

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Sections 48900, 48900.2, 48900.3, 48900.4, 48915, 48915.1, 48915.2, 48915.7, 48916, 48916.2, 48917 (& former 48907.5), 48918

Statutes 1975, Chapter 1253, Statutes 1977, Chapter 965, Statutes 1978, Chapter 668, Statutes 1979, Chapter 1014, Statutes 1982, Chapter 318, Statutes 1983, Chapter 498, Statutes 1984, Chapter 23, Statutes 1984, Chapter 536, Statutes 1984, Chapter 622, Statutes 1985, Chapter 318, Statutes 1986, Chapter 1136, Statutes 1987, Chapter 383, Statutes 1987, Chapter 942, Statutes 1989, Chapter 1306, Statutes 1990, Chapter 1231, Statutes 1990, Chapter 1234, Statutes 1992, Chapter 152, Statutes 1992, Chapter 909, Statutes 1993, Chapter 1255, Statutes 1993, Chapter 1256, Statutes 1993, Chapter 1257, Statutes 1994, Chapter 146, Statutes 1994, Chapter 1017, Statutes 1994, Chapter 1198, Statutes 1995, Chapter 95, Statutes 1995, Chapter 972, Statutes 1996, Chapter 15, filed on December 23, 1996; and

First Amendment to add Education Code Sections 48916.1 & 48918.5, and to delete 48916.2 & 48915.7, and to add Statutes 1995, Chapter 974, Statutes 1996, Chapter 915, Statutes 1996, Chapter 937, Statutes 1996, Chapter 1052, filed on June 6, 1997

Second Amendment to add Education Code Section 48900.7, and to add Statutes 1997, Chapter 405, and Statutes 1997, Chapter 637, filed on March 2, 1998

Third Amendment to add Education Code sections 48918 (as amended), 48919, 48919.5, and to add Statutes 1997, Chapter 417, Statutes 1998, Chapter 489, filed on June 28, 1999

Case Nos. 96-358-03, 03A, 03B,  
98-TC-22, 01-TC-18

***Pupil Expulsions II***

Case Nos. 96-358-04, 04A, 04B,  
98-TC-23, 01-TC-17

***Pupil Suspensions II***

Case No. 97-TC-09

***Educational Services Plan for  
Expelled Pupils***

PARAMETERS AND GUIDELINES AND  
DECISION PURSUANT TO  
GOVERNMENT CODE SECTION 1700  
ET SEQ.; TITLE 2, CALIFORNIA CODE  
OF REGULATIONS, DIVISION 2,  
CHAPTER 2.5, ARTICLE 7.

*(Adopted on October 27, 2011)*

Fourth Amendment to add Education Code Sections 48900, 48900.3, 48915, 48916.1, 48918, 48919, 48923, Statutes 1998, Chapter 489, Statutes 1999, Chapter 332, Statutes 1999, Chapter 646, Statutes 2000, Chapter 147, Statutes 2001, Chapter 484, filed on June 3, 2002

By the San Juan Unified School District,  
Claimant

TEST CLAIM:

Education Code Sections 48900, 48900.2, 48900.3, 48900.4, 48900.5, 48911 Statutes 1977, Chapter 965, Statutes 1978, Chapter 668, Statutes 1980, Chapter 73, Statutes 1982, Chapter 318, Statutes 1983, Chapter 498, Statutes 1983, Chapter 1302, Statutes 1984, Chapter 536, Statutes 1985, Chapter 318, Statutes 1985, Chapter 856, Statutes 1985, Chapter 907, Statutes 1986, Chapter 1136, Statutes 1987, Chapter 134, Statutes 1987, Chapter 383, Statutes 1989, Chapter 1306, Statutes 1990, Chapter 1234, Statutes 1992, Chapter 909, Statutes 1992, Chapter 1360, Statutes 1994, Chapter 146, Statutes 1994, Chapter 1017, Statutes 1994, Chapter 1198, Statutes 1995, Chapter 972, filed on December 23, 1996; and

First Amendment to add Statutes 1996, Chapter 915 amending Education Code Section 48900, filed on June 6, 1997

Second Amendment to add Statutes 1997, Chapters 405 and 637, adding or amending Education Code Sections 48900.7 and 48900, filed on March 2, 1998

