.

Government Code section 17570(b) states that the Commission may adopt a new test claim decision to supersede a previously adopted test claim decision only upon a showing that, pursuant to article XIII B section 6, the state's liability has been modified based on a subsequent change in law. A subsequent change in law is defined in Government Code section 17570(a)(2) as:

A change in law that requires a finding that an incurred cost is a cost mandated by the state, as defined by Section 17514, or is not a cost mandated by the state pursuant to Section 17556, or a change in mandates law, except that a "subsequent change in law" does not include the amendments to Section 6 of Article XIII B of the California Constitution that were approved by the voters on November 2, 2004. A "subsequent change in law" also does not include a change in the statutes or executive orders that impose new state-mandated activities and require a finding pursuant to subdivision (a) of Section 17551.¹⁸

The test claim statement of decision and parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, found reimbursable activities resulting from "amendments to Health and Safety Code section 120335 which establishes a list of diseases which an entering student must

¹⁷ California Code of Regulations, Title 2, section 1190.5 (Register 2014, No. 21). This regulation describes the standard for the first hearing as follows:

The first hearing shall be limited to the issue of whether the requester has made an adequate showing which identifies a subsequent change in law as defined by Government Code section 17570, material to the prior test claim decision, that may modify the state's liability pursuant to Article XIII B, section 6(a) of the California Constitution. The Commission shall find that the requester has made an adequate showing if it finds that the request, when considered in light of all of the written comments and supporting documentation in the record of this request, has a substantial possibility of prevailing at the second hearing.

¹⁸ Government Code section 17570(a)(2).

be immunized against prior to the first admission into the school.”¹⁹ More specifically, Statutes 1997, chapter 882 required that “on and after July 1, 1999, the governing authority [of a school district] shall not unconditionally admit any pupil to the seventh grade level, nor unconditionally advance any pupil to the seventh grade level, ...unless the pupil has been fully immunized against hepatitis B.”

The Commission found activities related to this requirement, as well as numerous other requirements as specified in the Background, above, to be reimbursable and included those activities in the parameters and guidelines adopted July 31, 2003.

Finance alleges that Health and Safety Code section 120335(c) as amended by Statutes 2010, chapter 434, requires a new finding that the costs relating to the hepatitis B immunization for seventh graders are not costs mandated by the state. Health and Safety Code section 120335(c) as amended in Section 2 of the bill provides:

Commencing July 1, 2011, notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority admits or advances any pupil to the 7th grade level of any private or public elementary or secondary school.²⁰

Section 120335(c) is “a change in mandates law,” as defined in Government Code section 17570, since it amends section 120335(c) to remove the requirement for immunization prior to admitting or advancing a student to the seventh grade level. This appears to make the activities related to the conditional admission pending hepatitis B immunization no longer required. Therefore, the state’s liability for some of the activities approved in the test claim may be modified.

At this hearing the Commission is required only to determine whether “the request, when considered in light of all of the written comments and supporting documentation in the record of this request, has a substantial possibility of prevailing at the second hearing.”²¹ Based upon the amendment to section 120335(c) which is a subsequent change in law, the Commission finds that there is a substantial possibility that the request for a new test claim decision will prevail at the second hearing on this matter.

V. Conclusion

Based on the foregoing, the Commission finds that the requester has made an adequate showing that the state’s liability for the *Immunization Records – Hepatitis B*, 98-TC-05, mandate may be modified based on a subsequent change in law and that Finance has a substantial probability of prevailing at the second hearing. The Commission hereby directs Commission staff to notice the

¹⁹ Exhibit B, Test Claim Statement of Decision 98-TC-05, page 3.

²⁰ Section 3 of Statutes 2010, chapter 434, then, repeals and replaces section 120335(c), operative July 1, 2012, to delete the July 1, 2011 operative date language. Section 120335(c) now states:

Notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority shall admit or advance any pupil to the 7th grade level of any private or public elementary or secondary school.

²¹ California Code of Regulations, title 2, section 1190.5 (Register 2014, No. 21).

second hearing to determine whether to adopt a new test claim decision to supersede the Commission's previously adopted test claim decision on *Immunization Records – Hepatitis B*, 98-TC-05.

COMMISSION ON STATE MANDATES

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**RE: Decision**

Mandate Redetermination Request, 14-MR-04

First Hearing: Adequate Showing

Immunization Records: Hepatitis B (98-TC-05)

Education Code Section 48216 et al.

As Alleged to be Modified by Statutes 2010, Chapter 434 (AB 354)

Department of Finance, Requester

On January 22, 2016, the foregoing decision of the Commission on State Mandates was adopted on the above-entitled matter.

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

Heather Halsey, Executive Director

Dated: January 26, 2016

ITEM __
MANDATE REDETERMINATION
SECOND HEARING: NEW TEST CLAIM DECISION
DRAFT PROPOSED DECISION

Education Code Section 48216 and Health and Safety Code Sections 120325,
120335, 120340, and 120375

As Amended by Statutes 1978, Chapter 325; Statutes 1979, Chapter 435; Statutes
1982, Chapter 472; Statutes 1991, Chapter 984; Statutes 1992, Chapter 1300;
Statutes 1994, Chapter 1172; Statutes 1995, Chapters 291 and 415; Statutes 1996,
Chapter 1023; and Statutes 1997, Chapters 855 and 882;

California Code of Regulations, Title 17, Sections 6020, 6035, 6040, 6055, 6065,
6070, and 6075 (Register 90, No. 35; Register 80, Nos. 16, 34, 40; Register 86,
No. 6; Register 96, No. 13; Register 97, Nos. 21, 37, 39)

As Alleged to be Modified by:
Statutes 2010, Chapters 434 (AB 354)

Immunization Records – Hepatitis B (98-TC-05)

14-MR-04

Department of Finance, Requester

EXECUTIVE SUMMARY

Overview

On August 24, 2000, the Commission on State Mandates (Commission) adopted the Statement of Decision for the *Immunization Records: Hepatitis B*, 98-TC-05 test claim. The Commission found that the test claim statutes and regulations imposed various requirements on school districts relating to immunizations for mumps, rubella, and hepatitis B for pupils entering or advancing in school. The Commission found that the test claim statutes and regulations imposed a reimbursable state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution for the following activities:

- Request and review lawful exemption or proof of immunization against mumps, rubella, and hepatitis B for each pupil seeking admission to school in the state for the first time.
- Record each pupil's immunization for, or exemption from, mumps, rubella, and hepatitis B on an immunization record and maintain the form in the pupil's permanent record.
- Request and review lawful exemption or proof of immunization against hepatitis B from each pupil advancing to the seventh grade.

- Conditionally admit any pupil who has not been fully immunized as required by law; notify the parents or guardians of the deadline to complete the required immunizations; and review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized.
- Notify parents or guardians of the requirement to exclude a pupil from school if proof of required immunization or lawful exemption is not timely received after notification, and exclude if required; refer parents or guardians to medical professionals for provision of the immunizations, or notify them that the immunizations will be administered at a school of the district.
- Record and maintain documents of each pupil's immunization record or lawful exemption, and maintain the documents in each pupil's permanent record; collect data and prepare reports for the DPH and county health departments.

This mandate finding was based, in part, on Health and Safety Code section 120335(c) which, as added by Statutes 1997, chapter 882 provided:

On and after July 1, 1999, the governing authority shall not unconditionally admit any pupil to the 7th grade level, nor unconditionally advance any pupil to the 7th grade level, . . . unless the pupil has been fully immunized against hepatitis B.

