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April 15, 2015

Heather Halsey
Executive Director

Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Case No.: Immunization Records – Pertussis (11-TC-02)
Request to Amend Parameters & Guidelines to Adopt a Reasonable
Reimbursement Methodology
Claimant: Desert Sands Unified School District

Dear Ms. Halsey:

Desert Sands Unified School District files this Request to Amend Parameters & Guidelines To Adopt A Reasonable Reimbursement Methodology, a uniform cost allowance, pursuant to Government Code sections 17557(d)(1); 17557(2)(C); 17518.5 and California Code of Regulations section 1183.17 (a)(3). The request includes proposed language for the specific sections of the existing parameters and guidelines and a narrative explaining why the amendment is required.

If you have any questions, please feel free to contact me.

Very truly yours,

STUTZ ARTIANO SHINOFF & HOLTZ
A Professional Corporation

A handwritten signature in black ink, appearing to read "Arthur M. Palkowitz", written over a horizontal line.

Arthur M. Palkowitz, Esq.

AMP:llm

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11 Attorney for Desert Sands Unified
12 School District (Claimant)

13 **BEFORE THE COMMISSION ON STATE MANDATES**

14 **STATE OF CALIFORNIA**

15 IN RE TEST CLAIM OF:

16 Health and Safety Code sections 120325
17 and 120335, as amended and replaced by
18 Statutes 210, Chapter 434 (AB 354)

19 Claimant:
20 Desert Sands Unified School District

Case No.: 11-TC-02
Immunization Records – Pertussis

**REQUEST TO AMEND PARAMETERS
AND GUIDELINES TO ADOPT A
REASONABLE REIMBURSEMENT
METHODOLOGY**

21 **I. INTRODUCTION**

22 Immunization Records Pertussis Test Claim was approved by the Commission on
23 State Mandates (“Commission”) for reimbursement of activities confirming students were
24 fully immunized against pertussis. Desert Sands Unified School District (“Claimant”)
25 requests to amend the parameters and guidelines for this mandate to establish a uniform cost
26 allowance pursuant to Government Code § 17557(d).

27 **II. TEST CLAIM PROCESS**

28 **A. Test Claim**

29 The 2010 test claim filed by Twin Rivers Unified School District (“Twin Rivers”)
30 alleged that Statutes 210, Chapter 434, AB 354 imposed a reimbursable state mandated
31 program upon school districts for the cost of district personnel from unconditionally
32 admitting or advancing students unless they are properly immunized, and that school districts

1 must receive documentary evidence of their pertussis immunization in order to properly
2 comply with the prohibition in section 120335(d) against admitting or advancing students to
3 the 7th through 12th grade levels, unless a pupil has been fully immunized against pertussis,
4 including all pertussis boosters appropriate for the pupil's age.

5 On July 26, 2013, the test claim was adopted by the Commission concluding that
6 Health and Safety Code § 120335(d) mandated a new and higher level of service in terms of
7 requiring districts to verify that students were fully immunized against pertussis. (Statement
8 of Decision - **Ex. A**)

9 **B. Parameters and Guidelines**

10 On December 6, 2013, the original parameters and guidelines were adopted and have
11 not been subsequently amended. (**Ex. B**) The Commission approved the test claim for the
12 following reimbursable activities:

13 A. For fiscal year 2011-2012 only, for students entering the 7th through 12th grades:

14 (1) Receive and review the following documents for all pupils entering the 7th
15 through 12th grades to determine whether to unconditionally admit or conditionally admit
16 the pupil:

17 a) A written record of the pertussis vaccination (Tdap booster) that contains
18 the name of the pupil, birth date of the pupil, the date of the pertussis vaccination, and the
19 name of the physician or agency administering the vaccine; *or*

20 b) Documentation showing a pupil's permanent medical exemption or
21 personal beliefs exemption to immunization. A permanent medical exemption shall be
22 granted upon the filing of a written statement from a licensed physician to the effect that the
23 physical condition of the pupil or medical circumstances relating to the pupil are such that
24 immunization is permanently not indicated. A personal beliefs exemption for the pertussis
25 booster shall be granted upon the filing of a letter or affidavit from the pupil's parent or
26 guardian or adult who has assumed responsibility for his or her care and custody in the case
27 of minor, or the person seeking admission if an emancipated minor, that such pertussis

1 booster immunization is contrary to his or her beliefs; *or*

2

3

c) Documentation showing a pupil is temporarily exempt from immunization

4

5 for medical reasons. Pupils who are fully immunized against pertussis based on records
6 provided by the student's physician or agency performing the immunization, or who have
7 documented a permanent medical exemption or a personal belief exemption to immunization
8 against pertussis, shall be unconditionally admitted to grades 7 through 12. Pupils who have
9 a temporary medical exemption shall be admitted to grades 7 through 12 on condition that
10 the required immunization is obtained at the termination of the exemption. (Reimbursement
11 is not required to perform activities generally required to admit students since those activities
12 are not new. Reimbursement is limited to receiving and reviewing the above documents.)

12

(2) If it is determined that a pupil seeking admission lacks documentation that he or
13 she has been fully immunized against pertussis, and does not have a permanent medical
14 exemption or a personal belief exemption to the pertussis immunization, advise the pupil, or
15 the parent or guardian, to contact a physician or agency that provides immunizations.

16

(3) For any already admitted pupil found not to have received all immunizations for
17 pertussis which are required before admission or advancement to grades 7 through 12, or
18 who is found not to have complied with requirements for conditional admission, notify that
19 pupil's parents or guardians of the requirement to exclude the pupil from school if written
20 evidence of the required immunization for pertussis, or lawful exemption therefrom, is not
21 obtained within ten school days.

22

(4) Report to the attendance supervisor or building administrator any pupil excluded
23 from further attendance who fails to obtain the required immunizations within ten school
24 days following notice, unless the pupil is exempt for medical reasons or personal beliefs,
25 until the pupil provides written evidence that he or she has received the pertussis
26 immunization required.

27

B. Beginning July 1, 2012, only for students entering the 7th grade:

28

1 (1) Receive and review the following documents for all pupils entering the 7th grade
2 to determine whether to unconditionally admit or conditionally admit the pupil:
3

4 a) A written record of the pertussis vaccination (Tdap booster) that contains
5 the name of the pupil, birth date of the pupil, the date of the pertussis vaccination, and the
6 name of the physician or agency administering the vaccine; or

7 b) Documentation showing a pupil's permanent medical exemption or
8 personal beliefs exemption to immunization. A permanent medical exemption shall be
9 granted upon the filing of a written statement from a licensed physician to the effect that the
10 physical condition of the pupil or medical circumstances relating to the pupil are such that
11 immunization is permanently not indicated. A personal beliefs exemption for the pertussis
12 booster shall be granted upon the filing of a letter or affidavit from the pupil's parent or
13 guardian or adult who has assumed responsibility for his or her care and custody in the case
14 of minor, or the person seeking admission if an emancipated minor, that such pertussis
15 booster immunization is contrary to his or her beliefs.

16 c) Documentation showing a pupil is temporarily exempted from
17 immunization for medical reasons. Pupils who are fully immunized against pertussis based
18 on records provided by the student's physician or agency performing the immunization, or
19 who have documented a permanent medical exemption or a personal belief exemption to
20 immunization against pertussis shall be unconditionally admitted to grade 7. Pupils who
21 have a temporary medical exemption shall be admitted to grade 7 on condition that the
22 required immunization is obtained at the termination of the exemption. (Reimbursement is
23 not required to perform activities generally required to admit students since those activities
24 are not new. Reimbursement is limited to receiving and reviewing the above documents.)

25 (2) If it is determined that a pupil seeking admission lacks documentation that he or
26 she has been fully immunized against pertussis, and does not have a permanent medical
27 exemption or a personal belief exemption to the pertussis immunization, advise the pupil, or
28

1 the parent or guardian, to contact a physician or agency that provides immunizations.

2 (3) For any already admitted pupil who is later found not to have complied with
3 requirements for conditional admission, notify that pupil's parents or guardians of the
4 requirement to exclude the pupil from school if written evidence of the required
5 immunization for pertussis, or lawful exemption therefrom, is not obtained within ten school
6 days.

7 (4) Report to the attendance supervisor or building administrator any pupil excluded
8 from further attendance who fails to obtain the required immunizations within ten school
9 days following notice, unless the pupil is exempt for medical reasons or personal beliefs,
10 until the pupil provides written evidence that he or she has received the pertussis
11 immunization required.

12 **C. State Controller's Claiming Instructions**

13 On March 17, 2014, the Office of the State Controller issued claiming instructions for
14 the initial reimbursement claims to be filed by July 15, 2014. (Ex. C)

15 **III. REQUEST TO AMEND THE PARAMETERS AND GUIDELINES**

16 **A. Legal Authority**

17 The Commission has the authority to "after public notice and hearing, amend, modify,
18 or supplement the parameters and guidelines" upon the claim or request of a local agency,
19 school district, or state agency. (Gov. Code § 17557(d).) Desert Sands Unified School
20 District ("District") is a school district as defined by Government Code section 17519.

21 "In adopting parameters and guidelines, the commission may adopt a reasonable
22 reimbursement methodology." (Gov. Code §17557(b).) For purposes of the subdivision, the
23 request to amend parameters or guidelines may be filed to make any of the following
24 changes to parameters and guidelines, consistent with the Statement of Decision to include a
25 reasonable reimbursement methodology for all reimbursement activities. (Gov. Code §
26 17557(d).) Attached to this request is a Statistical Analysis of Pertussis Mandate Claims
27 Report describing the source data and the statistical analysis performed in calculating a

1 proposed unit rate. (Exhibit D)

2 **B. Parameters and Guidelines**

3 The parameters and guidelines adopted on December 6, 2013, included in part the
4 following:

5 **V. CLAIM PREPARATION AND SUBMISSION**

6 Each of the following cost elements must be identified for each reimbursable activity
7 identified in Section IV, Reimbursable Activities, of this document. Each claimed
8 reimbursable cost must be supported by source documentation as described in Section IV.

9 Additionally, each reimbursement claim must be filed in a timely manner.

10 **A. Direct Cost Reporting**

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

13 1. Salaries and Benefits

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

18 2. Materials and Supplies

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

24 3. Contracted Services

25 Report the name of the contractor and services performed to implement the
26 reimbursable activities. Attach a copy of the contract to the claim. If the contractor bills for
27

1 time and materials, report the number of hours spent on the activities and all costs charged. If
2 the contract is a fixed price, report the dates when services were performed and itemize all
3 costs for those services. If the contract services are also used for purposes other than the
4 reimbursable activities, only the pro-rata portion of the services used to implement the
5 reimbursable activities can be claimed. Submit contract consultant and attorney invoices with
6 the claim and a description of the contract scope of services.

7
8 4. Fixed Assets

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

14 B. Indirect Cost Rates

15 Indirect costs are costs that have been incurred for common or joint purposes. These
16 costs benefit more than one cost objective and cannot be readily identified with a particular
17 final cost objective without effort disproportionate to the results achieved. After direct costs
18 have been determined and assigned to other activities, as appropriate, indirect costs are those
19 remaining to be allocated to benefited cost objectives. A cost may not be allocated as an
20 indirect cost if any other cost incurred for the same purpose, in like circumstances, has been
21 claimed as a direct cost.

22 Indirect costs may include: (a) the indirect costs originating in each department or
23 agency of the governmental unit carrying out state mandated programs; and (b) the costs of
24 central governmental services distributed through the central service cost allocation plan and
25 not otherwise treated as direct costs. School districts must use the California Department of
26 Education approved indirect cost rate for the year that funds are expended.

27 VI. RECORD RETENTION

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual

1 costs filed by a local agency or school district pursuant to this chapter is subject to the
2 initiation of an audit by the Controller no later than three years after the date that the actual
3 reimbursement claim is filed or last amended, whichever is later. However, if no funds are
4 appropriated or no payment is made to a claimant for the program for the fiscal year for
5 which the claim is filed, the time for the Controller to initiate an audit shall commence to run
6 from the date of initial payment of the claim. In any case, an audit shall be completed not
7 later than two years after the date that the audit is commenced. All documents used to
8 support the reimbursable activities, as described in Section IV, must be retained during the
9 period subject to audit. If an audit has been initiated by the Controller during the period
10 subject to audit, the retention period is extended until the ultimate resolution of any audit
11 findings.

12 **C. Request to Amend Parameters and Guidelines**

13 California Code of Regulations states:

14 All requests pursuant to Government Code § 17557 to amend parameters
15 and guidelines shall include the proposed language for the specific sections
16 of the existing parameters or guidelines that are to be changed, and include
a narrative explaining why the amendment is required. (CCR, Title 2, §
1183.17, (a))

17 A request to amend parameters and guidelines may be filed to make any of
18 the following changes to the parameters and guidelines:
19 Include a reasonable reimbursement methodology for all or some of the
20 reimbursable activities. (CCR § 1183.17, (a)(3))

21 Government Code section 17518.5(a) defines a reimbursement methodology (RRM)
22 as a formula for reimbursing local agencies and school districts for costs mandated by the
23 state as defined by Section 17514. Government Code section 17518.5(b) states “a reasonable
24 reimbursement methodology shall be based on cost information from a representative sample
25 of eligible claimants, information provided by association of local agencies and school
26 districts, or other projections of local costs.”
27

1 Government Code section 17518.5(d) states:

2 Whenever possible, a reasonable reimbursement methodology shall be
3 based on general allocation formulas, uniform cost allowances, and other
4 approximations of local costs mandated by the State, rather than detailed
5 documentation of actual local costs. ~~In cases where local agencies and~~
6 ~~school districts are required to incur costs to implement a mandate over a~~
7 period of more than one fiscal year, the determination of a reasonable
8 reimbursement methodology may consider local costs and state
9 reimbursements over a period of greater than one fiscal year, but not
10 exceeding ten years.

11 There is no legal distinction between the authority to adopt a reasonable
12 reimbursement methodology (“RRM”) and the authority to adopt a uniform cost allowance
13 or allocation formula, as provided for under the earlier statutes. A RRM may be based on a
14 broad range of criteria and information, and need not conform to any specific statutory
15 standards, other than balancing accuracy with simplicity, and considering variation in costs
16 among local government claimants in order to implement the mandate in a cost efficient
17 manner. Claimant has submitted documentation and argument which constitutes substantial
18 evidence to adopt an RRM for reimbursement of the mandated activities approved in the test
19 claim.

20 **C. Proposed Reasonable Reimbursement Methodology**

21 The Statistical Analysis of Pertussis Mandate Claims report presents the findings of
22 the statistical analysis of reimbursement claims submitted by school districts for the Pertussis
23 mandate contained in AB 354 (Chapter 434, Statutes of 2010). The analysis was conducted
24 to develop a recommended unit cost rate for claims made under the Reasonable
25 Reimbursement Methodology (RRM) provisions of state law. (Ex. D) The analysis was
26 based on unaudited claims data received from the State Controller’s Office for fiscal years
27 2011-12 and 2012-13, along with school district enrollment data (excluding charter schools)
28 from the State Department of Education. From these data sources, a per-student claim
29 amount was calculated for each district submitting claims during the two years.

1 Although statistical analyses was performed for both fiscal years, the discussion and
2 recommendations in the report are based on the findings for 2012-13, since the ongoing
3 portion of the mandate, which began in 2012-13, applies only to incoming 7th grade
4 students. In contrast, the 2011-12 claims were on a one-time basis, to all students entering
5 the 7th through 12th grades. (Ex. D-Appendix 1).

6 Thus, the 2012-13 claims are most directly relevant to future mandate claims under
7 the pertussis program the first year of the ongoing portion of the pertussis mandate. (For
8 2012-13 onward, the mandate applies only to 7th graders.) In 2012-13, claims filed by the
9 158 districts analyzed ranged from \$1 to over \$50 per student. However, over one-half of
10 the districts (covering nearly two-thirds of the students in districts submitting claims) were
11 clustered in a much tighter range of \$1 to \$10. The un-weighted average claim for all
12 districts was \$12.87 per student. The weighted average claim, taking into account the relative
13 number of 7th graders in each district, was \$9.64 per student. After eliminating outliers the
14 weighted average based on the remaining sample was \$9.17 per student. The median per-
15 district claim amount was \$8.88 per student.

16 It is recommended the Commission approve a unit cost rate of \$9.17 per eligible 7th
17 grade student. After adjusting for inflation, the unit cost rate for 2014-15 is \$9.47.

18 The proposed unit cost rates are derived from annual reimbursement claim cost data
19 pursuant to the Statement of Reimbursable activities in the parameters and guidelines that
20 were adopted by the Commission and are presumed to be the most cost efficient manner of
21 implementing the mandated activities for the program. The proposed uniform cost allowance
22 considers the variation in costs among the districts to implement the mandate in a cost
23 efficient manner because they are dependent on the number of students determined to be
24 immunized at each district. The number of students varies between districts and the level of
25 actual costs incurred is tied to the number of students. Thus, the proposed uniform cost
26 allowance meets all of the requirements for a reasonable reimbursement methodology that
27 balances accuracy with simplicity.