Third Amendment to add Statutes 1997, Chapter 637 adding Education Code Section 48900.8, filed on June 28, 1999

Fourth Amendment to add Statutes 1999, Chapter 646 and Statutes 2001, Chapter 484, amending Education Code Sections 48900 and 48900.3, filed on June 2, 2002

by the San Juan Unified School District,  
Claimant

TEST CLAIM:

Education Code Sections 48915, 48916,  
48916.1, 48926

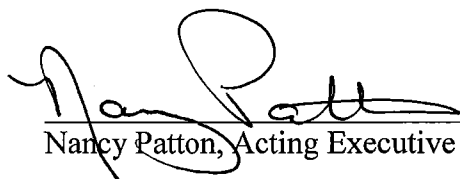
Statutes 1995, Chapter 972, Statutes 1995,  
Chapter 974, Statutes 1996, Chapter 937,  
Statutes 1996, Chapter 1052, filed on  
December 29, 1997

By the Kern County Superintendent of  
Schools, Claimant

First Amendment filed on December 3, 2001 to  
substitute Kern County Superintendent of  
Schools with the San Juan Unified School  
District

**PARAMETERS AND GUIDELINES**  
**For Fiscal Year 1995-1996**

On October 27, 2011, the Commission on State Mandates adopted the staff analysis as its decision and the attached parameters and guidelines for the above-named matter.

  
Nancy Patton, Acting Executive Director

Dated: March 16, 2012

Adopted: October 27, 2011

## **PARAMETERS AND GUIDELINES**

***PUPIL EXPULSIONS II (96-358-03, 03A, 98-TC-22, 01-TC-18)***

***PUPIL SUSPENSIONS II (98-TC-23)***

***EDUCATIONAL SERVICES PLAN FOR EXPELLED PUPILS (97-TC-09)***

Education Code Section 48915<sup>1</sup>

As Amended by Statutes 1995, Chapter 972

**Period of Reimbursement: July 1, 1995 through June 30, 1996**

### **I. SUMMARY OF THE MANDATE**

These parameters and guidelines are the first in a set of six for the *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* test claims identified in the caption above. These parameters and guidelines address the costs incurred to perform the new activities mandated by Education Code section 48915, as amended in 1995, and cover new offenses added to Education Code section 48915 that trigger existing mandatory suspension and expulsion procedures and post-expulsion requirements that increased the level of service provided by school districts during the first year of the period of reimbursement for this claim (fiscal year 1995-1996).

The suspension and expulsion procedures and post-expulsion requirements were originally found to impose reimbursable state-mandated costs for possession of a firearm in decisions on *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) which address the program required by statutes enacted from 1975 - 1994. The consolidated test claim for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* addresses new statutory requirements added from 1995 to 2002.

In addition to the activities eligible for reimbursement under these parameters and guidelines, each subsequent set of parameters and guidelines for *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* adds activities that correspond to the statutes with later operative dates that were determined by the Commission to impose reimbursable state-mandated activities on school districts.

---

<sup>1</sup> Because Education Code section 48915 adds new mandatory expulsion offenses, downstream activities are triggered that were found reimbursable in *Pupil Suspensions from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) and are listed in Section IV. Reimbursable Activities.

The six sets of parameters and guidelines that have been adopted for *Pupil Suspension II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* are summarized in the table below:

| <u>Parameters and Guidelines</u> | <u>Period of Reimbursement</u> | <u>Statutes Approved</u>  |
|----------------------------------|--------------------------------|---|
| Set 1 – current document         | July 1, 1995 - June 30, 1996   | § 48915, as amended by Statutes 1995, chapter 972, and activities triggered by the new offenses added to section 48915.   |
| Set 2                            | July 1, 1996 - June 30, 1997   | §§ 48915.2, 48916, 48916.1, 48918, 48918.5, 48926, as amended by Statutes 1995, chapter 874, Statutes 1996, chapters 915, 937, 1052.                                  |
| Set 3                            | July 1, 1997 – June 30, 1999   | §§ 48900.8, 48918, as amended by Statutes 1997, chapter 637, Statutes 1998, chapter 498.  |
| Set 4                            | July 1, 1999 – June 30, 2001   | §§ 48918, 48923, as amended by Statutes 1999, chapter 332, Statutes 2000, chapter 147.  |
| Set 5                            | July 1, 2001 – June 30, 2012   | § 48915, Statutes 2001, chapter 116.  |
| Set 6                            | July 1, 2012 –                 | All statutes, consolidated with <i>Pupil Suspension from School</i> , <i>Pupil Expulsion from School</i> , and <i>Pupil Expulsion Appeals</i> (CSM-4456, 4455, 4463). |

