

COMMISSION ON STATE MANDATES

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December 16, 2013

Mr. Keith Petersen
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Ms. Jill Kanemasu
State Controller's Office
Division of Accounting and Reporting
3301 C Street, Suite 700
Sacramento, CA 95816

And Parties, Interested Parties and Interested Persons (See Mailing List)

RE: Draft Staff Analysis, Proposed Statewide Cost Estimate, Schedule for Comments, and Notice of Hearing
Parental Involvement Programs, 03-TC-16
Education Code Sections 11504 et al.
San Jose Unified School District, Claimant

Dear Mr. Petersen and Ms. Kanemasu:

The draft staff analysis and proposed statewide cost estimate for this matter are enclosed for your review and comment.

Written Comments

Written comments on the draft staff analysis and proposed statewide cost estimate may be filed by **December 26, 2013**. If you would like to request an extension of time to file comments, please refer to section 1183.01(c)(1) of the Commission's regulations (California Code of Regulations, title 2).

Hearing

This matter is set for hearing on **Friday, January 24, 2014** at 10:00 a.m. in Room 447, State Capitol, Sacramento, CA. The final staff analysis will be issued on or about January 10, 2014. This matter is proposed for the Consent Calendar. Please let us know in advance if you will testify at the hearing, or have a representative testify on your behalf, 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.

Please contact Jason Hone at (916) 323-3562 if you have questions.

Sincerely,


Heather Halsey
Executive Director

Item ___

**Draft Staff Analysis
Proposed Statewide Cost Estimate**

\$626,175

(Approximate Prospective Cost of \$125,268 Annually)

Education Code Sections 11504, 49091.10, 51101, 51101.1

Statutes 1990, Chapter 1400; Statutes 1998, Chapter 864; Statutes 1998, Chapter 1031; and
Statutes 2002, Chapter 1037

Parental Involvement Programs

03-TC-16

San Jose Unified School District, Claimant.

STAFF ANALYSIS

Background and Summary of the Mandate

This program addresses activities associated with parent involvement and parent rights in the education of their children pursuant to various Education Code sections. The activities include the adoption of parent involvement policies, providing parents access to classrooms and class materials, and providing notice to parents of specific education related rights.

On December 7, 2012, the Commission on State Mandates (Commission) adopted a statement of decision on the test claim finding that Education Code sections 11504, 49091.10(a), 49091.10(b), 51101(b), and 51101.1(a), as added or amended by the test claim statutes, impose a partial 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.

Parameters and Guidelines were adopted on April 19, 2013 approving the reimbursable activities described below under the *Reimbursable Activities* section.

Eligible claimants were required to file initial reimbursement claims (for costs incurred between fiscal years 2002-2003 and 2011-2012) with the State Controller's Office (SCO) by November 19, 2013. Late initial reimbursement claims may be filed until November 19, 2014. Reimbursement claims for fiscal year 2012-2013 are due by February 18, 2014.

Eligible Claimants and Period of Reimbursement

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

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. San Jose Unified School District filed the test claim on September 25, 2003, establishing eligibility for reimbursement for

the 2002-2003 fiscal year. All of the reimbursable activities approved in the *Parental Involvement Programs* test claim were eligible for reimbursement beginning July 1, 2002.

Reimbursable Activities

The parameters and guidelines authorize reimbursement of each eligible claimant for the following activities:

1. One Time Activities

a. Parent Involvement Policies (Ed. Code, §§ 11504 and 51101(b))

- 1) For school districts formed, or school districts with schools formed, on or after July 1, 2002 that could not have adopted parent involvement policies prior to the 2002-2003 fiscal year, engage in the following one-time activity:

Adopt a policy on parent involvement, consistent with the purposes and goals set forth in Education Code section 11502 (Stats. 1990, ch. 1400), for each school that does not receive funding under Chapter 1 of the federal Elementary and Secondary Education Act of 1965, as amended by the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub. L. No. 100-297). (Ed. Code, § 11504 (Stats. 1990, ch. 1400).)

- 2) For school districts formed, or school districts with schools formed, on or after July 1, 2002 that could not have adopted a policy prior to the 2002-2003 fiscal year, engage in the following one-time activity:

Develop jointly with parents and guardians, and adopt, a policy that outlines how parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each schoolsite.

The policy must include the following: (1) the means by which the school and parents or guardians of pupils may help pupils to achieve academic and other standards of the school; (2) a description of the school's responsibility to provide a high quality curriculum and instructional program in a supportive and effective learning environment that enables all pupils to meet the academic expectations of the school; and (3) the manner in which the parents and guardians of pupils may support the learning environment of their children, including, but not limited to: (a) monitoring attendance of their children, (b) ensuring that homework is completed and turned in on a timely basis, (c) participation of the children in extracurricular activities, (d) monitoring and regulating the television viewed by their children, (e) working with their children at home in learning activities that extend learning in the classroom, (f) volunteering in their children's classrooms, or for other activities at the school, (g) participating, as appropriate, in decisions relating to education of their own child or the total school program. (Ed. Code, § 51101(b) (Stats. 1998, ch. 864).)

To the extent that school districts choose to adopt a single policy for both 1(a)(1) and 1(a)(2) of the above-referenced activities or the same policy for multiple schools within the district, they may only claim reimbursement for actual costs of the adoption of that single policy.