The Department of Finance (Finance) alleges that Statutes 2010, chapter 434, constitutes a subsequent change in the law that modifies the state's liability for the *Immunization Records – Hepatitis B*, 98-TC-05 program. Statutes 2010, chapter 434, section 2, amended Health and Safety Code section 120335(c) to provide as follows:

Commencing July 1, 2011, notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority shall admit or advance any pupil to the seventh grade level of any private or public elementary or secondary school.

The 2010 statute did not change the requirements relating to the immunizations for mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time.

Procedural History

On June 29, 2015, Finance filed a request for redetermination of *Immunization Records: Hepatitis B*, 98-TC-05, establishing the potential period of reimbursement for a new test claim decision beginning July 1, 2013.¹ On January 22, 2016, the Commission adopted the first hearing decision on this mandate redetermination, finding that Finance made an adequate showing that the request identified a subsequent change in law, as defined, that may modify the state's liability for this program such that Finance had a substantial possibility of prevailing at this second hearing. On January 26, 2016, Commission staff issued the draft proposed decision for the second hearing and the draft amendment to parameters and guidelines.

¹ Government Code section 17570(f).

Commission Responsibilities

Government Code section 17570 provides a process whereby a previously determined mandate finding can be redetermined by the Commission based on a subsequent change in law. The redetermination process provides for two hearings. With regard to the second hearing, the Commission's regulations state:

If the Commission proceeds to the second hearing, it shall consider whether the state's liability pursuant to article XIII B, section 6(a) of the California Constitution has been modified based on the subsequent change in law alleged by the requester, thus requiring adoption of a new test claim decision to supersede the previously adopted test claim decision.²

Therefore, the issue before the Commission at this second hearing is whether the state's liability has been modified based on a subsequent change in law, as defined in section 17570, thus requiring adoption of a new test claim decision to supersede the previously adopted test claim decision, reflecting the state's modified liability.

Staff Analysis

Statutes 2010, Chapter 434, a Subsequent Change in Law, Has Modified the State's Liability for the *Immunization Records-Hepatitis B* Program.

Statutes 2010, chapter 434 amended Health and Safety Code section 120335(c), to provide that the full immunization against hepatitis B shall *not* be a condition by which a school district shall admit or advance any pupil to the seventh grade. Statutes 2010, chapter 434, therefore eliminates the prior condition that pupils be fully immunized against hepatitis B before a school district can admit or advance a pupil into the seventh grade.

Although Statutes 2010, chapter 434, does not expressly amend the other statutes and regulations approved by the Commission in *Immunization Records – Hepatitis B*, 98-TC-05, that actually mandate the requirements to implement the program with respect to all required immunizations, including proof of full hepatitis B immunization (i.e., three shots) for students entering the seventh grade, these statutes and regulations are affected by this subsequent statute and must be read consistent with the 2010 change in law. Under the rules of statutory construction, Health and Safety Code section 120335, as amended by Statutes 2010, chapter 434, must be construed in context, keeping in mind the nature and obvious purpose of the statute so as to make sense of the entire statutory and regulatory scheme.³

As construed in context and analyzed more specifically herein, staff finds that the 2010 statute constitutes a subsequent change in law that modifies the state's liability for this program, requiring the Commission to adopt a new test claim decision to supersede the previously adopted test claim decision, reflecting the state's modified liability for this program. As a result of the 2010 statute, and except for the mandated activity defined in Section IV.E.1 of the parameters and guidelines, school districts no longer incur increased costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government

² Register 2014, No. 21.

³ *Molenda v. Department of Motor Vehicles* (2009) 172 Cal.App.4th 974, 992.

Code section 17514 to perform the activity identified in section IV. B. In addition, the activities identified in sections C through E of the parameters and guidelines *as they relate to the hepatitis B immunization for pupils advancing to the seventh grade only are no longer mandated by the state.*

However, the activity identified in Section IV.E.1 of the parameters and guidelines is mandated by Health and Safety Code section 120375(a), which requires school districts to *maintain in each pupil's permanent record* a copy of the document verifying the immunization or exemption for the hepatitis B immunization formerly required by section 120335 for pupils advancing into the seventh grade. Section 437(b) of the California Department of Education's (CDE's) Title 5 regulations defines "mandatory permanent pupil records" as those records required to "be preserved in perpetuity by all California schools." Thus, the requirement in Health and Safety Code section 120375(a) to maintain the records in each pupil's permanent record is still mandated by the state and has not been changed by the 2010 subsequent change in law. Therefore, continuing costs incurred to maintain the records already received under former Health and Safety Code section 120335 for the hepatitis B booster are still mandated by the state and remain eligible for reimbursement.

In addition, the 2010 statute did not modify the immunization requirements for mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time and these immunizations continue to be listed in the table of required immunizations in section 6020 of the Title 17 regulations. Thus, all reimbursable activities identified in Section IV.A, and C through E of the parameters and guidelines as they relate to the immunization requirements for mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time, continue to impose costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 and, thus, remain eligible for reimbursement.

Accordingly, staff finds that the following activities do not impose costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, and are no longer eligible for reimbursement beginning July 1, 2013:

- The activity identified in Section IV.B of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, to request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999. (Health & Saf. Code, §§ 120325, 120335(c); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)
- The following activities identified in Section IV. C through E of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, as they relate to the hepatitis B immunization for pupils advancing into the seventh grade:
 - Conditionally admit any pupil who has not been fully immunized by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)

- Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070(e).)
- Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216(b); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
- Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(c).)
- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)
- Record each pupil's immunization for, or exemption on an immunization record. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Document additional vaccine doses on the pupil's immunization record as they are administered. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Collect data and prepare reports annually on immunization status for the Department of Health Services. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)
- Prepare follow-up or additional reports upon request by county health departments and the state. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)

Staff further finds that the following activities have not been modified by Statutes 2010, chapter 434, continue to impose costs mandated by the state, and remain reimbursable:

- The activity identified in Section IV.E.1 of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, to *maintain in each pupil's permanent record* a copy of the document verifying the immunization or exemption from the hepatitis B immunization formerly required by section 120335 for pupil's advancing into the seventh grade.
- The reimbursable activity identified in Section IV.A, and all reimbursable activities identified in Sections C through E of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05 as they relate to the immunizations requirements for mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time.

Staff Recommendation

Staff recommends that the Commission adopt this proposed decision as its new test claim decision, modifying reimbursable activities for costs incurred beginning July 1, 2013.

Staff further recommends that the Commission authorize staff to make any non-substantive, technical changes to the proposed new test claim decision following the hearing.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

**IN RE MANDATE REDETERMINATION:
SECOND HEARING: NEW TEST CLAIM
DECISION FOR:**

Education Code Section 48216, Health and Safety Code Sections 120325, 120335, 120340, and 120375;

As amended by Statutes 1978, Chapter 325; Statutes 1979, Chapter 435; Statutes 1982, Chapter 472; Statutes 1991, Chapter 984; Statutes 1992, Chapter 1300; Statutes 1994, Chapter 1172; Statutes 1995, Chapters 291 and 415; Statutes 1996, Chapter 1023; and Statutes 1997, Chapters 855 and 882;

California Code of Regulations, Title 17, Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075 (Register 90, No. 35; Register 80, Nos. 16, 34, 40; Register 86, No. 6; Register 96, No. 13; Register 97, Nos. 21, 37, 39);

As Alleged to be Modified By:
Statutes 2010, Chapter 434 (AB 354);

Filed on June 29, 2015,

By the Department of Finance, Requester

Case No.: 14-MR-04

*Immunization Records – Hepatitis B
(98-TC-05)*

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

(Adopted March 25, 2016)

DECISION

The Commission on State Mandates (Commission) heard and decided this mandate redetermination during a regularly scheduled hearing on March 25, 2016. [Witness list will be included in the adopted decision.]