28 **D. Proposed Changes to the Parameters and Guidelines**

1 The District proposes the following changes to the language of the parameters and
2 guidelines in order to implement a reasonable reimbursement methodology.

3 **I. SUMMARY OF THE MANDATES**

4 No change.

5 **II. ELIGIBLE CLAIMANTS**

6 No change.

7 **III. PERIOD OF REIMBURSEMENT**

8 No change.

9 **IV. REIMBURSABLE ACTIVITIES**

10 No change.

11 **V. CLAIM PREPARATION AND SUBMISSION**

12 Replace existing language with the following:

13 **A. REASONABLE REIMBURSEMENT METHODOLOGY**

14 The Commission is adopting a reasonable reimbursement methodology to reimburse
15 claimants for all *direct* and *indirect* costs of the mandated activities for the immunization
16 records-pertussis program as authorized by Government Code section 17557(b) and
17 Government Code section 17518.5 in lieu of filing detailed documentation of actual costs.

18 1. Reasonable Reimbursement Methodology. The definition of Reimbursement
19 Methodology as stated in Government Code section 17518.5 is as follows:

20 2. Uniform Cost Allowance. The Reasonable Reimbursement Methodology for
21 the mandated activities shall consist of a uniform cost allowance calculated as follows.
22 Multiple the total number of students in grades seven by the relevant unit cost rate for the
23 fiscal year. The unit cost rate shall be adjusted each subsequent year by the Implicit Price
24
25
26
27
28

1 Deflector.

2 **VI. RECORD RETENTION**

3 No change.

4 **VII. OFFSETTING REVENUES AND REIMBURSEMENTS**

5 No change.

6 **VIII. STATE CONTROLS CLAIMING INSTRUCTIONS**

7 No change.

8 **IX. REMEDIES FOR THE COMMISSION**

9 No change.

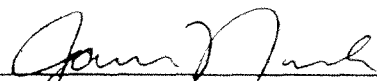
10 **X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND**
11 **GUIDELINES**

12 No change.

13
14 **CERTIFICATION**

15
16 I declare, by my signature below, that the statements made in this document are true
17 and complete to the best of my own personal knowledge or information and belief.

18
19 Dated: April 1st, 2015

20 
21 James Novak
22 Assistant Superintendent of Business Services
23 Desert Sands Unified School District

24 Exhibit A: Immunization Records-Pertussis, 11-TC-02 Statement of Decision (adopted
25 July 26, 2013)

26 Exhibit B: Immunization Records-Pertussis, 11-TC-02 Parameters and Guidelines
(December 6, 2013)

27 Exhibit C: Office of the State Controller Claiming Instructions Immunization Records-
28 Pertussis (March 17, 2014)

1 Exhibit D: Statistical Analysis of Pertussis Mandate Claims (April 1, 2015)

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EXHIBIT A

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Health and Safety Code Sections 120325 and 120335, as amended and replaced by Statutes 2010, Chapter 434 (AB 354)

Filed on September 26, 2011

By the Twin Rivers Unified School District,
Claimant.

Case No.: 11-TC-02

Immunization Records - Pertussis

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

(Adopted July 26, 2013)

(Served August 5, 2013)

STATEMENT OF DECISION

The Commission on State Mandates (Commission) heard and decided this test claim during a regularly scheduled hearing on July 26, 2013. Mr. Arthur Palkowitz represented claimant, Twin Rivers Unified School District. Ms. Susan Geanacou and Ms. Laurie Carney appeared on behalf of the Department of Finance (Finance).

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., and related case law.

The Commission adopted the revised final staff analysis and proposed statement of decision to partially approve the test claim at the hearing by a vote of 6 to 1.

Summary of the Findings

This test claim addresses a 2010 test claim statute that responded to a recent pertussis (whooping cough) epidemic in California.

The Commission approves this test claim with respect to Health and Safety Code section 120335(d), as added and replaced by the test claim statute. Section 120335(d) prohibits schools from admitting or advancing pupils to the 7th through 12th grade levels during the 2011-2012 fiscal year and, beginning in fiscal year 2012-2013, pupils entering or advancing to the 7th grade level, unless the pupil is fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age. Under prior law, immunization against pertussis was, and continues to be required prior to the *first* admission to school, typically in kindergarten.

The plain language of section 120335(d) prohibits schools from unconditionally admitting or advancing students unless they are properly immunized, and does not affirmatively identify any activities required to comply with the prohibition. However, an interpretation of the statute that finds schools are not required to act would improperly ignore the pupils' constitutional right to education and frustrate the manifest purpose of section 120335 and the statutory scheme of which it is a part. Section 120335 must be interpreted under the rules of statutory construction, which requires that the statute be construed and make sense in context with the entire statutory scheme. Using these rules, the Commission finds that school districts must receive documentary evidence of the pertussis immunization, as described below, in order to properly comply with the prohibition in section 120335(d) against admitting or advancing a student to the 7th through 12th grade levels, unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age.

The Commission concludes that Health and Safety Code section 120335(d), as added and replaced by Statutes 2010, chapter 434 imposes the following mandated activities on school districts:

- A. For fiscal year 2011-2012 only, and for students entering the 7th through 12th grade levels:
 - (1) Unconditionally admit students who are fully immunized against pertussis based on records provided by the student's physician or agency performing the immunization, or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis.
 - (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
 - (3) For any student found not to have received all immunizations for pertussis which are required before admission or advancement to grades 7 through 12, or who is found not to have complied with requirements for conditional admission, notify that student's parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis, or lawful exemption therefrom, is not obtained within 10 school days.
 - (4) Exclude from further attendance any pupil who fails to obtain the required immunizations within 10 school days following notice, unless the pupil is exempt for medical reasons or personal beliefs, until the pupil provides written evidence that he or she has received the pertussis immunization required.
- B. Beginning July 1, 2012, for students entering the 7th grade:
 - (1) Unconditionally admit students who are fully immunized against pertussis based on records provided by the student's physician or agency performing the immunization, or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis.
 - (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption

to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.

- (3) For any student who is found not to have complied with requirements for conditional admission, notify that student's parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis, or lawful exemption therefrom, is not obtained within 10 school days.
- (4) Exclude from further attendance any pupil who fails to obtain the required immunizations within 10 school days following notice, unless the pupil is exempt for medical reasons or personal beliefs, until the pupil provides written evidence that he or she has received the pertussis immunization required.

The Commission also finds that these activities are new with respect to the pertussis immunization for pupils entering the 7th through 12th grade levels, and provide a service to the public in an effort to protect public health and safety, and, thus, impose a new program or higher level of service. In addition, evidence has been submitted supporting the finding that the claimant has incurred increased costs mandated by the state. Accordingly, the Commission finds that Health and Safety Code section 120335(d), as added and replaced by the 2010 test claim statute, imposes a reimbursable state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution.

All of other code sections pled and allegations made are denied. Health and Safety Code section 120325 is a statement of legislative intent, and does not require school districts to perform any activities. In addition, the Commission does not have jurisdiction to make mandate findings on California Code of Regulations, title 17, sections 6020, 6035, 6040, 6051, 6055, 6065, 6070, and 6075 (Register 2011, No. 26, eff. 6/30/11), which were adopted by the Department of Public Health to implement the 2010 test claim statute.

COMMISSION FINDINGS

I. Chronology

- | | |
|------------|--|
| 09/26/2011 | Claimant, Twin Rivers Unified School District, filed the test claim with the Commission. |
| 10/05/2011 | Commission staff deemed the filing complete. |
| 02/13/2013 | Commission staff issued the draft staff analysis and proposed statement of decision, setting the matter for the April 19, 2013 hearing. |
| 03/06/2013 | Claimant requested an extension of time to file comments and a postponement of the hearing. |
| 03/08/2013 | Claimant's request for an extension of time and postponement of hearing was granted and this matter was set for hearing on May 24, 2013. |
| 03/28/2013 | Claimant submitted written comments on the draft staff analysis. |
| 05/08/2013 | Commission staff issued the final staff analysis and proposed statement of decision. |
| 05/15/2013 | Claimant submitted late written comments on the draft staff analysis. |

- 05/24/2013 The Commission heard and continued this matter, directing staff to draft an alternative proposed statement of decision analyzing whether the prohibition in Health and Safety Code section 120335(d) imposes any state-mandated activities on school districts.
- 05/24/2013 Commission staff issued a notice continuing the hearing to July 26, 2013 and providing a June 11, 2013 deadline to file comments regarding whether the prohibition contained in section 120335(d) imposes a reimbursable state-mandated program.
- 06/27/2013 Claimant submitted late written comments regarding whether the prohibition contained in section 120335(d) imposes a reimbursable state-mandated program.

II. Background

A. Test Claim Statute

This test claim seeks reimbursement for costs incurred by the Twin Rivers Unified School District (claimant) for activities pertaining to immunization against pertussis (whooping cough) for adolescent students. Amendments of sections 120325 and 120335 were “needed to allow [the Department of Public Health] to require pertussis booster vaccines for students prior to the start of the seventh grade.”¹ Pertussis is a highly communicable disease that lasts for many weeks and can be fatal in infants. Children, adolescents, and adults alike become susceptible and can contract pertussis when immunity from infection by the vaccine wanes. Therefore, a booster shot against pertussis is recommended in early adolescence to reduce pertussis infection rates.² After the test claim statute was enacted, DPH adopted emergency regulations relating to pertussis vaccination and reported the following information in its statement of reasons:

California is in the midst of a pertussis epidemic. In 2010, there were 10 infant deaths and more than 9,000 cases of pertussis reported to the Department; the most cases reported in one year in California since 1947. The infants who died were too young to begin their immunizations and were most likely infected by adolescents and adults with pertussis disease. Routine childhood immunization against pertussis does not provide lasting immunity. The first pertussis-containing vaccines for adolescents and adults were licensed in 2005 as a combination tetanus toxoid, reduced diphtheria toxoid, and acellular pertussis vaccine (Tdap). Tdap vaccine is recommended by ACIP, AAP, and AAFP to protect adolescents and adults against pertussis. Based on recent survey data, many adolescents have not received a recommended pertussis booster. The 7th through 12th grade pupils are at highest risk of waning pertussis immunity and without intervention will continue to prolong the pertussis epidemic.³

¹ Exhibit 1E, Assembly Third Reading Bill Analysis, Assembly Bill 354, as amended April 28, 2009, p. 2.

² *Id.* at pp. 2-3.

³ Exhibit 1B, DPH Initial Statement of Reasons for “School Immunization Requirements: Grades 7 through 12” dated May 19, 2011, pages 2 and 3 (internal citations omitted).

i. Health and Safety Code Section 120325

Health and Safety Code section 120325 was originally enacted in 1977 and contains the Legislature's statement of intent regarding Health and Safety Code sections 120325 through 120375. Section 120325 states that sections 120325 through 120375 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 the 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 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.⁴

The test claim statute did not alter the childhood diseases included in section 120325 or the Legislature's statement of intent contained in section 120325. The code section was amended, however, to add the American Academy of Family Physicians to the list of entities whose recommendations the Department of Public Health must consider when determining whether to update the list of required vaccinations contained in sections 120325 through 120375.

ii. Health and Safety Code Section 120335

Health and Safety Code section 120335 incorporates the list of childhood diseases contained in section 120325 and prohibits school districts from admitting students unless they are fully immunized.⁵ The test claim statute did not alter the childhood diseases listed in section 120335. However, with respect to pertussis immunization, the test claim statute added subdivision (d) to section 120335, which prohibited school districts, during the period from July 1, 2011 until June 30, 2012, from admitting or advancing any student to the 7th through 12th grade levels unless the pupil was fully immunized, with appropriate boosters for the pupil's age. Subdivision (d) states:

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.

⁴ Health and Safety Code section 120325(b)(c)(d).

⁵ Health and Safety Code section 120335(b).

Section 3 of the bill then replaced section 120335 with a new code section, effective July 1, 2012, to prohibit school districts from admitting or advancing any pupil to the 7th grade unless the pupil is fully immunized against pertussis, including all age appropriate boosters. Section 120335 (d), as of July 1, 2012, states:

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.

~~Claimant has alleged that Health and Safety Code sections 120325 and 120335 have caused it to incur reimbursable costs to notify parents of the pertussis vaccination requirements for students entering the 7th through 12th grades, train staff, , and review and keep immunization records.~~

B. Prior Law and Prior Related Test Claim Decisions

1. Prior Law

Under the law immediately prior to the enactment of the test claim statute, Health and Safety Code section 120335(b) prohibited the “governing authority”⁶ of schools from unconditionally admitting a pupil to “...any public or private 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 the institution he or she has been fully immunized.” In determining whether a student is fully immunized, section 120335(b) further required that the following diseases be documented: diphtheria, hepatitis B, haemophilus influenza type b, measles, mumps, pertussis, poliomyelitis, rubella, tetanus, and varicella.

The immunizing agents and age appropriate immunization requirements for each disease are specified by DPH, in consultation with the California Department of Education (CDE), pursuant to Health and Safety Code sections 120330 and 120335, and California Code of Regulations, title 17, sections 6020 *et seq.* (DPH regulations). These regulations lay out the process by which school districts are required to receive documentation that the student was fully immunized. Health and Safety Code section 120345 and section 6065 of the Title 17 regulations, for example, require that a written record be given to the person immunized by the physician or agency performing the immunization that includes the child's name, birthdate, type of vaccine administered, the date the vaccine was administered, and the name of the physician or agency administering the vaccine. Under existing regulations, school districts are also required to record each student's immunization information on a form supplied by DPH, which becomes part of each student's mandatory pupil record. Pursuant to Health and Safety Code section 120375 and section 6070 of the Title 17 regulations, each student's immunization record shall contain the child's name, birthdate, date of unconditional or conditional admission, type of vaccine administered, the date the vaccine was administered, date and type of exemption, if any.

⁶ Health and Safety Code section 120335(a) defines “governing authority” as “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.”

The immunizations required by Health and Safety Code sections 120325 et seq. may be obtained from any private or public source desired as long as the immunization is administered and records are made in accordance with regulations of DPH.⁷ In addition, pursuant to Health and Safety Code section 120365 and section 6051 of the Title 17 regulations, a parent or guardian may exercise the right to refuse required immunizations by asserting either a medical or personal belief exemption, which allows the student to be admitted unconditionally. A permanent medical exemption shall be granted upon the filing with the school a written statement from a licensed physician to the effect that the physical condition of the pupil or medical circumstances relating to the pupil are such that immunization is permanently not indicated.⁸ A personal beliefs exemption shall be granted upon the filing of a letter or affidavit from the pupil's parent or guardian or adult who has assumed responsibility for his or her care and custody in the case of a minor, or the person seeking admission if an emancipated minor, that such immunization is contrary to his or her beliefs.⁹

Any student who lacked documentation of all immunizations required by prior law, and did not have a permanent medical exemption or personal beliefs exemption to immunization, could be admitted *conditionally* under specified circumstances pursuant to section 6035 of the Title 17 regulations; for example if the student had a temporary medical exemption or was in the process of receiving doses of the required vaccines. However, schools are required to prohibit from further attendance any student admitted conditionally who fails to obtain the required immunizations within the 10 school days time limit set forth in the Title 17 regulations and is not otherwise exempted from immunization requirements.¹⁰ These requirements remain in the law.

2. Prior Test Claim SB 90-120: Immunization Records

Under test claim SB 90-120 regarding immunizations, Statutes of 1977, Chapter 1176, which added former Health and Safety Code section 3380, now renumbered as Health and Safety Code section 120325, required that persons under 18 years of age were 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. Regulations adopted to implement this act required school districts to maintain records of immunization of all school age children and to report periodically to the state on the immunization status of all new entrants into the schools. The Board of Control, as predecessor to the Commission, found that 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.

⁷ Health and Safety Code section 120345.

⁸ California Code of Regulations, title 17, section 6051(a); Health and Safety Code section 120370.

⁹ *Id.* at section 6051(b).

¹⁰ Health and Safety Code section 120375; California Code of Regulations, title 17, section 6055.

3. Prior Test Claim 98-TC-05: Immunization Records – Hepatitis B

A second test claim, 98-TC-05, regarding immunizations for Hepatitis B, sought reimbursement for costs incurred as a result of amendments to Health and Safety Code section 120335 and legislation amending other statutes and regulations adopted by DPH relating to monitoring, record keeping, reporting, and parent notification requirements, and enforcement of pupil immunization requirements for Hepatitis B.¹¹ The Commission found that, as amended, Health and Safety Code section 120335 and other related legislation and regulations imposed new requirements regarding immunizations for Hepatitis B, documentation and reporting of immunizations, mandatory pupil exclusion and parent notification requirements. The Commission found that these activities were not contained in prior law and thus constituted a new program or higher level of service and a reimbursable state mandate.