2. Ongoing Activities

a. Parent Involvement Opportunities (Ed. Code, § 49091.10)

- 1) Promptly make all assessments, excluding standardized tests described in Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3 of the Education Code, available for inspection by a parent or guardian in a reasonable timeframe or in accordance with procedures determined by the governing board of the school district.¹ (Ed. Code, § 49091.10(a) (Stats. 1998, ch. 1031).)
- 2) Upon written request by a parent or guardian, arrange for the parental observation of the requested class or classes or activities by the parent or guardian within a reasonable timeframe and in accordance with procedures determined by the governing board of the school district. (Ed. Code, § 49091.10(b) (Stats. 1998, ch. 1031).)

Teacher time to arrange for the parental observation of a class is not reimbursable.

b. Notice to Parents and Guardians of Pupils that Speak a Primary Language Other than English of Specified Education Related Rights (Ed. Code, § 51101.1)

Provide notice of the rights set forth in Education Code section 51101(a)(1), (a)(2), (a)(3), (a)(4), (a)(11), retention and promotion policies as provided in (a)(12) and (a)(16) (Stats. 2002, ch. 1037), and Education Code section 51101.1(b)(2) and (b)(4) (Stats. 2002, ch. 1037) to the parents and guardians of pupils that speak a single primary language other than English if 15 percent or more of the pupils in the school speak that single primary language. (Ed. Code, § 51101.1(a) (Stats. 2002, ch. 1037).)

Statewide Cost Estimate

Assumptions

Staff reviewed the reimbursement claims data submitted by approximately 22 school districts and compiled by the SCO². The actual claims data showed that 111 initial claims were filed for fiscal years 2002-2003 through 2011-2012 for a total of \$626,175. Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program.

- *The actual amount claimed for reimbursement may increase and exceed the statewide cost estimate.*
 - There are currently 1043 school districts in California. Of those, only 22 school districts filed initial reimbursement claims totaling \$626,175 for this program for fiscal years 2002-2003 through 2011-2012. If other eligible claimants file late or amended initial claims, the amount of reimbursement claims may exceed the statewide cost estimate. Late initial reimbursement claims for this program for fiscal years 2002-2003 through 2011-2012 may be filed until November 19, 2014. There

¹ In 2009, the Legislature made a non-substantive amendment to section 49091.10 in order to modernize existing statutory references to audio or video recordings. Specifically, the Legislature replaced “tapes” with “audio video records.” (Stats. 2009, ch. 88.)

² Claims data reported as of December 4, 2013.

- also may be several reasons that non-claiming community college districts did not file reimbursement claims, including but not limited to, (1) they did not incur more than \$1,000 in increased costs for this program and (2) they did not have supporting documentation to file a reimbursement claim.
- Additionally, the total costs claimed in the most recent three years of the initial claiming period are trending upward. It is likely that the costs of the activities will continue to increase with the costs of living moving forward.
 - *The annual costs of the program may vary depending on how school districts adopt parental involvement program policies.*
 - School districts may choose to adopt a single policy for both one-time, parental involvement program policy requirements approved under Education Code sections 11504 and 51101(b) or the same policy for multiple schools within the district. If a single policy is adopted, then they may only claim reimbursement for actual costs of that single policy.
 - Additionally, this program requires school districts to arrange for the parental observation of the requested class or classes or activities within a reasonable timeframe and in accordance with procedures determined by the governing board of the school district if a parent or guardian submits a written request for a class observation. As a result, the costs of claims will vary annually depending on the number of requests filed within the school district.
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- *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.

Methodology

Fiscal Years 2002-2003 through 2011-2012

The statewide cost estimate for fiscal years 2002-2003 through 2011-2012 was developed by totaling the 111 reimbursement claims filed with the SCO for these years totaling \$626,175. For the reasons discussed above, staff finds that the averages for the most recent three-year period are most indicative of potential costs. For the most recent three-year period, costs averaged \$125,268 annually.

Following is a breakdown of estimated total costs per fiscal year:

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
2002-2003	4	\$6,277
2003-2004	4	\$8,372
2004-2005	6	\$31,751
2005-2006	7	\$13,324
2006-2007	9	\$30,310
2007-2008	13	\$51,370

2008-2009	15	\$108,967
2009-2010	15	\$106,651
2010-2011	18	\$125,252
2011-2012	20	\$143,901
TOTAL	111	\$626,175

Staff Recommendation

Staff recommends the Commission adopt the proposed statewide cost estimate of **\$626,175 (Approximate Prospective Cost of \$125,268 Annually)** for costs incurred in complying with the *Minimum Conditions for State Aid* program.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Yolo 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 December 16, 2013, I served the:

**Draft Staff Analysis, Proposed Statewide Cost Estimate, Schedule for Comments,
and Notice of Hearing**

Parental Involvement Programs, 03-TC-16

Education Code Sections 11504 et al.

San Jose Unified School District, Claimant

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 December 16, 2013 at Sacramento, California.



Jason Hone
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 12/16/13

Claim Number: 03-TC-16

Matter: Parental Involvement Programs

Claimant(s): San Jose Unified School District

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, § 1181.2.)

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