Government Code section 17570 and section 1190 et seq. of the Commission’s regulations establish the mandate redetermination process. The law applicable to the Commission’s determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., title 2, California Code of Regulations 1181.1 et seq., and related case law.

The Commission [adopted/modified] the proposed decision as its new test claim decision to supersede the previous test claim decision by a vote of [vote count will be included in the final decision] as follows:

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

Summary of Findings

The Commission finds that the state’s liability pursuant to article XIII B, section 6(a) of the California Constitution, for proof of immunization against hepatitis B for students entering into the seventh grade under the *Immunization Records – Hepatitis B*, 98-TC-05 mandate has been modified based on a subsequent change in law, and that a new test claim decision must be adopted to supersede the previously adopted test claim decision. Specifically, Statutes 2010, chapter 434 amended Health and Safety Code section 120335(c) to eliminate the condition that pupils be fully immunized against hepatitis B before a school district can advance a pupil into the seventh grade.

Based on the analysis herein, the Commission concludes that the following activities do not impose costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, and are no longer eligible for reimbursement beginning July 1, 2013:

- The activity identified in Section IV.B of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, to request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999. (Health & Saf. Code, §§ 120325, 120335(c); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)
- The following activities identified in Section IV. C through E of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05 as they relate to the hepatitis B immunization for pupils advancing into the seventh grade:
 - Conditionally admit any pupil who has not been fully immunized by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)

- Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070(e).)
- Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216(b); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
- Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(c).)
- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)
- Record each pupil's immunization for, or exemption on an immunization record. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Document additional vaccine doses on the pupil's immunization record as they are administered. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Collect data and prepare reports annually on immunization status for the Department of Health Services. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)
- Prepare follow-up or additional reports upon request by county health departments and the state. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)

The Commission further finds that the following activities have not been modified by Statutes 2010, chapter 434, continue to impose costs mandated by the state, and remain reimbursable:

- The activity identified in Section IV.E.1 of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, to *maintain in each pupil's permanent record* a copy of the document verifying the immunization or exemption from the hepatitis B immunization formerly required by section 120335 for pupil's advancing into the seventh grade.
- The reimbursable activity identified in Section IV.A, and all reimbursable activities identified in Sections C through E of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05 as they relate to the immunizations requirements for mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time.

COMMISSION FINDINGS

I. Chronology

- 08/24/1998 The Commission adopted the test claim statement of decision.⁴
- 07/31/2003 The Commission adopted the parameters and guidelines.⁵
- 07/01/2011 Statutes 2010, chapter 434 became operative and effective.
- 06/29/2015 The Department of Finance (Finance) filed a request for redetermination on *Immunization Records – Hepatitis B*, 98-TC-05.⁶
- 08/04/2015 The State Controller’s Office (Controller) submitted written comments on the request for redetermination.⁷
- 01/22/2016 The Commission adopted the decision for the first hearing, finding that Finance made an adequate showing that the state’s liability may be modified by a subsequent change in law, and directed staff to set the matter for the second hearing.
- 01/26/2016 Commission staff issued the draft proposed decision for the second hearing and the draft amendment to parameters and guidelines.

II. Background

On August 24, 2000, the Commission adopted the Statement of Decision for the *Immunization Records: Hepatitis B*, 98-TC-05 test claim. The test claim involved various requirements imposed on school districts relating to the immunization requirements for mumps, rubella, and hepatitis B for pupils entering or advancing in school. On July 31, 2003, the Commission adopted parameters and guidelines, which specifically identify the activities mandated by the state that were eligible for reimbursement for all required immunizations. The Commission found that Education Code section 48216 and Health and Safety Code sections 120325, 120335, 120340, and 120375, as amended by the test claim statutes, and California Code of Regulations, Title 17, sections 6020 through 6075 (Register 90, No. 35; Register 80, Nos. 16, 34, 40; Register 86, No. 6; Register 96, No. 13; and Register 97, Nos. 21, 37, 39), imposed a 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 for the following activities:

- A. Proof of Immunizations for New Entrants: Kindergarteners and/or Out-of-State Transfers
(*Reimbursement period begins: July 1, 1997.*)
1. Request and review lawful exemption from, or proof of, immunization against mumps and rubella from each pupil seeking admission to school in the state for the first time.

⁴ Exhibit B, Test Claim Decision, *Immunization Records – Hepatitis B*, 98-TC-05.

⁵ Exhibit C, Parameters and Guidelines, *Immunization Records – Hepatitis B*, 98-TC-05.

⁶ Exhibit A, Request for Redetermination.

⁷ Exhibit D, Controller’s Comments on Request for Redetermination.

(Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)

2. Request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil entering specified institutions in the state for the first time at the kindergarten level after August 1, 1997. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)

B. Proof of Hepatitis B Immunizations for Students Entering Seventh Grade on or after July 1, 1999 (*Reimbursement Period begins: July 1, 1999.*)

1. Request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999. (Health & Saf. Code, §§ 120325, 120335(c); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)

C. Conditional Admission of Pupils and Parent Notification Requirements (*Reimbursement Period begins: July 1, 1997.*)

1. Conditionally admit any pupil who has not been fully immunized for mumps, rubella, and hepatitis B by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)
2. Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070(e).)

D. Mandatory Pupil Exclusion and Parent Notification Requirements (*Reimbursement Period begins: July 1, 1998.*)

1. Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216(b); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
2. Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(c).)
3. Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)

E. Documentation and Reporting Requirements for Immunizations (*Reimbursement Period begins: July 1, 1997.*)

1. Record each pupil's immunization for, or exemption from mumps, rubella, and hepatitis B on an immunization record and maintain the document in each pupil's permanent record. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, § 6070.)

2. Document additional vaccine doses on the pupil's immunization record as they are administered. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070.)
3. Collect data and prepare reports annually on immunization status for the Department of Health Services. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)
4. Prepare follow-up or additional reports upon request by county health departments and the state. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)⁸

III. Positions of the Parties, Interested Parties, and Interested Persons

A. Department of Finance, Requester

Finance asserts that the enactment of Statutes 2010, chapter 434, constitutes a subsequent change in law that modifies the state's liability for the *Immunization Records – Hepatitis B* program, 98-TC-05 as follows:

Effective July 1, 2011, Chapter 434, Statutes 2010 (AB 354) (as attached), amended Health and Safety Code section 120335 by eliminating the condition that schools could not admit or advance a student to the seventh grade unless the student had been fully immunized against hepatitis B. Since the statute has been amended, no reimbursement for the specified activity is required pursuant to Article XIII B, section 6 of the California Constitution and Government Code section 17514 as of July 1, 2013.⁹

B. State Controller

The Controller states that it “concur[s] with the Department of Finance's request to adopt a new test claim decision and to amend the parameters and guidelines for the *Immunization Records: Hepatitis B* program.”¹⁰

IV. Discussion

Under Government Code section 17570, upon request, the Commission may consider the adoption of a new test claim decision to supersede a prior test claim decision based on a subsequent change in law which modifies the state's liability. California Code of Regulations, title 2, section 1190.5(b)(1) provides that “[i]f the Commission proceeds to the second hearing, it shall consider whether the state's liability pursuant to article XIII B, section 6(a) of the California Constitution has been modified based on the subsequent change in law alleged by the requester, thus requiring adoption of a new test claim decision to supersede the previously adopted test claim decision.”¹¹

⁸ Exhibits B and C, Test Claim Decision and Parameters and Guidelines, *Immunization Records – Hepatitis B*, 98-TC-05.