III. Position of Claimant and Interested Parties

A. Claimant's Position

Claimant alleges that the test claim statute constitutes a reimbursable state-mandated program or higher level of service within an existing program. Specifically, claimant requests reimbursement for the following activities, which it alleges must be done to comply with Health and Safety Code sections 120325 and 120335:

- (1) Informing parents/students of the immunization requirements regarding pertussis; developing procedures; training staff; obtaining, reviewing, and maintaining student immunization records; and contacting parents and legal guardians for non-compliance;
- (2) Periodically reporting to the state on the immunization status of all entrants into schools;
- (3) Requesting and reviewing lawful exemption or proof of immunization against pertussis from each pupil seeking admission to the school in the state for the first time;
- (4) Recording and maintaining in each pupil's permanent record the pupil's immunization or exemption from immunization against pertussis;
- (5) Requesting and reviewing lawful exemption or proof of immunization against pertussis from each pupil advancing to the seventh grade;
- (6) Periodically reviewing each pupil's immunization record until the pupil is fully immunized against pertussis;
- (7) Documenting vaccine doses on each pupil's immunization record as immunizations are administered;
- (8) Notifying parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunizations are not timely presented;

¹¹ Test claim 98-TC-05 arose from amendments and additions to Education Code section 48216, Health and Safety Code sections 120325, 120335, 120340, and 120375, and California Code of Regulations, Title 17 sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075.

- (9) Referring the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations;
- (10) Excluding pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification; and
- (11) Collecting data and preparing reports annually on immunization status for the Department of Health Services, and preparing follow-up or additional reports upon request by county health departments and the state.

In comments submitted in response to the draft staff analysis, claimant objected to the conclusion that the DPH regulations implementing the test claim statute were not properly pled. Although claimant's comments admit that the activities listed above are set forth in the DPH regulations rather than the test claim statute, claimant asserts that the Commission has jurisdiction over the DPH regulations because the test claim noted that the Commission previously issued a decision regarding test claim 98-TC-05, which addressed, among other things, prior versions of the DPH regulations. Claimant further argues that the Commission has jurisdiction over the DPH regulations because the test claim statute specifically stated that DPH is authorized to adopt emergency regulations implementing the test claim statute. Although claimant did not discuss this emergency authorization to adopt regulations in the test claim, claimant believes that including a copy of the test claim statute which includes this emergency authorization is sufficient to meet the Commission's pleading requirements. Claimant further argues that it was not required to specifically cite to any regulations which claimant intended to plead as part of a test claim, nor was it required to attach copies of such regulations to the test claim.

The claimant alternatively requests that its test claim be amended to include the DPH regulations (Cal. Code Regs., tit. 17, §§ 6020, 6035, 6040, 6051, 6055, 6065, 6070, and 6075; Register 2011, No. 26, eff. 6/30/11) as part of the claim. Pursuant to Government Code section 17554, the claimant further requests that the Commission waive any "procedural requirement" allowing the proposed amendment to be timely filed as part of the original test claim filing.¹²

Claimant alleges that the activities listed above caused the claimant to incur \$25,000 in costs during the 2011-2012 fiscal year and will cause the claimant to incur \$25,000 in costs for each year thereafter. Claimant also alleges that the statewide cost estimate to all affected school districts to implement the test claim statutes will be \$6,000,000 per year.

B. Position of State Agencies and Interested Parties

No comments have been submitted on this matter by any state agencies or interested parties. Finance supports a decision denying the test claim on the ground that the test claim statute does not impose a state-mandated program on school districts and that the Commission does not have

¹² Government Code section 17554 states: "With the agreement of all parties to the claim, the commission may waive the application of any procedural requirement imposed by this chapter or pursuant to section 17553. The authority granted by this section includes the consolidation of claims and the shortening of time periods."

jurisdiction to make findings on the Title 17 regulations adopted by the Department of Public Health in 2011 to implement the test claim statute.¹³

IV. Discussion

Article XIII B, section 6 of the California Constitution provides in relevant part the following:

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 programs or increased level of service, except that the Legislature *may, but need not*, provide a subvention of funds for the following mandates:

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

The purpose of article XIII B, section 6 is to “preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are ‘ill equipped’ to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose.”¹⁴ Thus, the subvention requirement of section 6 is “directed to state-mandated increases in the services provided by [local government] ...”¹⁵

Reimbursement under article XIII B, section 6 is required when the following elements are met:

1. A state statute or executive order requires or “mandates” local agencies or school districts to perform an activity.¹⁶
2. The mandated activity either:
 - a. Carries out the governmental function of providing a service to the public; or
 - b. Imposes unique requirements on local agencies or school districts and does not apply generally to all residents and entities in the state.¹⁷
3. The mandated activity is new when compared with the legal requirements in effect immediately before the enactment of the test claim statute or executive order and it increases the level of service provided to the public.¹⁸

¹³ Hearing before the Commission on State Mandates, Reporter's Transcript of Proceedings, May 24, 2013, page 52, testimony of Susan Geanacou, Department of Finance.

¹⁴ *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.

¹⁵ *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

¹⁶ *San Diego Unified School Dist. v. Commission on State Mandates (San Diego Unified School Dist.)* (2004) 33 Cal.4th 859, 874.

¹⁷ *Id.* at 874-875 (reaffirming the test set out in *County of Los Angeles, supra*, 43 Cal.3d 46, 56.)

4. The mandated activity results in the local agency or school district incurring increased costs, within the meaning of section 17514. Increased costs, however, are not reimbursable if an exception identified in Government Code section 17556 applies to the activity.¹⁹

The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law.²⁰ The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6.²¹ In making its decisions, the Commission must strictly construe article XIII B, section 6, and not apply it as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”²²

A. The Commission Does Not Have Jurisdiction to Determine if the Title 17 Regulations Adopted by DPH to Implement the 2010 Test Claim Statute Require Reimbursement under Article XIII B, Section 6.

As noted in legislative history of the 2010 test claim statute, the activities identified by the claimant are addressed by DPH regulations that exist to implement and interpret Health and Safety Code sections 120325 through 120375. In 2011, DPH adopted emergency regulations implementing the test claim statute at issue here.²³ These regulations became effective on June 30, 2011, three months before the filing of this test claim, but have not been pled by the claimant.

The Commission does not have jurisdiction to determine if statutes and executive orders require reimbursement under the Constitution unless those statutes or executive orders are pled in a test claim. Government Code section 17521 defines test claim to mean “the first claim filed with the commission alleging that *a particular statute or executive order* imposes costs mandated by the state...” An executive order is defined to include regulations.²⁴ Government Code section 17553(b)(1) further requires that all test claims contain at least “a written narrative that *identifies the specific sections of statutes or executive orders* and the effective date *and register number of regulations* alleged to contain a mandate...” In addition, the statutes and executive orders pled for any given test claim are required to be listed in box 4 of the test claim form and are then

¹⁸ *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 874-875, 878; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835.

¹⁹ *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (Cal. Ct. App. 1st Dist. 2000) 84 Cal.App.4th 1265, 1284; Government Code sections 17514 and 17556.

²⁰ *County of San Diego*, *supra*, 15 Cal.4th 68, 109.

²¹ *Kinlaw v. State of California* (1991) 53 Cal.3d 482, 487.

²² *County of Sonoma*, *supra*, 84 Cal.App.4th 1265, 1280 [citing *City of San Jose*, *supra*].

²³ California Code of Regulations, Title 17 sections 6020, 6035, 6040, 6051, 6055, 6065, 6070, and 6075. (Register 2011, No. 26, eff. 6/30/11). (See also, DPH’s Initial Statement of Reasons, dated May 19, 2011.)

²⁴ Government Code section 17516.

included in the caption on page one of the Notice of Complete Test Claim Filing, draft staff analysis, final staff analysis and Statement of Decision, as well as on the notice and agenda. Statutes and executive orders not included in box 4 are not pled.²⁵ The DPH regulations are not included in box 4 and are not discussed in the written narrative of the test claim. Although claimant cites to prior test claims to support reimbursement for the regulations at issue here, prior Commission decisions are not controlling and did not include findings on the 2011 regulations at issue here. In addition, unlike this claim, the prior test claim on *Hepatitis B* (98-TC-05) properly pled the regulations that implemented the school immunization program for hepatitis B.

In addition, the claimant can no longer amend the test claim to add the DPH regulations.

Pursuant to Government Code section 17557(e), a test claim may not be amended once it has been set for hearing and this matter was set for hearing when the draft analysis was issued on February 13, 2013.²⁶ Moreover, the DPH regulations at issue became effective on June 30, 2011, more than 12 months from the date of the claimant's March 28, 2013 comments on the draft analysis that requested the amendment. Allowing claimant to add the DPH regulations to the test claim now would improperly allow claimant to circumvent the 1-year statute of limitations for filing test claims.²⁷ These time limits in the Government Code establish the Commission's jurisdiction over test claim amendments, which cannot be waived by an agreement of the parties as suggested by the claimant. Government Code section 17554 allows all parties to a claim to waive *procedural* requirements, including procedural requirements relating to consolidating existing claims or for shortening time periods established in the law. However, section 17554 cannot be used to waive *jurisdictional* requirements.²⁸

Based on the foregoing, the Commission finds that it does not have jurisdiction to determine whether the DPH regulations require reimbursement under article XIII B, section 6.

B. Health and Safety Code Section 120325 Does Not Impose any State-Mandated Activities on School Districts.

Health and Safety Code section 120325 contains the Legislative intent with respect to childhood immunizations. The claimant pled section 120325 in its test claim and appears to suggest, although not directly, that section 120325 directs school districts to engage in a reimbursable

²⁵ Sections 1183, subdivision (d) and 1183.02, subdivision (c) of the Commission's regulations; and, Commission on State Mandates Test Claim Form adopted pursuant to Government Code section 17553, box 4.

²⁶ Government Code section 17557(e) states: "A test claim shall be submitted on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year. The claimant may thereafter amend the test claim at any time, but before the test claim is set for a hearing, without affecting the original filing date as long as the amendment substantially relates to the original test claim."

²⁷ Government Code section 17551(c); California Code of Regulations, title 2, section 1183(c) [which requires "any test claim or amendment filed with the commission must be filed not later than 12 months following the effective date of a statute or executive order"].

²⁸ *Harrington v. Superior Court* (1924) 194 Cal. 185, 188; *Western States Petroleum Ass'n v. Department of Health Services* (2002) 99 Cal.App.4th 999, 1006.

state-mandated program or higher level of service relating to immunization against pertussis.²⁹ However, claimant's written narrative and supporting declaration of Robert Roach, Mandate Analyst for the claimant, fail to specify what, if anything, section 120325 directs school districts to do.

The Commission finds that the plain language of section 120325 does not impose any specific activities on schools regarding immunizations against pertussis. Accordingly, Health and Safety Code section 120325, as amended by Statutes 2010, chapter 434, does not impose a state-mandated program on school districts within the meaning of article XIII B, section 6

C. Health and Safety Code Section 120335 Imposes a Reimbursable State-Mandated Program on School Districts

In 2010, the test claim statute added subdivision (d) to section 120335 for fiscal year 2011-2012 to state the following:

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. [Emphasis added.]

Statutes of 2010, Chapter 434, section 3 then repealed and replaced section 120335(d) with a new section 120335(d), which became operative July 1, 2012 and which states the following:

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. [Emphasis added.]

The claimant contends that section 120335(d) requires school districts to perform a number of tasks including the following:

- (1) Informing parents/students of the immunization requirements regarding pertussis; developing procedures; training staff; obtaining, reviewing, and maintaining student immunization records; and contacting parents and legal guardians for non-compliance;
- (2) Periodically reporting to the state on the immunization status of all entrants into schools;
- (3) Requesting and reviewing lawful exemption or proof of immunization against pertussis from each pupil seeking admission to the school in the state for the first time;
- (4) Recording and maintaining in each pupil's permanent record the pupil's immunization or exemption from immunization against pertussis;

²⁹ Exhibit 1A, test claim, dated September 26, 2011, section 4 ("TEST CLAIM STATUTES OR EXECUTIVE ORDERS CITED"), p. 1, and section 5, p. 6.

- (5) Requesting and reviewing lawful exemption or proof of immunization against pertussis from each pupil advancing to the seventh grade;
 - (6) Periodically reviewing each pupil's immunization record until the pupil is fully immunized against pertussis;
 - (7) Documenting vaccine doses on each pupil's immunization record as immunizations are administered;
 - (8) Notifying parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunizations are not timely presented;
-
- (9) Referring the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations;
 - (10) Excluding pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification; and
 - (11) Collecting data and preparing reports annually on immunization status for the Department of Health Services, and preparing follow-up or additional reports upon request by county health departments and the state.

The plain language of section 120335(d) prohibits schools from unconditionally admitting or advancing students unless they are properly immunized, and does not affirmatively identify any activities required to comply with the prohibition. However, an interpretation of the statute that finds schools are not required to act would improperly ignore the pupils' constitutional right to education and frustrate the manifest purpose of section 120335 and the statutory scheme of which it is a part. Section 120335 must be interpreted under the rules of statutory construction. Under these rules, the meaning of a statute may not be determined from a single word or sentence. The words must be construed in context, keeping in mind the nature and obvious purpose of the statute where they appear so as to make sense of the entire statutory scheme.³⁰ In addition, the courts presume that every word, phrase, and provision of a statute was intended to have meaning and perform a useful function.³¹ Using these rules the Commission finds that Health and Safety Code section 120335(d), as added and replaced in 2010, imposes state-mandated duties on school districts.

In California, the right to public education for all pupils is a fundamental right fully protected by the California Constitution.³² The Education Code requires compulsory education, whereby all children between the ages of six and eighteen are required to be enrolled and attend full-time day school or continuation school or classes in the district where the parent or guardian resides for the full length of the school day established by law.³³ Thus, under these provisions, school districts are required to admit all students residing in their district.

³⁰ *Molenda v. Department of Motor Vehicles* (2009) 172 Cal.App.4th 974, 992.

³¹ *Clements v. T.R. Bechtel Co.* (1954) 43 Cal.2d 227, 233.

³² California Constitution, article IX, section 5; *Serrano v. Priest* (1971) 5 Cal.3d 889, 604-610.

³³ Education Code section 48200.

For public health and safety purposes, Health and Safety Code section 120335 was originally enacted in 1977 to provide an exception to the unconditional admission of a student who is not fully immunized against the list of childhood diseases identified.³⁴ As originally enacted, subdivision (b) provided that the governing authority of a school “shall not unconditionally admit any person as a pupil” to the school unless, prior to the pupil’s first admission to that school [typically in kindergarten], the pupil was fully immunized from the list of diseases and “for which immunization shall be documented.” Thus, prior law, in subdivision (b), requires immunization documentation for the school to initially admit the student.

Subdivision (d), relating to the pertussis immunization for students enrolling or advancing into the 7th through 12th grades, was added in 2010 to address a pertussis epidemic. As described in the background, it was believed that pupils in the 7th through 12th grades were at the highest risk of waning pertussis immunity and without intervention, would continue to prolong the epidemic. Subdivision (d) as amended by test claim statute, provides that the school “shall not unconditionally admit or advance any pupil [in these grades]. . . unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil’s age.” Subdivision (d), however, does not expressly require school districts to receive documentation showing that the pupil received all appropriate pertussis immunizations. Nevertheless, when read in the context of the statutory scheme, the Legislature enacted the 2010 test claim statute intending to require that documentation be presented to the school for all required immunizations, including the pertussis immunization required before a pupil’s advancement to grades 7 through 12.

Health and Safety Code section 120355 provides that “any person or organization administering immunizations shall furnish each person immunized, or his or her parent or guardian, with a *written record of immunization* given in a form prescribed by the department.” Several other code sections, which also are part of the statutory scheme on immunizations, cross reference and affect the meaning and implementation of section 120355. Section 120340 states 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.” Health and Safety Code section 120365 also incorporates section 120335 by reference to address exemptions to the immunization requirements based on a letter or affidavit filed with the school. That statute addresses the personal belief exemption and states in relevant part the following:

Immunization of a person shall not be required for admission to a school or other institution listed in Section 120355 if the parent or guardian or adult who has assumed responsibility for his or her care and custody in the case of a minor, or the person seeking admission if an emancipated minor, *files with the governing authority a letter or affidavit stating that the immunization is contrary to his or her beliefs. . . .*

³⁴ Health and Safety Code section 120335 derives from former section 3381, added by Statutes 1977, chapter 1176.

Section 120370 refers to a physical or medical exemption and provides that “if the parent or guardian files with the governing authority a *written statement* by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe, ... that person shall be exempt from the requirements of Chapter 1, (commencing with Section 120325. . .”