Beginning in fiscal year 2012-2013, and each year thereafter, all reimbursable activities from the original program in *Pupil Suspension from School*, *Pupil Expulsion from School*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) are consolidated with *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* and are claimable under the sixth set of parameters and guidelines. The costs incurred under *Pupil Suspensions*, *Pupil Expulsions*, and *Pupil Expulsion Appeals* (CSM-4456, 4455, 4463) until June 30, 2012 remain reimbursable under their existing parameters and guidelines and State Controller’s Claiming Instructions for Programs 176 to 271.

The statement of decision on *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan for Expelled Pupils* was adopted on August 1, 2008, and was issued in May 2011. The Commission found that the test claim statutes impose a partially 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.

The Commission approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1996:

- a. For the principal or superintendent to immediately suspend, pursuant to section 48911,<sup>2</sup> and recommend expulsion, and for the governing board to order expulsion for:
  1. A pupil who brandishes a knife at another person (§ 48915 (c)(2), Stats. 1995 ch. 972);
  2. A pupil who sells or furnishes a firearm unless the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal (§ 48915 (c)(1) and (d), Stats. 1995, ch. 972);
  3. A pupil's first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995 ch. 972).
- b. For the principal or superintendent to immediately suspend, pursuant to section 48911, and for the governing board to order expulsion, for a pupil who sells a controlled substance, as defined (§ 48915 (c)(3), Stats. 1995 ch. 972).
- c. For the school to perform the following suspension procedures<sup>3</sup> for the offenses listed in (a) and (b) above:
  1. Precede the suspension with an informal conference conducted by the principal or the principal's designee or the superintendent of schools between the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. Inform the pupil of the reason for the disciplinary action and the evidence against him or her and give the pupil the opportunity to present his or her version and evidence in his or her defense. (§ 48911 (b).)
  2. At the time of the suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Whenever the pupil

---

<sup>2</sup> All statutory references are to the Education Code unless otherwise indicated.

<sup>3</sup> These offenses also trigger the expulsion procedures identified in the *Pupil Expulsions from School* (CSM-4455) test claim.

is suspended from school, the parent or guardian shall be notified in writing of the suspension. (§ 48911 (d).)

3. A school employee shall report the suspension of the pupil including the cause therefore, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board. (§ 48911 (e).)
- d. For the principal or superintendent of schools to recommend expelling a pupil for possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972). The section 48918 expulsion hearing procedures are part of this activity.
- e. For the governing board to refer a pupil expelled for any of the most serious offenses (in § 48915 (c)) to a program of study that meets the following criteria: (1) is appropriately prepared to accommodate pupils who exhibit discipline problems; (2) is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension (§ 48915 (d), Stats. 1995, ch. 972).

For purposes of consistency, these parameters and guidelines continue to include the reasonable reimbursement methodology (RRM) adopted by the Commission in the *Pupil Suspensions, Pupil Expulsions, and Pupil Expulsion Appeals* parameters and guidelines (CSM-4456, 4455, 4463) for the reimbursement of the direct and indirect expulsion hearing costs incurred by a school district.

## **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. This includes county offices of education. Charter schools are not eligible claimants.

## **III. PERIOD OF REIMBURSEMENT**

Government Code section 17557 states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The filing dates of these test claims establish eligibility for reimbursement operative July 1, 1995, pursuant to Government Code section 17557, subdivision (e).

These parameters and guidelines are for the period of reimbursement from July 1, 1995 through June 30, 1996. However, the operative date of Statutes 1995, chapter 972 is January 1, 1996. Therefore, the reimbursement period for the new state-mandated activities begins on January 1, 1996.

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

1. Costs for one fiscal year shall be included in each claim.
2. 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. (Gov. Code, § 17561 (d)(1)(A).)
3. 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. (Gov. Code, § 17560 (a).)
4. In the event revised claiming instructions are issued by the Controller pursuant to Government Code section 17558, subdivision (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. (Gov. Code, § 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, subdivision (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 except as specified in Section IV.D.3. Costs incurred for the expulsion hearing procedures in Section IV.D.3 may be claimed by using the reasonable reimbursement methodology (RRM) described in Section VI of these parameters and guidelines.

Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, 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, corroborating documents cannot be substituted for source documents.



The claimant may claim and be reimbursed for increased costs of performing the following reimbursable activities:

**A. ONE-TIME ACTIVITIES TO ADOPT POLICIES, PROCEDURES AND REVISE NOTIFICATION**

1. School Districts and County Boards of Education

- (a) Adopt and revise rules and regulations establishing procedures pertaining to pupil expulsions to conform to amendments of section 48915 by Statutes 1995, chapter 972.
- (b) Print and disseminate rules and procedures to each school site.

**THE REMAINING ACTIVITIES (listed in B through I) ARE ON-GOING ACTIVITIES**

**B. PUPIL SUSPENSIONS**

If the immediate suspension is for any of the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling a controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915 (c)(3), Stats. 1995 ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);

Then the following suspension activities pursuant to section 48911 are reimbursable:

1. Parent Contact

Making a reasonable effort to contact the pupil's parent or guardian in person or by telephone. (§ 48911 (b).)

2. Attendance at Informal Conference

Conducting an informal conference (by the principal or the principal's designee or the superintendent of schools) between the pupil<sup>4</sup> and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. Informing the pupil of the reason for the disciplinary action and the evidence against him or her and giving the pupil the opportunity to present his or her version and evidence in his or her defense. (§ 48911 (b).)

---

<sup>4</sup> Pupil is defined to include "a pupil's parent or guardian or legal counsel." (§ 48925 (e).)

3. Written Notice

Notifying the parent or guardian in writing of the suspension whenever the pupil is suspended from school. (§ 48911 (d).)

4. Reporting to the District Office

Reporting the suspension of the pupil including the cause therefor, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board. (§ 48911 (e).)

**C. RECOMMENDATION FOR EXPULSION**

The preparation of the principal's or superintendent's recommendation to expel a pupil for the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972); and
- The first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995, ch. 972).

**D. EXPULSION HEARING PROCEDURAL REQUIREMENTS**

If the expulsion hearing is for any of the following offenses:

- Brandishing a knife at another person (§ 48915 (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915 (c)(1), Stats. 1995, ch. 972);
- Unlawful possession of a controlled substance, as defined (except for the first offense of possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915 (a)(3), Stats. 1995, ch. 972);
- The first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915 (c)(3), Stats. 1995, ch. 972);

Then the following activities are reimbursable:

1. Hearing Notice

Including in the notice of hearing to the pupil:

- (a) A copy of the disciplinary rules of the district that relate to the alleged violation;

- (b) A notice of the parent's, guardian's, or pupil's obligation, pursuant to Education Code section 48915.1, subdivision (b), to notify a new school district, upon enrollment, of the pupil's expulsion; and
- (c) Notice of the opportunity for the pupil or the pupil's parent or guardian to inspect and obtain copies of all documents to be used at the hearing. (§ 48918 (b).)

2. Document Inspection

Allowing a pupil or pupil's parent or guardian to inspect and obtain copies of documents to be used at the expulsion hearing, as follows:

- (a) If the requesting party is a pupil less than 18 years of age or the parent or guardian of a pupil who is 18 years of age or older, all documents; or
- (b) If the requesting party is the parent or guardian of a pupil under the age of 18, only those documents which are not "education records" as defined in 20 U.S.C. section 1232g(a)(4).<sup>5</sup> (§ 48918 (b).)

3. Expulsion Hearings: The following activities (3a – 3d) are reimbursed based on a uniform cost allowance reasonable reimbursement methodology:

(a) Hearing Preparation

Preparing and reviewing documents to be used during the expulsion hearing.  
Arranging hearing dates and assigning panel members and translators as needed.  
(§ 48918 (c).)

(b) Expulsion Hearing

The attendance of the review panel and other district employees required to attend the expulsion hearing. (§ 48918 (c).)

(c) Recommendation to the Governing Board

Preparation and submission of the hearing officer or panel's findings of fact based solely on the evidence adduced at the hearing to recommend the expulsion of a pupil to the governing board. (§ 48918 (d) & (f).)