⁹ Exhibit A, Request for Redetermination, page 1.

¹⁰ Exhibit D, Controller's Comments on Request for Redetermination, page 1.

¹¹ Register 2014, No. 21.

Therefore, the issue before the Commission at this second hearing is whether the state's liability has been modified based on a subsequent change in law and, if so, whether to adopt a new test claim decision to supersede the previously adopted test claim decision, reflecting the state's modified liability.

A. Statutes 2010, Chapter 434 Constitutes a Subsequent Change in Law Within the Meaning of Government Code Section 17570 That Modifies the State's Liability for the *Immunization Records – Hepatitis B* program, Resulting in No Costs Mandated by the State for Many Activities Relating to the Hepatitis B Immunization for Pupils Advancing to the Seventh Grade.

Government Code section 17570 provides a process whereby a test claim decision may be redetermined and superseded by a new test claim decision if a subsequent change in law, as defined, has modified the state's liability for reimbursement. Pursuant to section 17570, a subsequent change in law is one that (1) requires a finding of a new cost mandated by the state under section 17514; (2) requires a new finding that a cost is not a cost mandated by the state pursuant to section 17556; or (3) is another change in mandates law.

The subsequent change in law alleged here is Statutes 2010, chapter 434. The statute amended Health and Safety Code section 120335(c) to eliminate the condition that pupils be fully immunized against hepatitis B before a school district can advance a pupil into the seventh grade. As described below, the Commission finds that Statutes 2010, chapter 434 constitutes a subsequent change in law within the meaning of Government Code section 17570 that modifies the state's liability for the *Immunization Records – Hepatitis B* program, resulting in no costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for many activities formerly mandated for the hepatitis B immunization for pupils advancing to the seventh grade.

1. Statutes 2010, chapter 434 constitutes a subsequent change in the law that modifies the state's liability with respect to the hepatitis B immunization for pupils advancing to the seventh grade, requiring the adoption of a new test claim decision to supersede the previously adopted test claim decision.

Before the enactment of Statutes 2010, chapter 434, Health and Safety Code section 120335(c), as last amended by Statutes 1997, chapter 882, provided that:

On and after July 1, 1999, the governing authority shall not unconditionally admit any pupil to the seventh grade level, nor unconditionally advance any pupil to the seventh grade level, of any of the institutions listed in subdivision (b) unless the pupil has been fully immunized against hepatitis B.

The Commission determined in *Immunization Records – Hepatitis B*, 98-TC-05, that Health and Safety Code section 120335(c), as amended by the 1997 statute, generally required "school districts to perform immunization record reviews for all incoming seventh graders for hepatitis B, including all students whose immunization records were checked upon entry to school, [which] increases the paperwork and staff time beyond what was required under prior immunization record requirements and thus constitute[s] a reimbursable state mandate." The Commission further determined that Health and Safety Code section 120375 refers back to the list of immunizations in section 120335, requiring school districts to perform the following

activities for each immunization required, including the hepatitis B immunization for incoming seventh graders:

- Maintain documentary proof of pupil's immunization status in the student's permanent record information, including adding subsequent immunizations to the file;
- File reports on state forms regarding the immunization status of entering students; and
- Prohibit further school attendance of conditionally admitted students who either fail to get their immunizations completed or fail to receive an appropriate exemption from immunizations for health or religious reasons.¹²

The Commission found that Education Code section 48216 requires school districts to perform the following activities for each immunization required:

- Excluding a pupil whose immunizations are not up to date;
- Notifying the parent or guardian of the pupil that they have two weeks to supply evidence either that the pupil has been properly immunized or qualifies for an exemption; and
- Referring the parents to a source of medical care to obtain the immunizations.¹³

The Commission also approved for reimbursement, the regulations in California Code of Regulations, title 17, sections 6020 et seq., which required school districts to perform activities relating to record keeping, reporting, conditionally admitting pupils who have not completed their immunizations, and excluding pupils if the immunization requirements had not been met.¹⁴

Consistent with the decision on the test claim, the parameters and guidelines adopted by the Commission authorize reimbursement for the following activities as they relate to the hepatitis B booster required for pupils advancing to the seventh grade:

B. Proof of Hepatitis B Immunizations for Students Entering Seventh Grade on or after July 1, 1999 (*Reimbursement Period begins: July 1, 1999.*)

1. Request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999. (Health & Saf. Code, §§ 120325, 120335(c); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)

C. Conditional Admission of Pupils and Parent Notification Requirements (*Reimbursement Period begins: July 1, 1997.*)

1. Conditionally admit any pupil who has not been fully immunized for mumps, rubella, and hepatitis B by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)

¹² Exhibit B, Test claim decision, *Immunization Records – Hepatitis B*, 98-TC-05, page 4.

¹³ Exhibit B, Test claim decision, *Immunization Records – Hepatitis B*, 98-TC-05, page 5.

¹⁴ Exhibit B, Test claim decision, *Immunization Records – Hepatitis B*, 98-TC-05, page 6.

2. Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070(e).)

D. Mandatory Pupil Exclusion and Parent Notification Requirements
(*Reimbursement Period begins: July 1, 1998.*)

1. Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216(b); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
2. Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(c).)
3. Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)

E. Documentation and Reporting Requirements for Immunizations
(*Reimbursement Period begins: July 1, 1997.*)

1. Record each pupil's immunization for, or exemption from mumps, rubella, and hepatitis B on an immunization record and maintain the document in each pupil's permanent record. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, § 6070.)
2. Document additional vaccine doses on the pupil's immunization record as they are administered. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070.)
3. Collect data and prepare reports annually on immunization status for the Department of Health Services. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)
4. Prepare follow-up or additional reports upon request by county health departments and the state. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)

Operative July 1, 2011, Statutes 2010, chapter 434 amended Health and Safety Code section 120335(c), to provide that the full immunization against hepatitis B shall *not* be a condition by which a school district shall admit or advance any pupil to the seventh grade. Statutes 2010, chapter 434, therefore eliminates or removes the condition that pupils be fully immunized against hepatitis B before a school district can admit or advance a pupil into the seventh grade.

Although Statutes 2010, chapter 434, does not expressly amend the other statutes and regulations approved by the Commission in *Immunization Records – Hepatitis B*, 98-TC-05 that actually

mandate the requirements to implement the program with respect to all required immunizations, including the former required hepatitis B booster, these statutes and regulations are affected by this subsequent statute and must be read consistent with the 2010 change in law. Under the rules of statutory construction, Health and Safety Code section 120335, as amended by Statutes 2010, chapter 434, must be construed in context, keeping in mind the nature and obvious purpose of the statute so as to make sense of the entire statutory and regulatory scheme.¹⁵

As construed in context and analyzed more specifically below, the Commission finds that the 2010 statute constitutes a subsequent change in law that modifies the state's liability for this program, requiring the Commission to adopt a new test claim decision to supersede the previously adopted test claim decision, reflecting the state's modified liability for this program. As a result of the 2010 statute, school districts no longer incur increased costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 to perform most of the activities identified in sections IV. B through E of the parameters and guidelines, as they relate to the hepatitis B immunization for pupils advancing to the seventh grade.

2. With the 2010 subsequent change in law, there are no costs mandated by the state to perform the mandated activities identified in Section IV. B, C, and D of the parameters and guidelines as they relate to the hepatitis B immunization for pupils advancing to the seventh grade.

Health and Safety Code section 120335 and section 6020 of the Title 17 regulations list the all the required immunizations for admission and attendance at school, which govern the scope of the mandated program and trigger the remaining requirements in the statutory and regulatory scheme that are imposed on school districts.