Health and Safety Code section 120375 then requires, in pertinent part, that the governing authority or each school “shall require documentary proof of each entrant’s immunization status,” and that “the immunization record of each new entrant admitted conditionally shall be reviewed periodically by the governing authority to ensure that within the time periods designated by regulation of the department he or she has been fully immunized against all diseases listed in Section 120335, and immunization received subsequent to entry shall be added to the pupil’s immunization record.”

These statutes refer to documents, records, statements, letters and affidavits filed with the district with respect to a student’s immunization records. Sections 120340, 120355, 120365, 120370, and 120375 were enacted in 1995, and incorporated section 120335 by reference at the time when immunizations were required when a pupil first enrolled in school. However, the statutory scheme can be interpreted based on changes made by the 2010 test claim statute and as the statute currently reads. Under the rules of statutory construction, laws referred to in a statute that have been amended over time, may be interpreted in their contemporary form as long as there is no time restriction or limitation provided in the original statutes.³⁵ Thus, in this case, it may be presumed that the Legislature, when it enacted the test claim statute, intended school districts to receive and review all immunization records of a pupil, including those records relating to the pertussis immunization, or letters or affidavits in support of an exemption from the immunization requirements. When read with the statutory scheme, school districts must receive documentary evidence of the pertussis immunization in order to properly comply with the prohibition in section 120335(d) from admitting or advancing a student to the 7th through 12th grade levels, unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil’s age. This interpretation is consistent with the regulations adopted by DPH in 2011.³⁶

As noted above, these regulations have not been pled by the claimant and the Commission does not have jurisdiction to make mandate findings on these regulations. However, the regulations may properly be considered as DPH’s interpretation of what is required by section 120335 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.³⁷

³⁵ *In re Jovan B.* (1993) 6 Cal.4th 801, 816.

³⁶ California Code of Regulations, Title 17 sections 6020, 6035, 6040, 6051, 6055, 6065, 6070, and 6075. (Register 2011, No. 26, eff. 6/30/11). (See also, DPH’s Initial Statement of Reasons, dated May 19, 2011.)

³⁷ *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.

In particular, the portion of the regulations addressing the documentary evidence required is relevant to the issue of what is required to comply with the statutory prohibition against admitting or advancing unimmunized students. Under the regulations, a written record is required to be given to the person immunized by the physician or agency performing the immunization that includes the child's name, birthdate, type of vaccine administered, the date the vaccine was administered, and the name of the physician or agency administering the vaccine pursuant to Title 17, section 6065. Section 6070 of the Title 17 regulations requires school districts to record each student's immunization information on a form supplied by DPH, which becomes part of each student's mandatory pupil record. Each student's immunization record shall contain the child's name, birthdate, date of unconditional or conditional admission, type of vaccine administered, the date the vaccine was administered, date and type of exemption, if any. In addition, pursuant to section 6051 of the Title 17 regulations, a parent or guardian may exercise the right to refuse required immunizations by asserting either a medical or personal belief exemption, which allows the student to be admitted unconditionally. A permanent medical exemption shall be granted upon the filing with the school a written statement from a licensed physician to the effect that the physical condition of the pupil or medical circumstances relating to the pupil are such that immunization is permanently not indicated.³⁸ A personal beliefs exemption shall be granted upon the filing of a letter or affidavit from the pupil's parent or guardian or adult who has assumed responsibility for his or her care and custody in the case of a minor, or the person seeking admission if an emancipated minor, that such immunization is contrary to his or her beliefs.³⁹ Any student who lacks documentation of all immunizations required by law, including the pertussis immunization and boosters, and does not have a permanent medical or personal beliefs exemption to the immunization, can be admitted *conditionally* under specified circumstances pursuant to section 6035 of the Title 17 regulations; for example if the student had a temporary medical exemption or was in the process of receiving doses of the required vaccine. However, schools are required to prohibit from further attendance any student admitted conditionally who fails to obtain the required immunizations within the 10 school days time limit set forth in the Title 17 regulations and is not otherwise exempted from immunization requirements, after notice to the parent or guardian.⁴⁰

Based on the above analysis, the Commission finds that Health and Safety Code section 120335(d), as added and replaced by the 2010 test claim statute, imposes a state-mandated program on school districts within the meaning of article XIII B, section 6 as follows.

- A. For fiscal year 2011-2012, only for students entering the 7th through 12th grades:
 - (1) Unconditionally admit students who are fully immunized against pertussis based on records provided by the student's physician or agency performing the immunization,

³⁸ California Code of Regulations, title 17, section 6051(a).

³⁹ California Code of Regulations, title 17, section 6051(b).

⁴⁰ California Code of Regulations, title 17, sections 6040 and 6055. The due process clause of the U.S. and California Constitutions also require that notice be provided before a child is denied a fundamental right, including the right to receive a public education. (*Abella v. Riverside Unified School Dist.* (1976) 65 Cal.App.3d 153, 168-169.)

or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis.

- (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
 - (3) For any student found not to have received all immunizations for pertussis which are required before admission or advancement to grades 7 through 12, or who is found not to have complied with requirements for conditional admission, notify that student's parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis, or lawful exemption therefrom, is not obtained within 10 school days.
 - (4) Exclude from further attendance any pupil who fails to obtain the required immunizations within 10 school days following notice, unless the pupil is exempt for medical reasons or personal beliefs, until the pupil provides written evidence that he or she has received the pertussis immunization required.
- B. Beginning July 1, 2012, only for students entering the 7th grade:
- (1) Unconditionally admit students who are fully immunized against pertussis based on records provided by the student's physician or agency performing the immunization, or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis.
 - (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
 - (3) For any student who is found not to have complied with requirements for conditional admission, notify that student's parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis, or lawful exemption therefrom, is not obtained within 10 school days.
 - (4) Exclude from further attendance any pupil who fails to obtain the required immunizations within 10 school days following notice, unless the pupil is exempt for medical reasons or personal beliefs, until the pupil provides written evidence that he or she has received the pertussis immunization required.

These requirements are new and provide a service to the public by protecting the health and safety of the public and the students attending California schools. Thus, the requirements of Health and Safety Code section 120335(d), as added and replaced in 2010, constitute a new program or higher level of service within the meaning of article XIII B, section 6.

The Commission also finds that the test claim statute imposes costs mandated by the state. Government Code section 17514 defines costs mandated by the state as "any increased cost which a local agency or school district is required to incur after July 1, 1980, as a result of a

statute...which mandates a new program or higher level of service...” Government Code section 17564 requires that reimbursement claims must exceed \$1,000 to be eligible for reimbursement.

Claimant filed a declaration from Robert Roach, Mandated Cost Analyst for the Twin Rivers School District, asserting that claimant has incurred increased costs in connection with the test claim statute. Claimant estimates costs of “approximately \$25,000” during the 2011-2012 school year to implement all duties that claimant alleges are mandated by the state and \$25,000 in costs for each year thereafter.

Government Code section 17556(e) provides that the Commission shall not find costs mandated by the state if the statute, executive order, or an appropriation in a Budget Act or other bill that includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate. Here, there is no evidence that any funds, in an amount sufficient to cover the costs of the mandated activities, have been specifically appropriated for the cost of the state-mandated activities found in this test claim.

Based on the above discussion, the Commission finds that Health and Safety Code section 120335(d), as added and replaced in 2010, imposes a reimbursable state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code sections 17514.

V. Conclusion

Based on the foregoing, the Commission concludes that Health and Safety Code section 120335(d), as added and replaced by Statutes 2010, chapter 434 imposes 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 as follows.

- A. For fiscal year 2011-2012, only for students entering the 7th through 12th grades:
 - (1) Unconditionally admit students who are fully immunized against pertussis based on records provided by the student’s physician or agency performing the immunization, or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis.
 - (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
 - (3) For any student found not to have received all immunizations for pertussis which are required before admission or advancement to grades 7 through 12, or who is found not to have complied with requirements for conditional admission, notify that student’s parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis, or lawful exemption therefrom, is not obtained within 10 school days.
 - (4) Exclude from further attendance any pupil who fails to obtain the required immunizations within 10 school days following notice, unless the pupil is exempt for medical reasons or personal beliefs, until the pupil provides written evidence that he or she has received the pertussis immunization required.

B. Beginning July 1, 2012, only for students entering the 7th grade:

- (1) Unconditionally admit students who are fully immunized against pertussis based on records provided by the student's physician or agency performing the immunization, or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis.
- (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
- (3) For any student who is found not to have complied with requirements for conditional admission, notify that student's parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis, or lawful exemption therefrom, is not obtained within 10 school days.
- (4) Exclude from further attendance any pupil who fails to obtain the required immunizations within 10 school days following notice, unless the pupil is exempt for medical reasons or personal beliefs, until the pupil provides written evidence that he or she has received the pertussis immunization required.

All other code sections pled and allegations made do not result in a reimbursable state-mandated program and are, therefore, denied.

COMMISSION ON STATE MANDATES

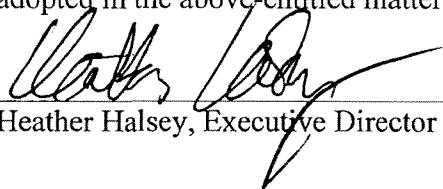
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RE: Adopted Statement of Decision

Immunization Records - Pertussis, 11-TC-02
Health & Safety Code Sections 120325 and 120335
Statutes 2010, Chapter 434 (AB 354)
Twin Rivers Unified School District, Claimant

On July 26, 2013, the foregoing statement of decision of the Commission on State Mandates was adopted in the above-entitled matter.



Heather Halsey, Executive Director

Dated: August 5, 2013

EXHIBIT B

PARAMETERS AND GUIDELINES

Health and Safety Code Section 120335

Statutes 2010, Chapter 434 (AB 354)

Immunization Records – Pertussis

11-TC-02

Period of reimbursement begins July 1, 2011

I. SUMMARY OF THE MANDATE

On July 26, 2013, the Commission on State Mandates (Commission) adopted a statement of decision finding that Health and Safety Code section 120335(d), as added and replaced by the test claim statute, imposes a partially reimbursable state-mandated program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission approved this test claim for the following reimbursable activities:

- A. For fiscal year 2011-2012, only for students entering the 7th through 12th grades:
- (1) Unconditionally admit students who are fully immunized against pertussis based on records provided by the student's physician or agency performing the immunization, or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis.
 - (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
 - (3) For any student found not to have received all immunizations for pertussis which are required before admission or advancement to grades 7 through 12, or who is found not to have complied with requirements for conditional admission, notify that student's parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis, or lawful exemption therefrom, is not obtained within 10 school days.
 - (4) Exclude from further attendance any pupil who fails to obtain the required immunizations within 10 school days following notice, unless the pupil is exempt for medical reasons or personal beliefs, until the pupil provides written evidence that he or she has received the pertussis immunization required.
- B. Beginning July 1, 2012, only for students entering the 7th grade:
- (1) Unconditionally admit students who are fully immunized against pertussis based on records provided by the student's physician or agency performing the immunization, or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis.

- (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
- (3) For any student who is found not to have complied with requirements for conditional admission, notify that student's parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis, or lawful exemption therefrom, is not obtained within 10 school days.
- (4) Exclude from further attendance any pupil who fails to obtain the required immunizations within 10 school days following notice, unless the pupil is exempt for medical reasons or personal beliefs, until the pupil provides written evidence that he or she has received the pertussis immunization required.

The Commission also found that these provisions require school districts to receive and review the pertussis immunization records of a pupil, or letters or affidavits in support of an exemption from the immunization requirements.

II. ELIGIBLE CLAIMANTS

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

III. PERIOD OF REIMBURSEMENT

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. The claimant, Twin Rivers Unified School District, filed the test claim on September 26, 2011, establishing eligibility for reimbursement for the 2010-2011 fiscal year. However, Health and Safety Code section 120335(d) did not become operative until July 1, 2011. Therefore, costs incurred for the activities in these parameters and guidelines are eligible for reimbursement beginning July 1, 2011.

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

1. Actual costs for one fiscal year shall be included in each claim.
2. 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.
3. 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 actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a school district filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Government Code section 17560(b).)
5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).

6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable to and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

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

The claimant 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 that incurs increased costs, the following activities are reimbursable:

A. For fiscal year 2011-2012 only, for students entering the 7th through 12th grades:

- (1) Receive and review the following documents for all pupils entering the 7th through 12th grades to determine whether to unconditionally admit or conditionally admit the pupil:
 - a) A written record of the pertussis vaccination (Tdap booster) that contains the name of the pupil, birth date of the pupil, the date of the pertussis vaccination, and the name of the physician or agency administering the vaccine; *or*
 - b) Documentation showing a pupil's permanent medical exemption or personal beliefs exemption to immunization. A permanent medical exemption shall be granted upon the filing of a written statement from a licensed physician to the effect that the physical condition of the pupil or medical circumstances relating to the pupil are such that immunization is permanently not indicated. A personal beliefs exemption for the pertussis booster shall be granted upon the filing of a letter or affidavit from the pupil's parent or guardian or adult who has assumed responsibility for his or her care and custody in the case of minor, or the person seeking admission if an emancipated minor, that such pertussis booster immunization is contrary to his or her beliefs; *or*
 - c) Documentation showing a pupil is temporarily exempted from immunization for medical reasons.

Pupils who are fully immunized against pertussis based on records provided by the student's physician or agency performing the immunization, or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis shall be unconditionally admitted to grades 7 through 12. Pupils who have a temporary medical exemption shall be admitted to grades 7 through 12 on condition that the required immunization is obtained at the termination of the exemption.

Reimbursement is not required to perform activities generally required to admit students since those activities are not new. Reimbursement is limited to receiving and reviewing the above documents.

- (2) If it is determined that a pupil seeking admission lacks documentation that he or she has been fully immunized against pertussis, and does not have a permanent medical exemption or a personal belief exemption to the pertussis immunization, advise the pupil, or the parent or guardian, to contact a physician or agency that provides immunizations.
- (3) For any already admitted pupil found not to have received all immunizations for pertussis which are required before admission or advancement to grades 7 through 12, or who is found not to have complied with requirements for conditional admission, notify that pupil's parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis, or lawful exemption therefrom, is not obtained within 10 school days.
- (4) Report to the attendance supervisor or building administrator any pupil excluded from further attendance who fails to obtain the required immunizations within 10 school days following notice, unless the pupil is exempt for medical reasons or personal beliefs, until the pupil provides written evidence that he or she has received the pertussis immunization required.

B. Beginning July 1, 2012, only for students entering the 7th grade:

- (1) Receive and review the following documents for all pupils entering the 7th grade to determine whether to unconditionally admit or conditionally admit the pupil:
 - a) A written record of the pertussis vaccination (Tdap booster) that contains the name of the pupil, birth date of the pupil, the date of the pertussis vaccination, and the name of the physician or agency administering the vaccine; *or*
 - b) Documentation showing a pupil's permanent medical exemption or personal beliefs exemption to immunization. A permanent medical exemption shall be granted upon the filing of a written statement from a licensed physician to the effect that the physical condition of the pupil or medical circumstances relating to the pupil are such that immunization is permanently not indicated. A personal beliefs exemption for the pertussis booster shall be granted upon the filing of a letter or affidavit from the pupil's parent or guardian or adult who has assumed responsibility for his or her care and custody in the case of minor, or the person seeking admission if an emancipated minor, that such pertussis booster immunization is contrary to his or her beliefs.

- c) Documentation showing a pupil is temporarily exempted from immunization for medical reasons.

Pupils who are fully immunized against pertussis based on records provided by the student's physician or agency performing the immunization, or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis shall be unconditionally admitted to grade 7. Pupils who have a temporary medical exemption shall be admitted to grade 7 on condition that the required immunization is obtained at the termination of the exemption.

Reimbursement is not required to perform activities generally required to admit students since those activities are not new. Reimbursement is limited to receiving and reviewing the above documents.

- (2) If it is determined that a pupil seeking admission lacks documentation that he or she has been fully immunized against pertussis, and does not have a permanent medical exemption or a personal belief exemption to the pertussis immunization, advise the pupil, or the parent or guardian, to contact a physician or agency that provides immunizations.
- (3) For any already admitted pupil who is later found not to have complied with requirements for conditional admission, notify that pupil's parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis, or lawful exemption therefrom, is not obtained within 10 school days.
- (4) Report to the attendance supervisor or building administrator any pupil excluded from further attendance who fails to obtain the required immunizations within 10 school days following notice, unless the pupil is exempt for medical reasons or personal beliefs, until the pupil provides written evidence that he or she has received the pertussis immunization required.

In addition, the following activities are specifically excluded from reimbursement: (1) reporting the immunization status of students to county health departments or the state; (2) recording and maintaining student immunization records; (3) periodically reviewing student immunization records to ensure compliance with the test claim statute. These activities are not required to implement the test claim statute and are instead addressed by the Department of Public Health ("DPH") regulations that were not properly pled and therefore beyond the Commission's jurisdiction.¹

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

¹ Test Claim Statement of Decision, at pp. 11-12.

