

COMMISSION ON STATE MANDATES

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July 14, 2011

Mr. Keith Petersen
SixTen and Associates
P.O. Box 340430
Sacramento, CA 95834-0430

And Affected State Agencies and Interested Parties (See Mailing List)

RE: **Final Staff Analysis, Proposed Statewide Cost Estimate, and Hearing Date**
Child Abuse and Neglect Reporting; 01-TC-21
Penal Code Sections, 11165.7, and 11174.3
Statutes 1987, Chapters 640 and 1459; Statutes 1991, Chapter 132;
Statutes 1992, Chapter 459; Statutes 1998, Chapter 311;
Statutes 2000, Chapters 916; Statutes 2001, Chapters 133 and 754
San Bernardino Community College District, Claimant

Dear Mr. Petersen:

The final staff analysis and proposed statewide cost estimate are enclosed.

Hearing

This matter is set for hearing on **Thursday, July 28, 2011** at 9:30 a.m. in Room 447, State Capitol, Sacramento, CA. This matter is proposed for the Consent Calendar. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1183.01(c)(2) of the Commission's regulations.

Special Accommodations

For any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternate format, or any other accommodations, please contact the Commission office at least five to seven *working* days prior to the hearing.

Please contact Kerry Ortman at (916) 327-8320 if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to be "Drew Bohan".

Drew Bohan
Executive Director

ITEM 13
FINAL STAFF ANALYSIS
PROPOSED STATEWIDE COST ESTIMATE
\$10,638

Penal Code Sections 11165.7(d) and 11174.3(a)

Statutes 1987, Chapters 640 and 1459

Statutes 1991, Chapter 132

Statutes 1992, Chapter 459

Statutes 1998, Chapter 311

Statutes 2000, Chapters 916

Statutes 2001, Chapters 133 and 754

Child Abuse and Neglect Reporting

01-TC-21

San Bernardino Community College District, Claimant

STAFF ANALYSIS

Background and Summary of the Mandate

The test claim statutes require certain professionals, including teachers and other education professionals, to report suspected child abuse to local law enforcement or child welfare authorities.

The claimant filed the test claim on June 28, 2002. The Commission on State Mandates (Commission) adopted a statement of decision on July 31, 2009 and the parameters and guidelines on July 29, 2010.¹ The Commission found that the test claim statute and regulations constitute a new program or higher level of service and impose a state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

Eligible claimants were required to file initial reimbursement claims for fiscal years 2000-2001 through 2008-2009 with the State Controller's Office (SCO) by February 1, 2011, and for fiscal year 2009-2010 by February 15, 2011. Claims filed more than one year after the applicable deadline will not be accepted.

Eligible Claimants and Period of Reimbursement

Any "school district" as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement. Charter schools are not eligible claimants.

The period of reimbursement for this program begins on July 1, 2000.

¹ Exhibit A.

Reimbursable Activities

This test claim was filed by a community college district. The Commission found that there were no reimbursable activities imposed on community college districts, but it did find that activities were imposed on school districts. The following is a summary of those activities described more fully in the parameters and guidelines attached hereto as Exhibit A:

- Reporting to the State Department of Education the reasons why training is not provided, whenever school districts do not train their employees specified in Penal Code section 11165.7(a), in the duties of mandated reporters under the child abuse reporting laws. (Pen. Code, § 11165.7(d).)²
- Informing staff members of their responsibilities prior to the interview whenever a suspected victim of child abuse or neglect is to be interviewed during school hours, on school premises, and has requested that a staff member of the school be present at the interview.

Statewide Cost Estimate

Staff reviewed the claims data submitted by two school districts. Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program.

Assumptions

- *The actual amount claimed for reimbursement may increase and exceed the statewide cost estimate.*

There are 1,047 K-12 school districts in California. Of those, only two filed reimbursement claims for this program between 2001 and 2010. However, other eligible claimants could file reimbursement claims if they receive reports of child abuse or neglect, which could increase the cost of the program.

- *There may be several reasons that non-claiming school districts did not file for reimbursement, including but not limited to:*
 1. The Commission approved only a portion of this program as a mandate. Therefore, some school districts cannot reach the \$1,000 threshold for filing reimbursement claims.
 2. School districts did not have supporting documentation to file a reimbursement claim.
- *The total amount of reimbursement for this program may be lower than the statewide cost estimate, because the SCO may reduce any reimbursement claim for this program.*

The SCO may conduct audits and reduce any claims it deems to be excessive or unreasonable.

² Added by Statutes 1987, chapter 1459; amended by Statutes 1991, chapter 132, Statutes 1992, chapter 459, Statutes 2000, chapter 916, Statutes 2001, chapter 133 (urgency), and Statutes 2001, chapter 754. Reimbursement for this activity begins July 1, 2000, based on the test claim filing date; the reimbursable activity was not substantively altered by later amendments.

Methodology

Fiscal Years 2009-2010

The statewide cost estimate for fiscal year 2009-2010 was developed by totaling the two actual reimbursement claims filed with the SCO for that year.

The statewide cost estimate includes one fiscal year for a total of \$10,638. Following is the total cost per fiscal year:

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
2009-2010	2	\$10,638
TOTAL	2	\$10,638

Comments on the Draft Staff Analysis and Proposed Statewide Cost Estimate

Commission staff issued the draft staff analysis and proposed statewide cost estimate for comment on June 21, 2011.³ No comments were submitted.

Staff Recommendation

Staff recommends the Commission adopt the proposed statewide cost estimate of **\$10,638** for costs incurred in complying with the *Child Abuse and Neglect Reporting* program.

³ Exhibit B.

Commission on State Mandates

Original List Date: 7/3/2002
Last Updated: 6/17/2011
List Print Date: 07/13/2011
Claim Number: 01-TC-21
Issue: Child Abuse and Neglect Reporting

Mailing List

TO ALL PARTIES AND INTERESTED PARTIES:

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, § 1181.2.)

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