Health and Safety Code section 120325 contains the Legislature's statement of intent regarding Health and Safety Code sections 120325 through 120375 for all required immunizations for admission and attendance at school. Section 120325 states that these statutes were enacted to provide "[a] means for the eventual achievement of total immunization of appropriate age groups against the following childhood diseases: [diphtheria, hepatitis B, haemophilus influenza type b, measles, mumps, pertussis (whooping cough), poliomyelitis, rubella, tetanus, and varicella (chickenpox)]." The Legislature also intended the law to provide that:

- Persons required to be immunized be allowed to obtain immunization from whatever medical source they desire, subject only to the condition that the immunization be performed in accordance with the regulations of DPH and that a record of the immunization is made in accordance with the regulations;
- Exemptions from immunization be available for medical reasons or because of personal beliefs; and that
- Adequate records of immunization be kept so that health departments, schools, and other institutions, parents and guardians, and the persons immunized will be able to ascertain

¹⁵ *Molenda v. Department of Motor Vehicles* (2009) 172 Cal.App.4th 974, 992.

that a child is fully or only partially immunized, and that appropriate public agencies will be able to ascertain the immunization needs of groups of children in schools.¹⁶

The Legislature enacted Health and Safety Code section 120330 to direct DPH, in consultation with the California Department of Education (CDE) to adopt and enforce regulations necessary to carry out the statutory scheme on immunizations. Section 6065(a) of the Title 17 regulations provides that there shall be a written record given to the pupil immunized or to his or her parent or guardian by the physician or agency performing the immunization. Section 6065(b) further requires the parent or guardian to show the written record to the school “at the time of the pupil’s admission and at subsequent times when required by the governing authority to determine the pupil’s immunization status.”

Since former Health and Safety Code section 120335(c), required proof of *full* hepatitis B immunization (i.e. three shots) as a condition for advancing into the seventh grade, the Commission determined that school districts are mandated by these statutes and regulations to “request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999.”¹⁷ This activity is included in Section IV. B of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05.

Operative July 1, 2011, Statutes 2010, chapter 434 amended Health and Safety Code section 120335(c) to eliminate the condition that pupils be fully immunized against hepatitis B before a school district can admit or advance a pupil into the seventh grade. To implement this change, DPH adopted emergency regulations to amend section 6020 of the regulations, which also removes hepatitis B for pupils advancing to the seventh grade from the table of required immunizations.¹⁸ Although Finance did not plead the changes in regulation which were adopted as emergency regulations, those regulations may be properly considered as DPH’s interpretation of what is required by section 120335(c) as that statute was amended in 2010. An agency’s interpretation of the meaning and legal effect of a statute it is required to implement is entitled to consideration and respect by the courts.¹⁹

With this subsequent change in law, the requirement to “request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999,” school districts no longer incur costs mandated by the state for this activity.

The same analysis applies to the reimbursable activities identified in Section IV. C of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, which authorize reimbursement for the following activities that govern the conditional admission of a pupil who has not been fully immunized, and the related parent notification requirements of the date by which a pupil must complete all required immunizations:

¹⁶ Health and Safety Code section 120325(b)(c)(d).

¹⁷ Exhibit C.

¹⁸ Register 2011, No. 26, effective June 30, 2011.

¹⁹ *Yamaha Corp. of America v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 7; *Carson Citizens for Reform v. Kawagoe* (2009) 178 Cal.App.4th 357, 368-369.

- Conditionally admit any pupil who has not been fully immunized for mumps, rubella, and hepatitis B by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)
- Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070(e).)

The Commission determined that these activities were mandated by Health and Safety Code section 120340 for all required immunizations, which provides that “a person who has not been fully immunized against one or more of the diseases listed in Section 120335 may be admitted by the governing authority on condition that within time periods designated by regulation of the department he or she presents evidence that he or she has been fully immunized against all of these diseases. Section 6035 of the regulations then addresses the conditional admission of a pupil. That section states in relevant part that “any pupil seeking admission to a given public . . . elementary or secondary school, . . . who lacks documentation of having received all the required vaccine doses . . . as specified in Table 1, Section 6020, and has not obtained a permanent medical exemption or a personal beliefs exemption to immunization in accordance with Section 6051, may be admitted conditionally” under specified circumstances. Section 6035 further requires the school to notify “the pupil’s parent or guardian . . . of the date by which the pupil must complete all the required immunizations.” Health and Safety Code section 120375(a) and section 6070(e) of the regulations then require the school to review the immunization record of each pupil admitted conditionally every thirty days until that pupil has received all the immunizations required by Health and Safety Code section 120355. With the 2010 subsequent change in law amending Health and Safety Code section 120355(c) to remove the condition that pupils advancing into seventh grade provide proof of full immunization against hepatitis B (i.e. all three shots), school districts will no longer incur costs mandated by the state for the activities required by sections 120340 and 120375 of the Health and Safety Code and sections 6035 and 6070(e) of the regulations with regard to Hepatitis B for pupils advancing to seventh grade.

Similarly, Section IV. D of the parameters and guidelines *Immunization Records – Hepatitis B*, 98-TC-05 lists the following mandated activities relating to mandatory pupil exclusions and parent notification requirements:

- Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216(b); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
- Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(c).)
- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, §

48216(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)

Education Code section 48216, cited in the bulleted activities above, governs the process to exclude pupils from school who have not been fully immunized and, as determined by the Commission, mandates school districts to perform the following activities for all required immunizations:

- (a) The county office of education or the governing board of the school district of attendance shall exclude any pupil who has not been immunized properly pursuant to Chapter 1 (commencing with Section 120325) of Part 2 of Division 105 of the Health and Safety Code.
- (b) The governing board of the district shall notify the parent or guardian of the pupil that they have two weeks to supply evidence either that the pupil has been properly immunized, or that the pupil is exempted from the immunization requirement pursuant to Section 120365 or 120370 of the Health and Safety Code.
- (c) The governing board of the district, in the notice, shall refer the parent or guardian of the pupil to the pupil's usual source of medical care to obtain the immunization, or if no usual source exists, either refer the parent or guardian to the county health department, or notify the parent or guardian that the immunizations will be administered at a school of the district.

Health and Safety Code section 120375(b) and sections 6040 and 6055 of the regulations also require a school district to prohibit from further attendance any pupil admitted conditionally who fails to timely obtain the required immunizations required by section 120335. Section 6065(c) then states that “when such written records [of immunization] are not available, the pupil shall not be admitted and the parent or guardian shall be referred to a physician or nurse for review of his or her immunization history and provision of immunizations as needed.”

With the 2010 subsequent change in law amending Health and Safety Code section 120355(c) to remove the condition that pupils advancing into seventh grade be immunized with a hepatitis B booster, school districts will no longer incur costs mandated by the state for the activities required by Education Code section 48216, Health and Safety Code section 120375, and sections 6040, 6055, and 6065 of the regulations for this particular immunization as a condition of advancement to the seventh grade.

Accordingly, the Commission finds that with the 2010 subsequent change in law, there are no costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 to perform the mandated activities identified in Section IV. B, C, and D of the parameters and guidelines as they relate to the hepatitis B immunization *for pupils advancing to the seventh grade only*.

3. With the 2010 subsequent change in law, there are no costs mandated by the state to perform the activities required to document and report each pupil’s immunization identified in Section IV. E of the parameters and guidelines as they relate to the hepatitis B immunization for pupils advancing to the seventh grade. However, costs incurred to *maintain* records, which have already been received, of the hepatitis B

immunization for pupils advancing into seventh grade in each pupil's permanent file continue to be mandated by the state and have not been modified by the 2010 statute.