A. Direct Cost Reporting

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

1. Salaries and Benefits

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

2. Materials and Supplies

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

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. Attach a copy of the contract to the claim. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the dates when services were performed and itemize all costs for those services. 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.

B. Indirect Cost Rates

Indirect costs are costs that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort 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.

School districts must use the California Department of Education approved indirect cost rate for the year that funds are expended.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter² 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. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. 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 REVENUES AND REIMBURSEMENTS

Any offsets the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, 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(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 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 test claim decision and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561(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(d), and California Code of Regulations, title 2, section 1183.2.

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

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The statements of decision adopted for the test claim and parameters and guidelines 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.

EXHIBIT C

OFFICE OF THE STATE CONTROLLER
STATE MANDATED COSTS CLAIMING INSTRUCTIONS NO. 2014-02
IMMUNIZATION RECORDS - PERTUSSIS

MARCH 17, 2014

In accordance with Government Code (GC) sections 17560 and 17561, eligible claimants may submit claims to the State Controller's Office (SCO) for reimbursement of costs incurred for state-mandated cost programs. This document contains claiming instructions and forms that eligible claimants must use for filing claims for the Immunization Records – Pertussis (IRP) program. The Parameters and Guidelines (P's & G's) are included as an integral part of the claiming instructions.

On July 26, 2013 the Commission on State Mandates (Commission) adopted a Statement of Decision finding that the test claim regulations impose a partially reimbursable state-mandated program upon school districts within the meaning of Article XIII B, section 6 of the California Constitution and GC section 17514.

Exception

There will be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

Eligible Claimants

With the exception of community colleges, any school district, as defined in GC section 17519, that incurs increased costs as a result of this mandate is eligible to claim for reimbursement. Charter schools are not eligible to claim reimbursement.

Reimbursement Claim Deadline

Initial reimbursement claims must be filed within 120 days from the issuance date of the claiming instructions. Costs incurred for compliance with this mandate are reimbursable for fiscal years **2011-12** through **2012-13** and must be filed with the SCO by **July 15, 2014**. **Claims filed more than one year after the filing date will not be accepted.**

Penalty

- **Initial Claims**

When filed within one year of the initial filing deadline, claims are assessed a late penalty of 10% of the total amount of the initial claim without limitation pursuant to GC section 17561, subdivision (d)(3).

- **Annual Reimbursement Claim**

When filed within one year of the annual filing deadline, claims are assessed a late penalty of 10% of the claim amount; \$10,000 maximum penalty, pursuant to GC section 17568.

Minimum Claim Cost

GC section 17564, subdivision (a), provides that no claim may be filed pursuant to Sections 17551 and 17561, unless such a claim exceeds one thousand dollars (**\$1,000**), provided that a county superintendent of schools may submit a combined claim on behalf of school districts within their county if the combined claim exceeds **\$1,000**, even if the individual school district's claim does not each exceed **\$1,000**. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement will be allowed except as otherwise allowed by GC section 17564. The county superintendent of schools will determine if the submission of the combined claim is economically feasible and be responsible for disbursing the funds to each school district. These combined claims may be filed only when the county superintendent of schools is the fiscal agent for the districts. A combined claim must show the individual claim costs for each eligible school district. All subsequent claims based upon the same mandate will only be filed in the combined form unless a school district provides a written notice of its intent to file a separate claim to the county superintendent of schools and to the SCO at least 180 days prior to the deadline for filing the claim.

Reimbursement of Claims

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. These 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 created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating: "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5.

Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, these documents cannot be substituted for source documents.

Audit of Costs

All claims submitted to the SCO are subject to review to determine if costs are related to the mandate, are reasonable and not excessive, and if the claim was prepared in accordance with the SCO's claiming instructions and the P's & G's adopted by the CSM. If any adjustments are made to a claim, the claimant will be notified of the amount adjusted, and the reason for the adjustment.

On-site audits will be conducted by the SCO as deemed necessary. Pursuant to GC section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a claimant is subject to audit by the SCO no later than three years after the date the actual reimbursement claim was filed or last amended, whichever is later. However, if no funds were appropriated or no payment was

made to a claimant for the program for the fiscal year for which the claim was filed, the time for the SCO to initiate an audit will commence to run from the date of initial payment of the claim.

All documents used to support the reimbursable activities must be retained during the period subject to audit. If an audit has been initiated by the SCO during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings. Supporting documents must be made available to the SCO on request.

Record Retention

All documentation to support actual costs claimed must be retained for a period of three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated or no payment was made at the time the claim was filed, the time for the Controller to initiate an audit will be from the date of initial payment of the claim. Therefore, all documentation to support actual costs claimed must be retained for the same period, and must be made available to the SCO on request.

Claim Submission

Submit a signed original Form FAM-27 and one copy with required documents. **Please sign the Form FAM-27 in blue ink and attach the copy to the top of the claim package.**

Mandated costs claiming instructions and forms are available online at the SCO's website: **www.sco.ca.gov/ard_mancost.html**.

Use the following mailing addresses:

If delivered by
U.S. Postal Service:

Office of the State Controller
Attn: Local Reimbursements Section
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250

If delivered by
other delivery services:

Office of the State Controller
Attn: Local Reimbursements Section
Division of Accounting and Reporting
3301 C Street, Suite 700
Sacramento, CA 95816

If you have any questions, you may e-mail **LRS DAR@sco.ca.gov** or call the Local Reimbursements Section at (916) 324-5729.

PARAMETERS AND GUIDELINES

Health and Safety Code Section 120335

Statutes 2010, Chapter 434 (AB 354)

Immunization Records – Pertussis

11-TC-02

Period of reimbursement begins July 1, 2011

I. SUMMARY OF THE MANDATE

On July 26, 2013, the Commission on State Mandates (Commission) adopted a statement of decision finding that Health and Safety Code section 120335(d), as added and replaced by the test claim statute, imposes a partially reimbursable state-mandated program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission approved this test claim for the following reimbursable activities:

- A. For fiscal year 2011-2012, only for students entering the 7th through 12th grades:
 - (1) Unconditionally admit students who are fully immunized against pertussis based on records provided by the student's physician or agency performing the immunization, or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis.
 - (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
 - (3) For any student found not to have received all immunizations for pertussis which are required before admission or advancement to grades 7 through 12, or who is found not to have complied with requirements for conditional admission, notify that student's parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis, or lawful exemption therefrom, is not obtained within 10 school days.
 - (4) Exclude from further attendance any pupil who fails to obtain the required immunizations within 10 school days following notice, unless the pupil is exempt for medical reasons or personal beliefs, until the pupil provides written evidence that he or she has received the pertussis immunization required.
- B. Beginning July 1, 2012, only for students entering the 7th grade:
 - (1) Unconditionally admit students who are fully immunized against pertussis based on records provided by the student's physician or agency performing the immunization, or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis.

- (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
- (3) For any student who is found not to have complied with requirements for conditional admission, notify that student's parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis, or lawful exemption therefrom, is not obtained within 10 school days.

- (4) Exclude from further attendance any pupil who fails to obtain the required immunizations within 10 school days following notice, unless the pupil is exempt for medical reasons or personal beliefs, until the pupil provides written evidence that he or she has received the pertussis immunization required.

The Commission also found that these provisions require school districts to receive and review the pertussis immunization records of a pupil, or letters or affidavits in support of an exemption from the immunization requirements.

II. ELIGIBLE CLAIMANTS

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

III. PERIOD OF REIMBURSEMENT

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. The claimant, Twin Rivers Unified School District, filed the test claim on September 26, 2011, establishing eligibility for reimbursement for the 2010-2011 fiscal year. However, Health and Safety Code section 120335(d) did not become operative until July 1, 2011. Therefore, costs incurred for the activities in these parameters and guidelines are eligible for reimbursement beginning July 1, 2011.

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

1. Actual costs for one fiscal year shall be included in each claim.
2. 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.
3. 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 actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a school district filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Government Code section 17560(b).)
5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).

6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable to and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

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

The claimant 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 that incurs increased costs, the following activities are reimbursable:

- A. For fiscal year 2011-2012 only, for students entering the 7th through 12th grades:
 - (1) Receive and review the following documents for all pupils entering the 7th through 12th grades to determine whether to unconditionally admit or conditionally admit the pupil:
 - a) A written record of the pertussis vaccination (Tdap booster) that contains the name of the pupil, birth date of the pupil, the date of the pertussis vaccination, and the name of the physician or agency administering the vaccine; *or*
 - b) Documentation showing a pupil's permanent medical exemption or personal beliefs exemption to immunization. A permanent medical exemption shall be granted upon the filing of a written statement from a licensed physician to the effect that the physical condition of the pupil or medical circumstances relating to the pupil are such that immunization is permanently not indicated. A personal beliefs exemption for the pertussis booster shall be granted upon the filing of a letter or affidavit from the pupil's parent or guardian or adult who has assumed responsibility for his or her care and custody in the case of minor, or the person seeking admission if an emancipated minor, that such pertussis booster immunization is contrary to his or her beliefs; *or*
 - c) Documentation showing a pupil is temporarily exempted from immunization for medical reasons.

Pupils who are fully immunized against pertussis based on records provided by the student's physician or agency performing the immunization, or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis shall be unconditionally admitted to grades 7 through 12. Pupils who have a temporary medical exemption shall be admitted to grades 7 through 12 on condition that the required immunization is obtained at the termination of the exemption.

Reimbursement is not required to perform activities generally required to admit students since those activities are not new. Reimbursement is limited to receiving and reviewing the above documents.

- (2) If it is determined that a pupil seeking admission lacks documentation that he or she has been fully immunized against pertussis, and does not have a permanent medical exemption or a personal belief exemption to the pertussis immunization, advise the pupil, or the parent or guardian, to contact a physician or agency that provides immunizations.
- (3) For any already admitted pupil found not to have received all immunizations for pertussis which are required before admission or advancement to grades 7 through 12, or who is found not to have complied with requirements for conditional admission, notify that pupil's parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis, or lawful exemption therefrom, is not obtained within 10 school days.
- (4) Report to the attendance supervisor or building administrator any pupil excluded from further attendance who fails to obtain the required immunizations within 10 school days following notice, unless the pupil is exempt for medical reasons or personal beliefs, until the pupil provides written evidence that he or she has received the pertussis immunization required.

B. Beginning July 1, 2012, only for students entering the 7th grade:

- (1) Receive and review the following documents for all pupils entering the 7th grade to determine whether to unconditionally admit or conditionally admit the pupil:
 - a) A written record of the pertussis vaccination (Tdap booster) that contains the name of the pupil, birth date of the pupil, the date of the pertussis vaccination, and the name of the physician or agency administering the vaccine; *or*
 - b) Documentation showing a pupil's permanent medical exemption or personal beliefs exemption to immunization. A permanent medical exemption shall be granted upon the filing of a written statement from a licensed physician to the effect that the physical condition of the pupil or medical circumstances relating to the pupil are such that immunization is permanently not indicated. A personal beliefs exemption for the pertussis booster shall be granted upon the filing of a letter or affidavit from the pupil's parent or guardian or adult who has assumed responsibility for his or her care and custody in the case of minor, or the person seeking admission if an emancipated minor, that such pertussis booster immunization is contrary to his or her beliefs.

- c) Documentation showing a pupil is temporarily exempted from immunization for medical reasons.

Pupils who are fully immunized against pertussis based on records provided by the student's physician or agency performing the immunization, or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis shall be unconditionally admitted to grade 7. Pupils who have a temporary medical exemption shall be admitted to grade 7 on condition that the required immunization is obtained at the termination of the exemption.

Reimbursement is not required to perform activities generally required to admit students since those activities are not new. Reimbursement is limited to receiving and reviewing the above documents.

- (2) If it is determined that a pupil seeking admission lacks documentation that he or she has been fully immunized against pertussis, and does not have a permanent medical exemption or a personal belief exemption to the pertussis immunization, advise the pupil, or the parent or guardian, to contact a physician or agency that provides immunizations.
- (3) For any already admitted pupil who is later found not to have complied with requirements for conditional admission, notify that pupil's parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis, or lawful exemption therefrom, is not obtained within 10 school days.
- (4) Report to the attendance supervisor or building administrator any pupil excluded from further attendance who fails to obtain the required immunizations within 10 school days following notice, unless the pupil is exempt for medical reasons or personal beliefs, until the pupil provides written evidence that he or she has received the pertussis immunization required.

In addition, the following activities are specifically excluded from reimbursement: (1) reporting the immunization status of students to county health departments or the state; (2) recording and maintaining student immunization records; (3) periodically reviewing student immunization records to ensure compliance with the test claim statute. These activities are not required to implement the test claim statute and are instead addressed by the Department of Public Health ("DPH") regulations that were not properly pled and therefore beyond the Commission's jurisdiction.¹

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

¹ Test Claim Statement of Decision, at pp. 11-12.

A. Direct Cost Reporting

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

1. Salaries and Benefits

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

2. Materials and Supplies

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

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. Attach a copy of the contract to the claim. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the dates when services were performed and itemize all costs for those services. 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.

B. Indirect Cost Rates

Indirect costs are costs that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort 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.

School districts must use the California Department of Education approved indirect cost rate for the year that funds are expended.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter² 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. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. 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 REVENUES AND REIMBURSEMENTS

Any offsets the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, 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(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 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 test claim decision and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561(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(d), and California Code of Regulations, title 2, section 1183.2.

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

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The statements of decision adopted for the test claim and parameters and guidelines 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.

IMMUNIZATION RECORDS - PERTUSSIS CLAIM FOR PAYMENT		For State Controller Use Only	PROGRAM
		(19) Program Number 00357 (20) Date Filed (21) LRS Input	357
(01) Claimant Identification Number		Reimbursement Claim Data	
(02) Claimant Name		(22) FORM 1, (04) A. 1. (e)	
County of Location		(23) FORM 1, (04) A. 2. (e)	
Street Address or P.O. Box		(24) FORM 1, (04) A. 3. (e)	
City		(25) FORM 1, (04) A. 4. (e)	
		Type of Claim	
(03)	(09) Reimbursement <input type="checkbox"/>	(26) FORM 1, (04) B. 1. (e)	
(04)	(10) Combined <input type="checkbox"/>	(27) FORM 1, (04) B. 2. (e)	
(05)	(11) Amended <input type="checkbox"/>	(28) FORM 1, (04) B. 3. (e)	
(06)	(12)	(29) FORM 1, (04) B. 4. (e)	
Fiscal Year of Cost		(30) FORM 1, (06)	
Total Claimed Amount		(31) FORM 1, (07)	
Less: 10% Late Penalty (refer to attached Instructions)		(32) FORM 1, (09)	
Less: Prior Claim Payment Received		(33) FORM 1, (10)	
Net Claimed Amount		(34)	
Due from State		(35)	
Due to State		(36)	
(37) CERTIFICATION OF CLAIM			
<p>In accordance with the provisions of Government Code Sections 17560 and 17561, I certify that I am the officer authorized by the school district or county office of education to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Article 4, Chapter 1 of Division 4 of Title 1 of the Government Code.</p> <p>I further certify that there was no application other than from the claimant, nor any grant(s) or payment(s) received, for reimbursement of costs claimed herein; claimed costs are for a new program or increased level of services of an existing program; and claimed amounts do not include charter school costs, either directly or through a third party. All offsetting revenues and reimbursements set forth in the parameters and guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.</p> <p>The amount for this reimbursement is hereby claimed from the State for payment of actual costs set forth on the attached statements.</p> <p>I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p>			
Signature of Authorized Officer _____			
		Date Signed _____	
		Telephone Number _____	
		E-mail Address _____	
Type or Print Name and Title of Authorized Signatory _____			
(38) Name of Agency Contact Person for Claim		Telephone Number _____	
		E-mail Address _____	
Name of Consulting Firm / Claim Preparer		Telephone Number _____	
		E-mail Address _____	

PROGRAM 357	IMMUNIZATION RECORDS - PERTUSSIS CLAIM FOR PAYMENT INSTRUCTIONS	FORM FAM-27
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- (01) Enter the claimant identification number assigned by the State Controller's Office.
- (02) Enter claimant official name, county of location, street or postal office box address, city, State, and zip code.
- (03) to (08) Leave blank.
- (09) If filing a reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) If filing a combined reimbursement claim on behalf of districts within the county, enter an "X" in the box on line (10) Combined.
- (11) If filing an amended reimbursement claim, enter an "X" in the box on line (11) Amended.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate Form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim as shown on Form 1 line (11). The total claimed amount must exceed \$1,000; minimum claim must be \$1,001.
- (14) Initial claims must be filed as specified in the claiming instructions. Annual reimbursement claims must be filed by **February 15**, or otherwise specified in the claiming instructions, of the following fiscal year in which costs were incurred or the claims must be reduced by a late penalty. Enter zero if the claim was filed on time. Otherwise, enter the penalty amount as a result of the calculation formula as follows:
 - Late Initial Claims: Form FAM-27 line (13) multiplied by 10%, without limitation; or
 - Late Annual Reimbursement Claims: Form FAM-27, line (13) multiplied by 10%, late penalty not to exceed \$10,000.
- (15) Enter the amount of payment, if any, received for the claim. If no payment was received, enter zero.
- (16) Enter the net claimed amount by subtracting the sum of lines (14) and (15) from line (13).
- (17) If line (16), Net Claimed Amount, is positive, enter that amount on line (17), Due from State.
- (18) If line (16), Net Claimed Amount, is negative, enter that amount on line (18), Due to State.
- (19) to (21) Leave blank.
- (22) to (36) Bring forward the cost information as specified on the left-hand column of lines (22) through (36) for the reimbursement claim, e.g., Form 1, (04) A.1. (e), means the information is located on Form 1, line (04) A.1., column (e). Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, i.e., no cents. Indirect costs percentage should be shown as a whole number and without the percent symbol, i.e., 7.548% should be shown as 8. **Completion of this data block will expedite the process.**
- (37) Read the statement of Certification of Claim. The claim must be dated, signed by the agency's authorized officer, and must type or print name, title, date signed, telephone number and e-mail address. **Claims cannot be paid unless accompanied by an original signed certification. (Please sign the Form FAM-27 in blue ink and attach the copy of the claim package.)**
- (38) Enter the name, telephone number, and e-mail address of the agency contact person for the claim. If claim was prepared by a consultant, type or print the name of the consulting firm, the claim preparer, telephone number, and e-mail address.

