

ITEM 10

PROPOSED STATEWIDE COST ESTIMATE STAFF ANALYSIS

Statutes 1990, Chapter 423

Statutes 1995, Chapter 758

Education Code Section 67385

Sexual Assault Response Procedures (99-TC-12)

Los Angeles Community College District, Claimant

EXECUTIVE SUMMARY

The test claim legislation requires the governing board of each community college district to adopt and implement a written procedure or protocols at each of their campuses or facilities to ensure that students, faculty and staff who are victims of sexual assault receive treatment and information. The statute specifies the minimum content of the written procedure or protocols.

The claimant filed the test claim on June 21, 2000. The Commission adopted the Statement of Decision on October 24, 2002, and the parameters and guidelines on December 2, 2003. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by June 7, 2004.

At this time, no reimbursement claims have been filed for this program. Under the existing mandates process, the amount of a statewide cost estimate is reported to the Legislature and introduced in a local government claims bill. Once the local government claims bill appropriates funds for the initial reimbursement period, the program's annual statewide estimated costs are placed in the State Budget. Since there are no claims on which to base this statewide cost estimate, staff recommends that the Commission adopt a statewide cost estimate of \$0 for this program. Adopting an estimate of "0" will initiate the process for informing the Legislature that there are no costs for this program. However, if reimbursement claims are filed on this program by June 6, 2005, a deficiency will be reported to the Legislature by the SCO.

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$0 for costs incurred in complying with the *Sexual Assault Response Procedures* program. If the statewide cost estimate is adopted, staff will report the estimate to the Legislature.

STAFF ANALYSIS

Background and Summary of the Mandate

The test claim legislation requires the governing board of each community college district to adopt and implement a written procedure or protocols at each of their campuses or facilities to ensure that students, faculty and staff who are victims of sexual assault receive treatment and information. The statute specifies the minimum content of the written procedure or protocols.

The claimant, Los Angeles Community College District, filed the test claim on June 21, 2000. The Commission adopted the Statement of Decision on October 24, 2002, and the parameters and guidelines on December 2, 2003. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by June 7, 2004. The Commission uses these initial claims to develop the statewide cost estimate.

Discussion

Reimbursable Activities

The Commission approved this test claim for the following activities:

A. Policies and Procedures (One-Time Activity per Campus or Facility)

The governing board of each community college district shall adopt and implement at each campus or facility written procedure or protocols to ensure to the fullest extent possible that students, faculty or staff who are victims of sexual assault committed on the grounds or facilities of each institution, or on off-campus grounds or facilities maintained by the institutions, or on grounds or facilities maintained by affiliated student organizations shall receive treatment and information. If appropriate on-campus treatment facilities are unavailable, the written procedure or protocols may provide for referrals to local community treatment centers. The written procedure or protocols shall contain at least the following information:

- (1) the college policy on sexual assault on campus;
- (2) personnel on campus to notify, and procedures for notification, with the victim's consent;
- (3) legal reporting requirements and procedures for fulfilling them;
- (4) services available to the victim and personnel to provide response services, such as transporting a victim to the hospital, referring victims to a counseling, and notifying the police, with the victim's concurrence;
- (5) a description of both on campus and off campus resources available to the victim;
- (6) procedures for ongoing case management, including keeping the victim informed of the status of student disciplinary proceedings in connection with the assault, the results of any disciplinary action or appeal, and helping the victim deal with academic difficulties stemming from the sexual assault;
- (7) procedures guaranteeing confidentiality and for handling requests for information from the press, concerned students, and parents;
- (8) procedures for informing rape and other assault victims of the possibility of criminal prosecution, civil actions, the disciplinary process through the college, the availability of mediation, alternative housing assignments, and academic assistance.

The claimant is only allowed to claim and be reimbursed for the increased cost of providing the information described in the reimbursable activity identified above. If other information is included in the written procedure or protocols, it is at the claimant's discretion and is not reimbursable. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

B. Update the written information contained in the procedure or protocols annually, if needed.

C. Training

Training to inform employees of the original and any subsequent updates to the written procedure or protocols (see B. above).

Statewide Cost Estimate

At this time, no reimbursement claims have been filed for this program. Under the existing mandates process, the amount of a statewide cost estimate is reported to the Legislature and introduced in a local government claims bill. Once the local government claims bill appropriates funds for the initial reimbursement period, the program's annual statewide estimated costs are placed in the State Budget. Since there are no claims on which to base this statewide cost estimate, staff recommends that the Commission adopt a statewide cost estimate of \$0 for this program. Adopting an estimate of "0" will initiate the process for informing the Legislature that there are no costs for this program. However, if reimbursement claims are filed on this program by June 6, 2005, a deficiency will be reported to the Legislature by the SCO.

Assumptions

Staff made the following assumptions:

- Since the reimbursable activities are limited to the development and implementation of policies and procedures, which does not include the activities to carry out those policies and procedures, it is anticipated that most claimants will not meet the \$1,000 per year minimum filing threshold. Therefore it is unlikely that any claims will be filed on this program.
- If claims were filed on this program, the actual amount claimed would exceed the statewide cost estimate because there would be no funds appropriated in the State Budget to fund this program.

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$0 for costs incurred in complying with the *Sexual Assault Response Procedures* program.