Section IV. E of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05 identifies the following mandated activities for all required immunizations:

- Record each pupil's immunization for, or exemption from mumps, rubella, and hepatitis B on an immunization record and maintain the document in each pupil's permanent record. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Document additional vaccine doses on the pupil's immunization record as they are administered. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Collect data and prepare reports annually on immunization status for the Department of Health Services. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)
- Prepare follow-up or additional reports upon request by county health departments and the state. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)

These bulleted activities are mandated by Health and Safety Code sections 120325(d) and 120375(a), which requires school districts to record all immunizations required by section 120335 for each pupil in the pupil's permanent enrollment and scholarship record. Section 120375(c) and section 6075 of the regulations further require school districts to file written reports to DPH on the immunization status of pupils on an annual basis or as needed during an epidemic.

With the 2010 subsequent change in law amending Health and Safety Code section 120355(c) to remove the condition that pupils advancing into seventh grade be immunized with a hepatitis B booster, school districts will no longer incur costs mandated by the state to record and file reports on this immunization.

However, the activity identified in Section IV.E.1 of the parameters and guidelines, to *maintain in each pupil's permanent record* a copy of the document verifying the immunization or exemption for the hepatitis B immunization formerly required by section 120335 for pupil's advancing into the seventh grade, is still mandated by the state and has not been changed by the 2010 subsequent change in law. Section 437(b) of CDE's Title 5 regulations defines "mandatory permanent pupil records" as those records required to be "preserved in perpetuity by all California schools." Thus, the costs incurred to maintain the records already received under former Health and Safety Code section 120335 are still mandated by the state and eligible for reimbursement.

4. All reimbursable activities identified in the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05 as they relate to the required immunizations for mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time have *not* been modified by Statutes 2010, chapter 434, and, thus, remain eligible for reimbursement.

The 2010 statute did not modify the immunization requirements for mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time and these immunizations continue to be listed in the table of required immunizations in section 6020 of the Title 17 regulations. Thus, all reimbursable activities identified in Section IV.A, C through E of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, as they relate to the immunization requirements for mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time, continue to impose costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 and, thus, remain eligible for reimbursement.

B. The Period of Reimbursement for the Loss of Reimbursement Begins July 1, 2013.

According to Government Code section 17570, a redetermination request “shall be filed on or before June 30 following a fiscal year in order to establish eligibility for reimbursement or loss of reimbursement for that fiscal year.” This redetermination request was filed on June 29, 2015, establishing the loss of reimbursement as described above beginning July 1, 2013.

V. Conclusion

Based on the foregoing, the Commission partially approves the request for redetermination and concludes that the following activities do not impose costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, and are no longer eligible for reimbursement beginning July 1, 2013:

- The activity identified in Section IV.B of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, to request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999. (Health & Saf. Code, §§ 120325, 120335(c); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)
- The following activities identified in Section IV. C through E of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05 as they relate to the hepatitis B immunization for pupils advancing into the seventh grade:
 - Conditionally admit any pupil who has not been fully immunized by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)
 - Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070(e).)
 - Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216(b); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
 - Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required

immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(c).)

- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)
- Record each pupil's immunization for, or exemption on an immunization record. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Document additional vaccine doses on the pupil's immunization record as they are administered. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Collect data and prepare reports annually on immunization status for the Department of Health Services. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)
- Prepare follow-up or additional reports upon request by county health departments and the state. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)

The Commission further finds that the following activities have not been modified by Statutes 2010, chapter 434, continue to impose costs mandated by the state, and remain reimbursable:

- The activity identified in Section IV.E.1 of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, to *maintain in each pupil's permanent record* a copy of the document verifying the immunization or exemption for the hepatitis B immunization formerly required by section 120335 for pupil's advancing into the seventh grade.
- The reimbursable activity identified in Section IV.A, and all reimbursable activities identified in Sections C through E of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05 as they relate to the immunizations requirements for mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time.

Amended: March 25, 2016

Adopted: July 31, 2003

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DRAFT EXPEDITED AMENDMENT TO **PARAMETERS AND GUIDELINES**

Education Code Section 48216

Health and Safety Code Sections 120325, 120335, 120340, and 120375

Statutes 1978, Chapter 325; Statutes 1979, Chapter 435; Statutes 1982, Chapter 472;
Statutes 1991, Chapter 984; Statutes 1992, Chapter 1300; Statutes 1994, Chapter 1172;
Statutes 1995, Chapters 291 and 415; Statutes 1996, Chapter 1023;
Statutes 1997, Chapters 855 and 882;

California Code of Regulations, Title 17, Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075
(Register 90, No. 35; Register 80, Nos. 16, 34, 40; Register 86, No. 6; Register 96, No. 13;
Register 97, Nos. 21, 37, 39);

Immunization Records – Mumps, Rubella and¹ Hepatitis B
98-TC-05 (14-MR-04)

As Modified by: Statutes 2010, Chapter 434 (AB 354)

This amendment is effective beginning July 1, 2013

I. SUMMARY OF THE MANDATE

~~Statutes 1977, chapter 1176, required persons under 18 years of age to be immunized against poliomyelitis (polio); measles; and diphtheria, pertussis, and tetanus (DPT) prior to unconditional first admission to a public or private elementary or secondary school, child care center, day nursery, nursery school, or development center. The law required school districts to maintain records of immunization of all school age children and report periodically to the state on the immunization status of all new entrants into the schools. On June 20, 1979, the Board of Control (predecessor to the Commission) adopted the Statement of Decision for the *Immunization Records* test claim, finding that Statutes 1977, chapter 1176 imposed a reimbursable state mandated program. On July 28, 1988, the Commission determined that costs incurred for compliance with Statutes 1977, chapter 1176 would be reimbursed through the State Mandates Apportionment System (SMAS), which was enacted by the Legislature to allow certain ongoing state mandated programs to be funded automatically through the State Budget process, without the need for local governments to file annual claims for those costs with the State Controller.~~

¹ The title of this mandate has been renamed to add mumps and rubella, which have always been a part of the reimbursable program under Immunization Records: *Hepatitis B*, 98-TC-05 mandate.

On August 24, 2000, the Commission on State Mandates (Commission) adopted the Statement of Decision for the *Immunization Records: Hepatitis B* test claim, finding that the test claim statutes and regulations Statutes 1978, chapter 325; Statutes 1979, chapter 435; Statutes 1982, chapter 472; Statutes 1991, chapter 984; Statutes 1992, chapter 1300; Statutes 1994, chapter 1172; Statutes 1995, chapters 291 and 415; Statutes 1996, chapter 1023; Statutes 1997, chapters 855 and 882; and California Code of Regulations, title 17, sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075, imposed a new program or higher level of service within an existing program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and costs mandated by the state pursuant to Government Code section 17514 for the following activities:

- Request and review lawful exemption or proof of immunization against mumps, rubella and hepatitis B from each pupil seeking admission to school in the state for the first time.
- Record each pupil’s immunization for, or exemption from, mumps, rubella, and hepatitis B on an immunization record and maintain the form in the pupil’s permanent record.
- Request and review lawful exemption or proof of immunization against hepatitis B from each pupil advancing to the seventh grade.
- Conditionally admit any pupil who has not been fully immunized for mumps, rubella and hepatitis B.
- Periodically review the pupil’s immunization record until the pupil is fully immunized.
- Document vaccine doses on the pupil’s immunization record as they are administered.
- Notify parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunizations are not timely presented.
- Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations.
- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification.
- Collect data and prepare reports annually on immunization status for the Department of Health Services, and prepare follow-up or additional reports upon request by county health departments and the state.