SUBMIT A SIGNED ORIGINAL FORM FAM-27 AND ONE COPY WITH ALL OTHER FORMS TO:

Address, if delivered by U.S. Postal Service:

OFFICE OF THE STATE CONTROLLER
 ATTN: Local Reimbursements Section
 Division of Accounting and Reporting
 P.O. Box 942850
 Sacramento, CA 94250

Address, if delivered by other delivery service:

OFFICE OF THE STATE CONTROLLER
 ATTN: Local Reimbursements Section
 Division of Accounting and Reporting
 3301 C Street, Suite 700
 Sacramento, CA 95816

PROGRAM 357	IMMUNIZATION RECORDS - PERTUSSIS CLAIM SUMMARY	FORM 1
(01) Claimant	(02)	Fiscal Year 20__/20__
(03) Leave Blank.		
Direct Costs	Object Accounts	
(04) Reimbursable Activities	(a) Salaries and Benefits	(b) Materials and Supplies
	(c) Contract Services	(d) Fixed Assets
	(e) Total	
A. Students entering the 7 th through 12 th grades. <i>(Reimbursable for fiscal year 2011-12 only)</i>		
1. Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil.		
2. Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation.		
3. Notify already admitted pupils' parent/guardian of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis or lawful exemption if not obtained within 10 school days.		
4. Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.		
B. Students entering the 7 th grade only. <i>(Reimbursement begins fiscal year 2012-13)</i>		
1. Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil.		
2. Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation.		
3. Notify already admitted pupils' parent/guardian, who is later found not to have complied with a conditional admission, of the requirement to exclude pupil from school if immunization evidence or lawful exemption is not obtained within 10 school days		
4. Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.		
(05) Total Direct Costs		
Indirect Costs		
(06) Indirect Cost Rate	[Refer to Claim Summary Instructions]	%
(07) Total Indirect Costs	[Line (05)(e) - line (05)(d) - \$ <input type="text"/>] x line (06)	
(08) Total Direct and Indirect Costs	[Line (05)(e) + line (07)]	
Cost Reduction		
(09) Less: Offsetting Revenues		
(10) Less: Other Reimbursements		
(11) Total Claimed Amount	[Line (08) - {line (09) + line (10)}]	

PROGRAM 357	IMMUNIZATION RECORDS - PERTUSSIS CLAIM SUMMARY INSTRUCTIONS	FORM 1
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year in which costs were incurred.
- (03) Leave blank.
- (04) For each reimbursable activity, enter the total from Form 2, line (05), columns (d) through (g) to Form 1, block (04), columns (a) through (e) in the appropriate row. Total each row.
- (05) Total columns (a) through (e).
- (06) Enter the indirect cost rate from the California Department of Education approved indirect cost rate for the year that funds are expended.
- (07) From the Total Direct Costs, line (05)(e), deduct Total Fixed Assets, line (05)(d) and any other item excluded from indirect cost distribution base in accordance with California School Accounting Manual (CSAM) Procedure 915. Enter zero if there are no exclusions. Multiply the result by the Indirect Cost Rate, line (06).
- (08) Enter the sum of Total Direct Costs, line (05)(e), and Total Indirect Costs, line (07).
- (09) If applicable, enter any revenue received by the claimant for this mandate from any state or federal source.
- (10) If applicable, enter the amount of other reimbursements received from any source including, but not limited to, service fees collected, federal funds, and other state funds that reimbursed any portion of the mandated cost program. Submit a schedule detailing the reimbursement sources and amounts.
- (11) From Total Direct and Indirect Costs, line (08), subtract the sum of Offsetting Revenues, line (09), and Other Reimbursements, line (10). Enter the remainder on this line and carry the amount forward to Form FAM-27, line (13) for the Reimbursement Claim.

PROGRAM 357	IMMUNIZATION RECORDS – PERTUSSIS ACTIVITY COST DETAIL	FORM 2
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(01) Claimant	(02)	Fiscal Year 20__ / 20__
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

<p>A. Students entering the 7th through 12th grades <i>(Reimbursable for fiscal year 2011-12 only)</i></p> <p><input type="checkbox"/> 1. Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil.</p> <p><input type="checkbox"/> 2. Advise the pupil, or the parent /guardian, to contact a physician or agency that provides immunizations if lacking documentation.</p> <p><input type="checkbox"/> 3. Notify already admitted pupils' parent/guardian of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis or lawful exemption if not obtained within 10 school days.</p> <p><input type="checkbox"/> 4. Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.</p>	<p>B. Student entering the 7th grade only <i>(Reimbursement begins fiscal year 2012-13)</i></p> <p><input type="checkbox"/> 1. Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil.</p> <p><input type="checkbox"/> 2. Advise the pupil, or the parent /guardian, to contact a physician or agency that provides immunizations if lacking documentation.</p> <p><input type="checkbox"/> 3. Notify already admitted pupils' parent/guardian, who is later found not to have complied with a conditional admission, of the requirement to exclude pupil from school if immunization evidence or lawful exemption is not obtained within 10 school days</p> <p><input type="checkbox"/> 4. Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.</p>
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(04) Description of Expenses			Object Accounts			
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets

(05) Total <input type="checkbox"/> Subtotal <input type="checkbox"/> Page: ___ of ___					
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PROGRAM 357	IMMUNIZATION RECORDS - PERTUSSIS ACTIVITY COST DETAIL INSTRUCTIONS	FORM 2
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Check the box which indicates the activity being claimed. Check only one box per form. A separate Form 2 must be prepared for each applicable activity.
- (04) The following table identifies the type of information required to support reimbursable costs. To detail costs for the activity box checked in block (03), enter the employee names, position titles, a brief description of the activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, and travel expenses. **The descriptions required in column (4)(a) must be of sufficient detail to explain the cost of activities or items being claimed.** For audit purposes, all supporting documents must be retained by the claimant for a period of not less than three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated or no payment was made at the time the claim was filed, the time for the Controller to initiate an audit will be from the date of initial payment of the claim. Such documents must be made available to the SCO on request.

Object/ Sub object Accounts	Columns							Submit supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	
Salaries and Benefits	Employee Name and Title	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked				
	Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries				
Materials and Supplies	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Used			
Contract Services	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Cost = Hourly Rate x Hours Worked or Total Contract Cost		Copy of Contract and Invoices
Fixed Assets	Description of Equipment Purchased	Unit Cost	Usage				Cost = Unit Cost x Usage	

- (05) Total line (04), columns (d) through (g) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed to detail the activity costs, number each page. Enter totals from line (05), columns (d) through (g) to Form 1, block (04), columns (a) through (d) in the appropriate row.

EXHIBIT D

Statistical Analysis of Pertussis Mandate Claims

April 1, 2015

Prepared by:

Brad Williams

Capital Matrix Consulting

Executive Summary

This report presents the findings of our statistical analysis of reimbursement claims submitted by school districts for the Pertussis mandate contained in AB 354 (Chapter 434, Statutes of 2010). The purpose of our analysis is to develop a recommended *unit cost rate* for claims made under the Reasonable Reimbursement Methodology (RRM) provisions of state law. This report and the recommended unit rate are in compliance with Government Code Sections 17518.5 (b), (c), and (d).

- **Data sources.** Our analysis is based on unaudited claims data provided to us by the State Controller's Office for fiscal years 2011-12 and 2012-13, along with school district enrollment data (excluding charter schools, which are not eligible for mandate reimbursement) from the State Department of Education. From these data sources, we calculated a per-student claim amount for each district submitting claims during the two years.
- **Focus of our analysis.** While we conducted statistical analyses on per-student claim amounts for both fiscal years, our report focuses on the results for 2012-13, since this is the first year of the ongoing portion of the Pertussis mandate. (The 2011-12 mandate applied to all students entering the 7th through 12th grades. For 2012-13 onward, the mandate applies only to 7th graders.)
- **Findings regarding distribution of claim amounts.** The distributions in both years were skewed. In 2012-13, claims filed by the 158 districts we analyzed ranged from \$1 to over \$50 per student. However, over one-half of the districts (covering nearly two-thirds of the students in districts submitting claims) were clustered in a much tighter range of \$1 to \$10.
 - Some of the variability in district claim amounts can be attributed to variations in district size (with smaller districts having, on average, higher per-student costs than their larger counterparts) and – to a lesser extent – the percentage of claims related to follow-up activities for students that were conditionally accepted for enrollment.
 - However, these factors combined accounted for only a minority of the district-to-district variation in average claim costs. The majority of the variation appears to be due to other (unidentified) factors.
- **The average and median claim amounts in 2012-13.** We calculated that:
 - The unweighted average claim for all districts was \$12.87 per student.
 - The weighted average claim, taking into account the relative number of 7th graders in each district, was \$9.64 per student.
 - After eliminating outliers using our preferred methodology, the weighted average based on the remaining sample was \$9.17 per student.
 - The median per-district claim amount was \$8.88 per student.
- **Our recommended unit cost rate.** We recommend a unit cost rate of \$9.17 per eligible 7th grade student. This is equal to the weighted average claim after the elimination of outliers using our preferred methodology. After adjusting for inflation, the unit cost rate for 2014-15 is \$9.47.

Introduction

This report presents our statistical analysis of reimbursement claims submitted to the Controller in 2011-12 and 2012-13 for the Pertussis mandate contained in AB 354 (Chapter 434, Statutes of 2010). The purpose of this analysis is to develop a unit cost rate based on these claims, which can be used under the Reasonable Reimbursement Methodology (RRM) provisions of state law for the Pertussis mandate. Although we performed statistical analyses for both fiscal years, the discussion and recommendations in this report are based on the findings for 2012-13. This is because the ongoing portion of the mandate, which began in 2012-13, applies only to incoming 7th grade students. In contrast, the 2011-12 mandate applied, on a one-time basis, to all students entering the 7th through 12th grades. Thus, the actual experience for 2012-13 is most directly relevant to future mandate claims under the Pertussis program. As a check for reasonableness and consistency, however, we show the results of our analysis for 2011-12 in the Appendix 1 of this report.

Background

AB 354 prohibits school districts from unconditionally accepting or advancing students that have not received all appropriate Pertussis boosters. The prohibition had a one-time application to all students entering the 7th through 12 grades in 2011-12. Starting in 2012-13, the annual requirement applies only to students entering the 7th grade. On July 26, 2013, the Commission on State Mandates (COSM) approved a test claim for the following reimbursable activities:

- Receiving and reviewing immunization documents to determine whether students should be unconditionally or conditionally admitted.
- Advising pupils that were conditionally admitted of the need to contact a physician or agency providing immunizations.
- Notifying pupils not meeting the requirements (or their parents/guardians) of requirements to exclude pupils from school unless they provide evidence of immunization or lawful exemption within 10 days, and
- Notifying an attendance supervisor of pupils excluded from attendance due to failure to provide required documentation.

Reasonable Reimbursement Methodology. State law permits the COSM to modify its parameters and guidelines upon the request of a local agency, school district, or state agency. It allows these agencies to develop claims on a simplified unit cost basis, using a Reasonable Reimbursement Methodology (RRM) based on cost information from a representative sample of claimants, information provided by association of local agencies and school districts, or other projections of local costs.

Data Used In Analysis

Controller's Office claims data. For purposes of this study, we analyzed claims data provided to us by the state Controller's Office for fiscal years 2011-12 and 2012-13. The data for 2011-12 included claims for 7th through 12 grades for 232 districts, superintendents, and county offices of education, totaling \$6.9 million. The data for 2012-13 includes claims from 175 school districts, superintendents and county offices of education totaling \$1.7 million. The smaller amount of claims in 2012-13 is primarily related to the smaller number of student's for which review of immunization records is required. As noted above, only 7th grade students are affected by the mandate in 2012-13 and thereafter.

The Controller's data for both years includes the total dollar value of claims for each district, as well as a breakout of how the costs are distributed among the four reimbursable activities. However, the Controller's data does not include information regarding the specific number of students involved in each activity. Thus, the data is not amenable to creation of separate reimbursement rates for each activity.

School enrollment data. To determine the cost-per-student claim amounts, we extracted from the California Department of Education database information on enrollment by grade level for each district submitting claims under this mandate. Next, we backed out the number of students in each district that were enrolled in charter schools (which are ineligible to claim mandate reimbursements). We then divided claim amounts for each district by the number of non-charter school students in 7th through 12th grades for 2011-12, and by non-charter school students in the 7th grade for 2012-13, to arrive at an average per-student claim amount for each of the districts.

For our analysis, we excluded claims made by county offices of education and superintendents of public instruction because we were unable to ascertain how many students were covered by those claims. We also excluded one district in each year based on extreme size of the claims relative to all other districts. In both cases, the claims exceeded \$100 per student – amounts that were nearly double the second largest claim made in each year, and over ten times the overall average claim.

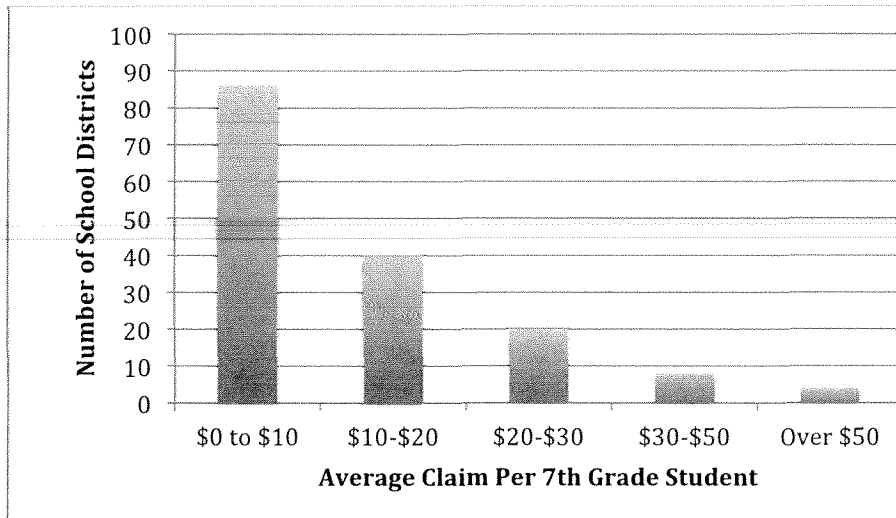
After these exclusions, the remaining dataset on which we conducted our analysis included 214 districts with claims totaling \$6.6 million in 2011-12, and 158 districts with claims totaling \$1.6 million in 2012-13. The data used in our analysis are included in Appendix 2 of the report.

Results

As noted above, our analysis in the remaining sections of this report will focus on the results for 2012-13, given the more direct applicability of this year to future claims. The results for 2011-12 are summarized in Appendix 1.

Distribution of reimbursement claims per student. Figure 1 shows the distribution of per-student claims by district in 2012-13. It shows that over one-half of the districts (which covered nearly two-thirds of the 7th grade students in districts making claims in 2012-13) submitted claims ranging from \$1 to \$10. Another one-quarter of the districts submitted claims ranging from \$10 to \$20 per student, and the remaining one-quarter submitted claims ranging from \$20 to all the way up to \$60 per student.

Figure 1
Distribution of Claim Amounts Per 7th Grade Student: 2012-13



Average and median claim amounts. Figure 2 presents our calculations of the average and median claim amounts for districts filing reimbursement claims in 2012-13. It shows:

- The unweighted average cost per 7th grade student – that is, the “average of averages” for all districts, irrespective of each district’s size – was \$12.87. The average variation around this unweighted mean was \$13 on the high side and \$5 dollars on the low side.
- The unweighted average for middle-sized districts (those with enrollment between the 40th and 60th percentile of all districts submitting claims) was \$9.99.
- The median – that is, the level at which half the districts reported higher and the other half reported lower claims per student – was \$8.88. ¹
- The weighted average for all claiming districts – which takes into account the relative size (as measured by the number of 7th graders) of each district – was \$9.64.

¹ The higher average relative to the median is a manifestation of the skewed nature of the distributions, where there are relatively few districts at the top end with extremely high claims that raise the average more than the median (which is largely unaffected by outliers). Another indication of the skewed distribution is found by looking at the average variation around the high side and low side of the mean, which, as discussed in the text, was \$13 on the high side and only \$5 on the low side.

Figure 2
Average and Median Claim Amounts:
(District Costs Per 7th Grader)

	2012-13
Unweighted Average:	
– All districts	\$12.87
– Mid-sized districts	\$9.99
Median	\$8.88
Weighted average	\$9.64

Unweighted versus weighted average. These are two distinct, though related, statistical concepts. The unweighted average represents the expected size of a claim drawn from a randomly selected district – regardless of the district’s size. In this calculation, each district is given equal weight, whether it contains 100 or 1,000 7th grade students.

The weighted average reflects the expected size a claim associated with a randomly selected student in districts submitting claims in 2012-13. In the weighted calculation, the number of students in each district matters. In the above example, the district with 1,000 students would have 10 times the weight of the smaller, 100-student district under the weighted average formula. As such, the overall average is more heavily influenced by the results for larger districts.

The heavy influence of results for larger districts in the weighted average is important in the case of the Pertussis mandate, because larger districts tend to have lower per-student claim amounts than their small- and medium-sized counterparts. As shown in Figure 3, the average claim for the top 25 percent of districts (also referred to as the top quartile) is \$8.62 per student, or less than half of the \$18.94 per-student average for the bottom 25 percent of districts. In the unweighted calculation, the top and bottom quartiles are weighted equally – at 25 percent each. However, in the weighted average calculation the top 25 percent of districts have 63.9 percent of the total students, and therefore are weighted 63.9 percent in the calculation. In contrast, the bottom 25 percent of districts would account for only 3.1 percent of the weighted average calculation.² Thus, the comparatively low per-student costs in large districts holds down the weighted average relative to the unweighted one.

² The inverse relationship between district size and average cost per student likely reflects economies of scale in larger districts, which enable them to spread some centralized costs (such as updating and mailing notices) over a larger number of students. Regardless of the cause, the below-average claim costs in larger districts hold down the weighted cost relative to the unweighted counterpart.

Figure 3
Per-Student Claims Costs by District Size

Size of District	2012-13	
	Claim Cost per 7 th Grader	Share of Total 7 th Graders in Claiming Districts
Smallest 25%	\$18.94	3.1%
25 to 50 percentile	\$14.17	9.6%
50 to 75 percentile	\$10.21	23.4%
75 to 100 percentile	\$8.36	63.9%

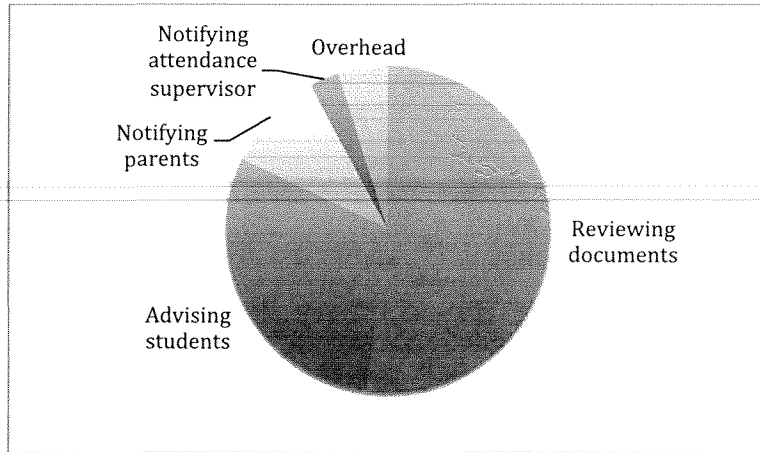
Other factors potentially affecting claim amounts. While district size is a key factor affecting claim amounts, we found many exceptions to the averages shown in Figure 3 – that is, not all large districts had low costs and not all small districts had high claiming costs. Other factors were clearly at work.

One such factor may be variation among districts in the number of students requiring follow-up activities. As noted in Figure 4, slightly over one-half of the typical claim was related to the initial activity – the review of incoming student documents to determine whether they were unconditionally accepted (meaning they met all the Pertussis immunization related requirements) or conditionally accepted (meaning they lacked some or all of the necessary records). The remainder was related to follow-up activities for the conditionally admitted students.

There is considerable variation around these averages, with the percentage devoted to follow-up activities varying from nearly 0 to nearly 100 percent. Districts with a higher-than-average proportion of their total claim attributable to follow-up activities did tend to have higher-than average claims. However, as with variations in district size, we found many exceptions to this general rule. Overall, we found that variation in the proportion of claims related to follow-up activities accounted for a relatively small but statistically significant share of the overall variation in per-student claim amounts among districts.³

³ Specifically, we performed a Spearman Rank Correlation test that related each district’s rank in terms of per-student claims to its rank in terms of the proportion of overall claims attributable to follow-up activities for conditionally admitted students. This correlation test had a Spearman rho of .146, which represented a statistically significant, though weak, correlation.

Figure 4
How the Average Claim Was Distributed Among Reimbursable Activities
2012-13 Claims



Elimination of Outliers – Impact on Estimates

As noted above, districts covering about two-thirds of the students in the sample had per-student claim costs of \$10 or less. However, the remaining district costs were skewed, with a few districts having per-student claim amounts exceeding \$50.

Figure 5 shows the impacts of eliminating outliers from our calculations. It indicates that elimination of just the highest 10 percent of districts reduces the unweighted average claim from \$12.87 to \$10.11 per student, and the weighted average cost from \$9.64 to \$8.64. If we eliminate both the top and bottom 10 percent of districts, the effects are mixed. The unweighted averages fall modestly – from \$12.87 to \$11.14. However, the weighted cost increases marginally – from \$9.64 to \$9.90. The reason for the small increase is that the low-cost districts tend to be the ones with the largest number of students. Thus, elimination of typical low-cost district will raise the weighted average by more than a typical high cost district (which typically have fewer students and thus have smaller weights), all else being equal.

Figure 5
Effects of Eliminating Outliers

	2012-13
All Districts:	
Unweighted Average	\$12.87
Weighted Average	\$9.64
Effects of Eliminating:	
Top 10% of districts	
Resulting unweighted average	\$10.11
Resulting weighted average	\$8.64
Top and bottom 10% of districts	
Resulting unweighted average	\$11.14
Resulting weighted average	\$9.90
Observations > 2 standard deviations from predicted value	
Resulting unweighted average	\$12.96
Resulting weighted average	\$9.17

The final methodology we used to eliminate outliers was to compare actual per-student claim levels to the *expected value* for each district, taking into account its size and proportion of claims attributable to follow-up activities. Specifically, we (1) estimated a regression-based equation relating per-student claiming amounts to district size and percentage of claims related to follow-up activities, (2) calculated the standard error of the estimate (the average variation around the predicted value), and (3) eliminated observations that were more than two standard deviations from their expected values.⁴ The advantage of this methodology is it does not automatically eliminate districts with high or low claim rates. Rather, it compares each district’s per-student claim to its “expected value,” given its size and proportion of claims related to follow-up activities.

This technique resulted in the elimination of about 5 percent of the districts. As indicated in Figure 5, the elimination of these observations results in a decline in the weighted average to \$9.17.

Recommended Unit Cost Rate

Based on the Controller’s claims data for 2012-13, we believe that a unit cost rate of \$9.17 per (non-charter school) 7th grader is reasonable for the period we examined. This amount is equal to the weighted average that results after elimination of outliers using our preferred (regression-based) methodology. Our recommended amount is modestly lower than the weighted average before elimination of outliers, but modestly higher than the median estimate. If adjusted for inflation, the \$9.17 rate would rise to \$9.47 in 2014-15.

⁴ The specific estimated equation is $LN(Y_i) = 4.27 - .37 * LN(District_size(i)) + .80 * Conditional_Claims_Ratio(i)$, where Y_i is average cost per 7th grade student in district i , $District_Size$ is the number of 7th grade students in district i , and $Conditional_Claims_Ratio(i)$ is the share of total claims in district i that are attributable to follow-up notification and related activities for conditionally admitted students.

Certification

I declare, by my signature below, that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.

A handwritten signature in black ink that reads "Brad Williams". The signature is written in a cursive style with a long horizontal flourish extending to the right. It is positioned above a horizontal dotted line.

Brad Williams
Capitol Matrix Consulting

Appendix 1

Analysis of 2011-12 Claims

In 2011-12, claims were filed for the same four activities as the claims in 2012-13. However, the mandate was larger in that year, applying to all students entering the 7th through 12th grades. Figure A-1 shows the distribution of claim amounts by district for 2011-12. Figure A-2 provides key results of our statistical analysis.

The figures show that claims followed the same patterns in 2011-12 as in 2012-13, in terms of the skewed nature of the distribution and the tendency for large districts to have lower claims per student amounts than their smaller counterparts. However, average costs per student were significantly lower – for example, the weighted average claim amount was slightly over \$6 per student. Some of the difference between the two years may reflect additional claiming experience of districts in the second year. However, we believe a second important factor is the larger scale of operations involved in 2011-12, when the mandate applied to all students entering the 7th through 12th grades. As noted above, we found that per-student costs in 2012-13 went down as the size of the district went up. The same “economies of scale” factors likely explain why many districts experienced lower per-student costs in 2011-12 than in 2012-13. Fixed costs associated with such activities as creating and mailing notices were spread over as many as 7 times more students in 2011-12 as in 2012-13.

Figure A-1
Distribution of Per-Student Claim Costs
2011-12

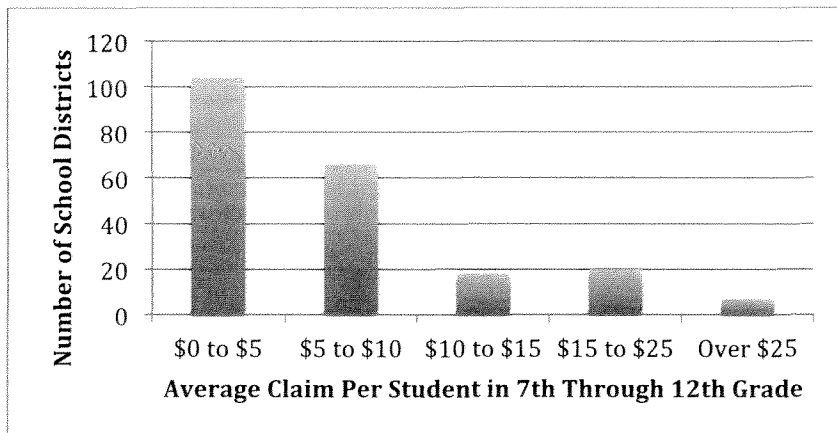


Figure A-2
Various Statistical Measures of Per-Student Claim Costs
2011-12

	2011-12
Unweighted Average:	
– All districts	\$7.00
– Smallest 25 Percentile	\$10.56
– 25 th to 50 th Percentile	\$6.69
– 50 th to 75 th Percentile	\$4.80
– 75 th to 100 th Percentile	\$6.21
Median	\$5.19
Weighted Average	\$6.04

Appendix 2

Data Used in Analysis

District Claims and Enrollment (7th – 12th Grades) 2011-12

<u>District</u>	<u>District Claim Total</u>	<u>Eligible Students (7th-12th Grade)</u>	<u>Average Claim Dollars Per Student</u>
<i>Excluded From Analysis:</i>			
Huntington Beach City Elementary	232,435	1,707	\$136.2
<i>Included In Analysis:</i>			
Bassett Unified	69,676	1,915	\$36.4
Newcastle Elementary	1,453	43	33.8
Newport-Mesa Unified	314,594	10,187	30.9
Central Unified	203,095	6,766	30.0
Lowell Joint	21,471	725	29.6
San Francisco Unified	606,621	23,229	26.1
Oakland Unified	337,402	14,241	23.7
South Fork Union	1,447	62	23.3
Geyserville Unified	2,465	114	21.6
Tahoe-Truckee Unified	3,236	1,598	20.8
Hughes-Elizabeth Lakes Union Elementary	1,241	62	20.0
Oak View Union Elementary	1,769	90	19.0
Guerneville Elementary	1,322	69	19.2
Twain Harte	1,328	70	19.0
McKinleyville Union Elementary	4,857	259	18.8
Morongo Unified	69,726	3,732	18.7
Dinuba Unified	51,088	2,974	17.2
Bayshore Elementary	1,573	93	16.9
Kit Carson Union Elementary	1,842	109	16.9
Grossmont Union High	312,617	18,684	16.7
Livermore Valley Joint Unified	100,825	6,119	16.5
Lodi Unified	215,366	13,103	16.4
La Honda-Pescadero Unified	2,372	146	16.2
Brisbane Elementary	1,949	121	16.1
Rescue Union Elementary	14,480	959	15.1

District	District Claim Total	Eligible Students (7th-12th Grade)	Average Claim Dollars Per Student
Armona Union Elementary	2,892	192	15.1
Sebastopol Union Elementary	2,847	199	14.3
Lompoc Unified	61,906	4,483	13.8
Wiseburn Elementary	8,874	684	13.0
Eureka City Schools	25,980	2,026	12.8
Enterprise Elementary	8,704	684	12.7
East Whittier City Elementary	26,582	2,145	12.4
Maxwell Unified	2,263	189	12.0
Fresno Unified	359,423	30,702	11.7
Del Norte County Unified	19,142	1,640	11.7
Central Elementary	13,705	1,186	11.6
Fruitvale Elementary	8,731	758	11.5
Sonora Union High	14,390	1,256	11.5
San Carlos Elementary	3,562	313	11.4
Castro Valley Unified	51,289	4,552	11.3
Stockton Unified	155,844	4,059	11.1
Summerville Union High	5,454	499	10.9
Dry Creek Joint Elementary	18,697	1,717	10.9
San Rafael City Elementary	7,406	710	10.4
Klamath-Trinity Joint Unified	4,446	449	9.9
Orland Joint Unified	10,544	1,073	9.8
West Covina Unified	46,229	4,748	9.7
Shasta Union High	45,240	4,656	9.7
Willits Unified	7,729	799	9.7
Palos Verdes Peninsula Unified	60,246	6,229	9.7
West Sonoma County Union High	20,894	2,170	9.6
Richgrove Elementary	1,373	144	9.5
El Segundo Unified	17,011	1,796	9.5
Cucamonga Elementary	5,716	606	9.4
Point Arena Joint Union High	1,732	184	9.4
Cloverdale Unified	6,443	686	9.4
Fillmore Unified	15,963	1,707	9.4
San Gabriel Unified	24,199	2,667	9.1
Carlsbad Unified	42,366	4,955	8.6
Yuba City Unified	46,645	5,611	8.3
Fontana Unified	152,531	19,095	8.0
Hanford Elementary	9,056	1,142	7.9

<u>District</u>	<u>District Claim Total</u>	<u>Eligible Students (7th-12th Grade)</u>	<u>Average Claim Dollars Per Student</u>
Redding Elementary	5,478	692	7.9
Burlingame Elementary	4,551	576	7.9
Coast Unified	2,817	357	7.9
Belmont-Redwood Shores Elementary	4,954	632	7.8
Waterford Unified	6,795	880	7.7
Coalinga-Huron Unified	14,439	1,876	7.7
Earlimart Elementary	2,990	393	7.6
Yuba County Office of Education	1,056	142	7.4
Vista Unified	75,625	10,187	7.4
Cottonwood Union Elementary	1,458	197	7.4
San Rafael City High	14,689	1,995	7.4
Santa Ana Unified	168,588	23,001	7.3
Manteca Unified	79,312	10,842	7.3
Mountain View-Los Altos Union High	25,944	3,615	7.2
Sunnyvale	8,769	1,225	7.2
Templeton Unified	8,585	1,205	7.1
Oak Grove Elementary	17,004	2,456	6.9
La Habra City Elementary	8,149	1,189	6.9
Hesperia Unified	71,000	10,434	6.8
Long Beach Unified	265,835	39,283	6.8
Fairfield-Suisun Unified	65,603	9,774	6.7
Washington Unified	21,289	3,233	6.6
Yucaipa-Calimesa Joint Unified	28,500	4,387	6.5
Compton Unified	64,519	9,997	6.5
Kerman Unified	12,973	2,029	6.4
Firebaugh-Las Deltas Unified	6,583	1,033	6.4
Torrance Unified	79,584	12,517	6.4
Visalia Unified	73,459	11,568	6.4
Azusa Unified	27,636	4,470	6.2
Murrieta Valley Unified	70,091	11,593	6.0
Saratoga Union Elementary	3,541	589	6.0
Desert Sands Unified	78,427	13,133	6.0
Pixley Union Elementary	1,300	219	5.9
Escalon Unified	8,344	1,423	5.9
Pomona Unified	66,133	11,327	5.8
Clovis Unified	105,641	18,280	5.8
Orange Unified	69,870	12,157	5.7