On June 29, 2015, the Department of Finance (Finance) filed a request for redetermination of the test claim decision pursuant to Government Code section 17570. On March 25, 2016, the Commission adopted a new test claim decision, finding that Statutes 2010, chapter 434 amended Health and Safety Code section 120335(c) to eliminate the condition that pupils be fully immunized against hepatitis B before a school district can advance a pupil into the seventh grade. These parameters and guidelines have been amended in accordance with that decision.

II. ELIGIBLE CLAIMANTS

Any school district, as defined in Government Code section 17519, except for community colleges, that incurs increased costs as a result of this mandate is eligible to claim reimbursement.

III. PERIOD OF REIMBURSEMENT

Government Code section 17570(f) provides that a request for adoption of a new test claim decision (mandate redetermination) shall be filed on or before June 30 following a fiscal year in order to establish eligibility for reimbursement or loss of reimbursement for that fiscal year. The request for mandate redetermination was filed on June 29, 2015, establishing eligibility for reimbursement or loss of reimbursement based on a new test claim decision on or after July 1, 2013.

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

1. Reimbursement based on the uniform cost allowance provided for in these parameters and guidelines applies to costs incurred for all activities identified in Section IV., except the activity in Section IV.D.2.
2. Reimbursement for the activity identified in Section IV.D.2. shall be claimed based on actual costs incurred for one fiscal year.
3. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions.
4. Pursuant to Government Code section 17560(a), a school district may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs incurred for that fiscal year.
5. If revised claiming instructions are issued by the State Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a local agency 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).)
6. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
7. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

~~Government Code section 17557, prior to its amendment by Statutes 1998, chapter 681 (effective September 22, 1998), provided that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year.~~

~~The test claim for *Immunization Records: Hepatitis B* was submitted on August 17, 1998. Therefore all mandated costs incurred on or after July 1, 1997 for compliance with Statutes 1978, chapter 325, Statutes 1979, chapter 435, Statutes 1982, chapter 472, Statutes 1991, chapter 984, Statutes 1992, chapter 1300, Statutes 1994, chapter 1172, Statutes 1995, chapters 291 and 415, and Statutes 1996, chapter 1023 are eligible for reimbursement.~~

~~Statutes 1997, chapter 855 had a delayed operative date of July 1, 1998. Therefore, costs incurred on or after July 1, 1998, for compliance with Statutes 1997, chapter 855, are eligible for reimbursement.~~

~~Statutes 1997, chapter 882 was operative January 1, 1998. However, no activity was required until on or after July 1, 1999. Therefore, costs incurred on or after July 1, 1999, for compliance with Statutes 1997, chapter 882, are eligible for reimbursement.~~

~~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, subdivision (d)(1), all claims for reimbursement of initial years' costs shall be submitted within 120 days of the issuance of the State Controller's claiming instructions.~~

~~If the total costs for a given fiscal year do not exceed \$1000, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.~~

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities and shall be claimed in accordance with Section V. Claim Preparation and Submission. ~~and shall be claimed based on the uniform cost allowance adopted by the Commission.~~ 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, district attendance and enrollment data.

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

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

For each eligible claimant, the following activities are eligible for reimbursement:

A. Proof of Immunizations for New Entrants: Kindergarteners and/or Out-of-State Transfers *(Reimbursement period begins: July 1, 1997.)*

1. Request and review lawful exemption from, or proof of, immunization against mumps and rubella from each pupil seeking admission to school in the state for the first time.

(Health & Saf. Code, §§ 120325, 120335, ~~subd. (b)~~, 120375, ~~subd. (a)~~; Cal. Code Regs., tit. 17, §§ 6020, 6065, ~~subd. (b)~~.)²

2. Request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil entering specified institutions in the state for the first time at the kindergarten level after August 1, 1997. (Health & Saf. Code, §§ 120325, 120335; ~~subd. (b)~~, 120375, ~~subd. (a)~~; Cal. Code Regs., tit. 17, §§ 6020, 6065, ~~subd. (b)~~.)

~~B. Proof of Hepatitis B Immunizations for Students Entering Seventh Grade on or after July 1, 1999 (*Reimbursement Period begins: July 1, 1999.*)~~

- ~~1. Request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999. (Health & Saf. Code, §§ 120325, 120335, ~~subd. (c)~~; Cal. Code Regs., tit. 17, §§ 6020, 6065, ~~subd. (b)~~.)~~

~~CB. Conditional Admission of Pupils and Parent Notification Requirements (*Reimbursement Period begins: July 1, 1997.*)~~

1. Conditionally admit any pupil seeking admission to school in the state for the first time who has not been fully immunized for mumps, rubella, and hepatitis B by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)
2. Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375; ~~subd. (a)~~; Cal. Code Regs., tit. 17, § 6070, ~~subd. (e)~~.)

Reimbursement is not required for these activities as they relate to the formerly required hepatitis B immunization for pupils advancing to the seventh grade. (Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434.)

~~DC. Mandatory Pupil Exclusion and Parent Notification Requirements (*Reimbursement Period begins: July 1, 1998.*)~~

1. Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216, ~~subd. (b)~~; Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
2. Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code,

² The addition of mumps and rubella to the list of diseases an entering student must be immunized against prior to first admission into a school should create *no incremental workload*, since in California, one vaccine is given for measles, mumps, and rubella (MMR), and measles is part of the original *Immunization Records Parameters and Guidelines*.

§ 48216, ~~subd.~~ (c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065; ~~subd.~~ (c).)

3. Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216, ~~subd.~~ (a); Health & Saf. Code, §§ 120325, 120375, ~~subd.~~ (b); Cal. Code Regs., tit. 17, § 6055.)

Reimbursement is not required for these activities as they relate to the formerly required hepatitis B immunization for pupils advancing to the seventh grade. (Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434.)

ED. Documentation and Reporting Requirements for Immunizations
(Reimbursement Period begins: July 1, 1997.)

1. For pupils seeking admission to school in the state for the first time, Record each pupil's immunization for, or exemption from mumps, rubella, and hepatitis B on an immunization record and maintain the document in each pupil's permanent record. (Health & Saf. Code, §§ 120325, 120335, ~~subd.~~ (b), 120375, ~~subd.~~ (a); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6070.)
2. Maintain records, which have already been received, relating to the hepatitis B immunization or lawful exemption for pupils advancing into seventh grade, formerly required by Health and Safety Code section 120335(c), in each pupil's permanent file. (Health & Saf. Code, §§ 120335(c), as amended by Stats. 2010, ch. 434, and 120375(a).)
3. Document additional vaccine doses on the pupil's immunization record as they are administered.³ *Reimbursement is not required for this activity as it relates to the formerly required hepatitis B immunization for pupils advancing to the seventh grade. (Health & Saf. Code, §§ 120325, 120375, ~~subd.~~ (a); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6070.)*
4. Collect data and prepare reports annually on immunization status for the Department of Health Services. *Reimbursement is not required for these activities as they relate to the formerly required hepatitis B immunization for pupils advancing to the seventh grade. (Health & Saf. Code, §§ 120325, 120375, ~~subd.~~ (c); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6075.)*
5. Prepare follow-up or additional reports upon request by county health departments and the state. *Reimbursement is not required for this activity as it relates to the formerly required hepatitis B immunization for pupils advancing to the seventh grade (Health & Saf. Code, §§ 120325, 120375, ~~subd.~~ (c); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6075.)*

³ This activity is only for *documenting* additional vaccine doses on the pupil's immunization record. The test claim legislation does not mandate school districts to administer vaccines.