District	District Claim Total	Eligible Students (7th-12th Grade)	Average Claim Dollars Per Student
Upland Unified	32,887	5,822	5.6
Lancaster Elementary	17,951	3,196	5.6
Cutler-Orosi Joint Unified	9,738	1,736	5.6
Pasadena Unified	44,702	8,076	5.5
Ripon Unified	7,733	1,424	5.4
Lassen Union High	4,942	915	5.4
Salida Union Elementary	3,423	652	5.3
Lincoln Unified	22,347	4,301	5.2
Hacienda la Puente Unified	53,092	10,237	5.2
Cascade Union Elementary	1,559	306	5.1
Chowchilla Elementary	2,294	457	5.0
Montebello Unified	76,850	15,512	5.0
Kelseyville Unified	4,210	855	4.9
Oroville Union High	12,591	2,614	4.8
Gateway Unified	6,565	1,367	4.8
San Ysidro Elementary	5,657	1,206	4.7
Taft City	2,210	476	4.6
Lynwood Unified	32,574	7,036	4.6
Arcadia Unified	24,275	5,252	4.6
Bonita Unified	22,745	4,999	4.5
Windsor Unified	10,295	2,407	4.3
Anderson Union High	7,744	1,813	4.3
Calipatria Unified	2,244	528	4.3
Wilsona Elementary	1,397	331	4.2
Durham Unified	2,169	526	4.1
Walnut Valley Unified	34,969	8,551	4.1
Sutter Union High	2,923	715	4.1
Rosemead Elementary	2,508	619	4.1
Upper Lake Union High	1,428	363	3.9
Bellflower Unified	26,500	6,762	3.9
Alum Rock Union Elementary	9,525	2,455	3.9
Santa Monica-Malibu Unified	21,867	5,693	3.8
Cotati-Rohnert Park Unified	10,517	2,805	3.7
Southern Humboldt Joint Unified	1,270	347	3.7
Twin Rivers Unified	36,660	10,199	3.6
Tulare City	6,925	1,940	3.6
Richland Union Elementary	2,251	638	3.5

<u>District</u>	<u>District Claim Total</u>	<u>Eligible Students (7th-12th Grade)</u>	<u>Average Claim Dollars Per Student</u>
Glendale Unified	46,220	13,309	3.5
Alta Loma Elementary	5,291	1,547	3.4
Folsom-Cordova Unified	28,519	8,511	3.4
Hilmar Unified	3,557	1,069	3.3
Ocean View	7,080	2,146	3.3
Antelope Valley Union High	76,763	23,302	3.3
San Lorenzo Valley Unified	3,437	1,046	3.3
Lucia Mar Unified	16,444	5,203	3.2
Benicia Unified	8,035	2,549	3.2
Tamalpais Union High	11,670	3,824	3.1
Chowchilla Union High	2,916	975	3.0
Gridley Unified	2,920	1,007	2.9
Moraga Elementary	1,227	426	2.9
Lemon Grove	2,053	716	2.9
San Jacinto Unified	11,776	4,231	2.8
El Monte City	5,758	2,075	2.8
Hanford Joint Union High	10,501	3,803	2.8
Gustine Unified	2,122	777	2.7
Temecula Valley Unified	38,253	14,155	2.7
Rocklin Unified	14,151	5,470	2.6
Manhattan Beach Unified	8,671	3,355	2.6
Palo Alto Unified	14,318	5,544	2.6
Culver City Unified	8,426	3,376	2.5
Dos Palos Oro Loma Joint Unified	2,689	1,080	2.5
Exeter Union High	2,671	1,103	2.4
Reef-Sunset Unified	2,492	1,053	2.4
West Contra Costa Unified	28,106	11,983	2.3
Marysville Joint Unified	8,802	3,786	2.3
Lake Elsinore Unified	22,457	9,996	2.2
Healdsburg Unified	2,324	1,067	2.2
Rosedale Union Elementary	2,810	1,332	2.1
Redlands Unified	22,486	10,683	2.1
Los Alamitos Unified	10,195	4,853	2.1
San Marcos Unified	16,431	7,852	2.1
Escondido Union	7,392	3,576	2.1
Davis Joint Unified	7,402	3,740	2.0
Loomis Union Elementary	1,117	569	2.0

District	District Claim Total	Eligible Students (7th-12th Grade)	Average Claim Dollars Per Student
Newman-Crows Landing Unified	2,432	1,264	1.9
Riverdale Joint Unified	1,451	762	1.9
Liberty Union High	14,274	7,582	1.9
Natomas Unified	7,241	4,015	1.8
Fortuna Union High	1,897	1,150	1.6
Morgan Hill Unified	6,599	4,066	1.6
Western Placer Unified	4,056	2,585	1.6
San Juan Unified	30,042	19,412	1.5
Moreno Valley Unified	25,076	16,515	1.5
Patterson Joint Unified	3,864	2,651	1.5
Brawley Union High	2,451	1,808	1.4
San Benito High	3,813	3,048	1.3
Gilroy Unified	5,964	5,179	1.2
Corcoran Joint Unified	1,682	1,476	1.1
Rim of the World Unified	2,332	2,100	1.1
Downey Unified	13,289	12,099	1.1
San Diego Unified	52,993	48,808	1.1
Sequoia Union High	8,642	8,305	1.0
Lemoore Union High	2,050	2,029	1.0
Atascadero Unified	2,274	2,322	1.0
Ceres Unified	5,034	5,217	1.0
Poway Unified	15,089	16,136	0.9
Central Union High	3,756	4,056	0.9
Oak Park Unified	2,018	2,259	0.9
North Monterey County Unified	1,761	1,980	0.9
Imperial Unified	1,482	1,710	0.9
Tulare Joint Union High	4,262	5,240	0.8
Anaheim Union High	25,397	32,678	0.8
Petaluma Joint Union High	3,640	4,859	0.7
Mountain View Elementary	1,173	1,593	0.7
ABC Unified	6,464	10,140	0.6
San Bernardino City Unified	10,998	21,882	0.5
Westside Union Elementary	1,057	2,157	0.5
Simi Valley Unified	4,450	9,391	0.5
Palm Springs Unified	5,030	10,911	0.5
Salinas Union High	5,886	13,750	0.4
Etiwanda Elementary	1,077	3,215	0.3

District	District Claim Total	Eligible Students (7th-12th Grade)	Average Claim Dollars Per Student
Monterey Peninsula Unified	1,132	4,497	0.3
Antioch Unified	1,437	8,875	0.2
Campbell Union High	1,145	7,385	0.2
Fremont Union High	1,298	10,470	0.1

District Claims and Enrollment (7th Grade Only) 2012-13

District	District Claim Total	Eligible Students (7th Grade Only)	Average Claim Dollars Per Student
<i>Excluded From Analysis:</i>			
Central Unified	126,405	1,204	\$105.0
<i>Included In Analysis:</i>			
Newcastle Elementary	1,212	20	\$60.6
Fillmore Unified	16,533	292	56.6
Klamath-Trinity Joint Unified	3,807	73	52.2
San Rafael City Elementary	20,431	406	50.3
Tahoe-Truckee Unified	9,455	247	38.3
Geyserville Unified	1,023	27	37.9
Livermore Valley Joint Unified	34,622	929	37.3
Guerneville Elementary	1,007	28	36.0
Newport-Mesa Unified	55,593	1,562	35.6
La Honda-Pescadero Unified	1,007	29	34.7
Lowell Joint	11,769	386	30.5
San Lorenzo Valley Unified	5,312	175	30.4
Lompoc Unified	20,862	700	29.8
Yucaipa-Calimesa Joint Unified	19,522	660	29.6
Windsor Unified	8,704	307	28.4
Coalinga-Huron Unified	9,276	333	27.9
Cucamonga Elementary	7,393	274	27.0
Twain Harte	1,008	38	26.5
Central Elementary	14,951	569	26.3
Hughes-Elizabeth Lakes Union Elementary	1,009	40	25.2

District	District Claim Total	Eligible Students (7th Grade Only)	Average Claim Dollars Per Student
San Francisco Unified	88,526	3,532	25.1
Oakland Unified	59,709	2,425	24.6
Lodi Unified	50,653	2,116	23.9
Gridley Unified	3,213	135	23.8
Orange Unified	28,478	1,243	22.9
Oak View Union Elementary	1,022	45	22.7
Kit Carson Union Elementary	1,003	45	22.3
Clovis Unified	70,207	3,206	21.9
Bayshore Elementary	1,019	48	21.2
Glendale Unified	39,849	1,970	20.2
Washington Unified	11,171	555	20.1
Kerman Unified	7,291	364	20.0
Yuba City Unified	19,248	964	20.0
Willits Unified	1,954	102	19.2
Hilmar Unified	3,177	166	19.1
Coast Unified	1,107	59	18.8
Dinuba Unified	8,059	430	18.7
Del Norte County Unified	5,350	288	18.6
Eureka City Schools	5,266	285	18.5
Brisbane Elementary	1,044	58	18.0
Desert Sands Unified	31,235	1,758	17.8
Culver City Unified	8,649	493	17.5
Enterprise Elementary	5,929	350	16.9
Pixley Union Elementary	1,819	109	16.7
Vista Unified	26,939	1,660	16.2
Rocklin Unified	14,224	883	16.1
Rescue Union Elementary	7,392	462	16.0
Visalia Unified	32,530	2,051	15.9
Chowchilla Elementary	3,086	202	15.3
Armona Union Elementary	1,344	88	15.3
Waterford Unified	1,974	130	15.2
Sebastopol Union Elementary	1,279	85	15.0
Bassett Unified	5,107	345	14.8
Gustine Unified	2,051	143	14.3
Dry Creek Joint Elementary	12,211	880	13.9
McKinleyville Union Elementary	1,744	127	13.7
Stockton Unified	33,752	2,643	12.8

District	District Claim Total	Eligible Students (7th Grade Only)	Average Claim Dollars Per Student
Oak Grove Elementary	15,945	1,261	12.6
Fresno Unified	64,127	5,110	12.5
West Covina Unified	7,935	676	11.7
San Carlos Elementary	1,809	155	11.7
Fontana Unified	34,086	2,940	11.6
Morongo Unified	7,298	661	11.0
Orland Joint Unified	1,660	153	10.8
Reef-Sunset Unified	2,669	247	10.8
Cloverdale Unified	1,113	104	10.7
Lucia Mar Unified	8,609	820	10.5
Pomona Unified	20,633	1,992	10.4
Santa Ana Unified	40,507	3,939	10.3
Denair Unified	1,069	104	10.3
Imperial Unified	3,056	299	10.2
Carlsbad Unified	9,209	919	10.0
Palos Verdes Peninsula Unified	9,431	952	9.9
Wilsona Elementary	1,425	144	9.9
Redlands Unified	16,247	1,642	9.9
Lake Elsinore Unified	16,223	1,655	9.8
San Jacinto Unified	6,682	705	9.5
El Segundo Unified	2,283	241	9.5
Saratoga Union Elementary	2,652	298	8.9
San Gabriel Unified	3,891	439	8.9
Hesperia Unified	13,337	1,512	8.8
Salida Union Elementary	2,719	311	8.7
Cotati-Rohnert Park Unified	3,705	426	8.7
Wiseburn Elementary	2,643	304	8.7
East Whittier City Elementary	9,193	1,090	8.4
Healdsburg Unified	1,252	150	8.3
Murrieta Valley Unified	15,160	1,817	8.3
Gateway Unified	1,622	195	8.3
Upland Unified	7,679	937	8.2
La Habra City Elementary	4,969	624	8.0
Hanford Elementary	4,456	585	7.6
Earlimart Elementary	1,449	192	7.5
Compton Unified	14,401	1,911	7.5
Alum Rock Union Elementary	9,166	1,238	7.4

<u>District</u>	<u>District Claim Total</u>	<u>Eligible Students (7th Grade Only)</u>	<u>Average Claim Dollars Per Student</u>
Sunnyvale	4,679	638	7.3
Manteca Unified	13,406	1,866	7.2
Redding Elementary	1,971	275	7.2
Fruitvale Elementary	2,599	367	7.1
Folsom-Cordova Unified	9,862	1,465	6.7
Newman-Crows Landing Unified	1,412	210	6.7
Cutler-Orosi Joint Unified	2,092	327	6.4
Bellflower Unified	6,398	1,003	6.4
Ceres Unified	5,643	896	6.3
Azusa Unified	4,123	703	5.9
Benicia Unified	2,192	377	5.8
Ripon Unified	1,499	258	5.8
Tulare City	5,958	1,027	5.8
San Diego Unified	44,479	7,762	5.7
Lancaster Elementary	9,093	1,591	5.7
Belmont-Redwood Shores Elementary	2,120	371	5.7
Burlingame Elementary	1,803	320	5.6
Templeton Unified	1,041	188	5.5
Lemon Grove	2,270	417	5.4
Hacienda la Puente Unified	8,940	1,646	5.4
Long Beach Unified	32,435	6,042	5.4
Escalon Unified	1,180	220	5.4
Palo Alto Unified	4,795	904	5.3
San Ysidro Elementary	2,904	559	5.2
Taft City	1,084	216	5.0
Gilroy Unified	4,201	839	5.0
Ocean View	5,449	1,091	5.0
Richland Union Elementary	1,725	351	4.9
Marysville Joint Unified	2,907	592	4.9
Lincoln Unified	3,677	768	4.8
Castro Valley Unified	3,464	732	4.7
Western Placer Unified	2,231	505	4.4
Pasadena Unified	5,575	1,283	4.3
Rosemead Elementary	1,499	358	4.2
Temecula Valley Unified	9,119	2,243	4.1
Bonita Unified	2,991	741	4.0
Arcadia Unified	3,304	826	4.0

District	District Claim Total	Eligible Students (7th Grade Only)	Average Claim Dollars Per Student
Montebello Unified	9,749	2,438	4.0
Lynwood Unified	4,446	1,123	4.0
Fairfield-Suisun Unified	5,822	1,652	3.5
Moreno Valley Unified	9,611	2,731	3.5
Rosedale Union Elementary	2,334	676	3.5
West Contra Costa Unified	6,903	2,001	3.4
San Juan Unified	10,180	2,965	3.4
Twin Rivers Unified	5,462	1,603	3.4
Torrance Unified	6,066	1,812	3.3
Monterey Peninsula Unified	2,181	704	3.1
Anaheim Union High	15,977	5,278	3.0
Natomas Unified	1,219	436	2.8
Santa Cruz City High	1,041	374	2.8
Petaluma Joint Union High	2,283	826	2.8
Simi Valley Unified	4,078	1,489	2.7
Patterson Joint Unified	1,215	488	2.5
Palmdale Elementary	4,915	2,074	2.4
San Bernardino City Unified	8,250	3,518	2.3
ABC Unified	3,731	1,638	2.3
Escondido Union	3,809	1,866	2.0
Alta Loma Elementary	1,519	756	2.0
Salinas Union High	3,370	2,083	1.6
Mountain View Elementary	1,081	761	1.4
Palm Springs Unified	2,167	1,835	1.2
Poway Unified	3,079	2,630	1.2
Etiwanda Elementary	1,204	1,672	0.7
Downey Unified	1,304	1,848	0.7

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Solano 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 April 24, 2015, I served the:

**Notice of Complete Filing and Schedule for Comments; and
Request to Amend Parameters and Guidelines**

Request to Amend Parameters and Guidelines

Immunization Records - Pertussis, 14-PGA-01 (11-TC-02)

Health and Safety Code Section 120335

Statutes 2010, Chapter 434 (AB 354)

Desert Sand Unified School District, 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 April 24, 2015 at Sacramento, California.



Heidi J. Palchik
Commission on State Mandates
980 Ninth Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/23/15

Claim Number: 14-PGA-01 (11-TC-02)

Matter: Immunization Records - Pertussis

Requester: Desert Sands 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, § 1181.3.)

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