V. CLAIM PREPARATION AND SUBMISSION

Actual costs shall be claimed based on the uniform cost allowances adopted by the Commission pursuant to Government Code section 17557. The uniform cost allowances shall be adjusted each subsequent year by the Implicit Price Deflator referenced in Government Code section 17523.

The uniform cost allowances cover all the direct and indirect costs of performing the activities described in section IV. Direct costs are those costs incurred specifically for the reimbursable activities. Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both (1) overhead costs of the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

A. 1. Uniform Cost Allowance for All Activities Identified in Section IV. for New Entrants, Except for the Activity Identified in Section IV.D.2.

Actual costs for performing the activities described in Section IV for “new entrants” shall be claimed based on the uniform cost allowance adopted by the Commission pursuant to Government Code section 17557. The uniform cost allowance shall be adjusted each subsequent year by the Implicit Price Deflator referenced in Government Code section 17523.

The uniform cost allowance covers all the direct and indirect costs of performing the activities described in section IV for “new entrants.” Direct costs are those costs incurred specifically for the reimbursable activities. Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both (1) overhead costs of the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

<u>Fiscal Year</u>	<u>Uniform Cost Allowance</u>
1997-1998	\$ 2.12
1998-1999	5.87
1999-2000	6.14
2000-2001	6.38
2001-2002	6.48
2002-2003 (estimated)	6.59

~~Activities that are reimbursable under t~~The uniform cost allowance for “New Entrants” provides reimbursement for all activities in Section IV., except for the activity identified in Section IV.D.2. are as follows:

- ~~• Section IV. A, C, and E—new activities for the hepatitis B immunization.~~
- Section IV. D—new activities for the DPT, polio, MMR, and hepatitis B immunizations.

Reimbursement is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of “New Entrants.” A “New Entrant” includes kindergarteners and out-of-state transfers.

2. Actual Cost Claiming Applicable to the Reimbursable Activity in Section IV.D.2.

Reimbursement to maintain records, which have already been received, relating to the hepatitis B immunization or lawful exemption for pupils advancing into seventh grade, formerly required by Health and Safety Code section 120335(c), in each pupil’s permanent file, as provided in Section IV.D.2. of these parameters and guidelines shall be claimed as follows:

A. Direct Cost Reporting

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

1. Salaries and Benefits

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

2. Materials and Supplies

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

3. Contracted Services

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

4. Fixed Assets

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

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination, 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 cost element A.1., Salaries and Benefits, for each applicable reimbursable activity.

B. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting program, and are not directly assignable to a particular department or program without efforts disproportionate to the results achieved. After direct costs have been determined and assigned to other activities, as appropriate, indirect costs are those remaining to be allocated to benefited cost objectives. A cost may not be allocated as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been claimed as a direct cost.

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

Claimants must use the CDE approved indirect cost rate for the year that funds are expended.

B. Uniform Cost Allowance for Seventh Grade Pupils (for Fiscal Year 1999-2000 through 2003-2004):

Fiscal Year	Uniform Cost Allowance
1999-2000	\$ 3.23
2000-2001	3.36
2001-2002	3.41
2002-2003 (estimated)	3.47

Activities that are reimbursable under the uniform cost allowance for “Seventh Grade Pupils” are as follows:

- Section IV. B, C, D, and E — new activities for the hepatitis B immunization.

Reimbursement is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of “Seventh Grade Pupils.” A “Seventh Grade Pupil” is any pupil advancing to the seventh grade, other than “New Entrants.”

Note: Beginning with the 2004-2005 school year, the uniform cost allowance should be calculated as follows:

Uniform Cost Allowance = [cost per activity per immunization] x 5,
where the “cost per activity per immunization” is calculated as
[the current fiscal year SMAS Rate for *Immunization Records*] ÷ 15,
and 5 equals the number of activities required for seventh grade
pupils.⁴

~~The Commission has not identified any circumstances that would cause an eligible claimant to incur additional costs to perform the reimbursable activities listed in section IV. of these parameters and guidelines, which have not already been incorporated in the uniform allowance. Eligible claimants incurring any such costs within the scope of the reimbursable activities may submit a request to amend the parameters and guidelines to the Commission for such costs to be approved for reimbursement, subject to the provisions of California Code of Regulations, title 2, section 1183.2.~~

VI. RECORD RETENTION

~~Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter⁵ 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. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.~~

VII. OFFSETTING SAVINGS AND REIMBURSEMENTS

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

VIII. STATE CONTROLLER’S CLAIMING INSTRUCTIONS

~~⁴Kindergarteners beginning in the 1997-1998 school year will become seventh graders by the 2004-2005 school year and their immunization records would have already been reviewed for hepatitis B.~~

~~⁵ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.~~

Pursuant to Government Code section 17558, ~~subdivision (b)~~, the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than ~~60~~ 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute 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 a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. REMEDIES BEFORE THE COMMISSION

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the 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 (a)~~, and California Code of Regulations, title 2, section 1183.172.

X. INCLUSION IN STATE MANDATES APPORTIONMENT SYSTEM

~~The Department of Finance, the State Controller, local agencies, or school districts may request that the Commission review any mandated cost programs, for which appropriations have been made by the State to local agencies and school districts for any three consecutive years, to determine if those programs are eligible for inclusion in SMAS. The requesting agency is required to file a “request for inclusion” with the Commission. When considering the request for inclusion, the Commission must determine if the program has a history of stable costs for most claimants, if the program has been recently modified, and if inclusion would accurately reflect the costs of the program⁶.~~

XI. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

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

⁶ See Government Code section 17615 et seq. and California Code of Regulations, title 2, section ~~1184.5~~ 1186.1 et seq.



Exhibit H

RECEIVED
February 11, 2016
*Commission on
State Mandates*

BETTY T. YEE
California State Controller
Division of Accounting and Reporting

February 11, 2016

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: First Hearing Decision, Second Hearing Draft Proposed Decision, Draft Expedited
Amendment to Parameters and Guidelines, and Notice of Hearing
Mandate Redetermination Request, 14-MR-04
First Hearing: Adequate Showing
Immunization Records: Hepatitis B (98-TC-05)
Education Code Section 48216 et al.
As Alleged to be Modified by Statutes 2010, Chapter 434 (AB 354)
Department of Finance, Requester

Dear Ms. Halsey:

The State Controller's Office reviewed both the second hearing draft proposed decision and the draft expedited amendment to parameters and guidelines for the Immunization Records: Hepatitis B program and recommends no changes.

If you have any questions regarding the above, please contact Lacey Baysinger by telephone at (916) 324-7876, or by email at LBaysinger@sco.ca.gov.

Sincerely,

JAY LAL, Manager
Local Reimbursements Section

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

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

On February 16, 2016, I served the:

SCO Comments on Second Hearing Draft Proposed Decision, and Draft Expedited Amendment to Parameters and Guidelines

Mandate Redetermination Request, 14-MR-04

First Hearing: Adequate Showing

Immunization Records: Hepatitis B (98-TC-05)

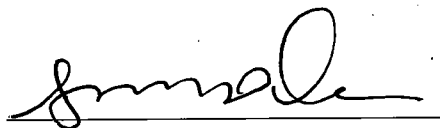
Education Code Section 48216 et al.

As Alleged to be modified by Statutes 2010, Chapter 434 (AB 354)

Department of Finance, Requester

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on February 16, 2016 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/27/16

Claim Number: 14-MR-04

Matter: Immunization Records: Hepatitis B (98-TC-05)

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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

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