---

<sup>5</sup> The Federal Education Rights and Privacy Act of 1974 ("FERPA") defines "education records" as those records, files, documents, and other materials which (i) contain information directly related to a student, and (ii) are maintained by the school district or a person acting for the school district. 20 U.S.C. Section 1232g(a)(4)(B) provides certain exceptions to the general definition (for example, records maintained by a law enforcement unit of a school district that were created by that law enforcement unit for the purpose of law enforcement).

(d) Hearing Record

Maintaining a record of the hearing by any means which would allow for a reasonably accurate and complete written transcript of the proceedings to be made. (§ 48918 (g).)

**E. POST-EXPULSION HEARING PROCEDURES**

If the expulsion hearing is for any of the following offenses:

- Selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));

Then the following activities pursuant to sections 48915 and 48918 are reimbursable:

1. Expulsion Order

Issuing the expulsion order. (§ 48915, subd. (d).)

2. Parent Notice

Sending written notice to the pupil or the pupil's parent or guardian of: (a) any decision by the governing board to expel or suspend the enforcement of an expulsion order during a period of probation; (b) the right to appeal the expulsion to the county board of education; (c) the obligation of the pupil, parent or guardian under Education Code section 48915.1 to notify a new school district, upon enrollment, of the pupil's expulsion. Costs of postage for mailing the notice is reimbursable under this activity. (§ 48918 (j).)

3. Pupil Records

- (a) Maintaining a record of the expulsion, including the cause of the expulsion. (§ 48918 (k).)
- (b) Recording the expulsion order and the cause of the expulsion in the pupil's mandatory interim record. (§ 48918 (k).)
- (c) Forwarding the pupil's mandatory interim record to any school in which the pupil subsequently enrolls upon the request of such school. (§ 48918 (k).)

**F. REFERRAL OF EXPELLED PUPIL TO DIFFERENT SCHOOLSITE**

When the pupil is expelled for one of the following offenses:

- Possessing, selling, or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));

Then the following activity pursuant to section 48915 is reimbursable:

1. Refer the expelled pupil to a program of study that meets the following criteria: (1) is appropriately prepared to accommodate pupils who exhibit discipline problems; (2) is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school; (3) is not housed at the schoolsite attended by the pupil at the time of suspension. (§ 48915 (d), Stats. 1995, ch. 972.)

#### **G. READMISSION TO THE DISTRICT**

If the governing board expelled a pupil for any of the following offenses:

- Selling or otherwise furnishing a firearm (§ 48915 (c)(1));
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));

Then the following activities pursuant to section 48916 are reimbursable:

1. Setting a date when the pupil may apply for readmission to a district school; and
2. Providing a description of the procedure for readmission to the pupil and the pupil's parent or guardian. (§ 48916.)

#### **H. EXPULSION APPEAL HEARINGS**

If the governing board expelled a pupil for any of the following:

- Selling or otherwise furnishing a firearm § 48915 (c)(1);
- Brandishing a knife at another person (§ 48915 (c)(2));
- Unlawfully selling any controlled substance (§ 48915(c)(3));

Then the following activities are reimbursable:

##### **1. Providing Copies of Documents**

- (a) Providing copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil who is less than 18 years of age. (§ 48919.)
- (b) Providing copies of supporting documents and records from the district's expulsion hearing (other than the transcript) to a pupil who is 18 years of age or older, or to the parent or guardian of a pupil who is less than 18 years of age, if the documents or records are not "education records" as defined in 20 U.S.C. section 1232g(a)(4). (§ 48919.)

##### **2. Participation in Hearings**

Participation by a school district in the county board of education's hearing on appeal if the county board of education grants a hearing de novo. (§ 48919.)

3. Remand Hearing

If the county board of education remanded the expulsion to the school district's governing board following an appeal, sending notice of the hearing, conducting a hearing on remand, and rendering a decision in the remand hearing. (§ 48923.)

4. Expunging Records

Expunging the school district's and pupil's records concerning the expulsion, when ordered by the county board of education. (§ 48923.)

**I. TRAINING**

Training school district personnel (one-time per employee) about the mandated suspension, expulsion, and expulsion appeal activities. This reimbursable component includes the labor time of administrators and other school district personnel involved with preparation of training sessions and the labor time of administrators and other school district personnel who conduct or attend training sessions. Labor time for teachers is not reimbursable. The cost of materials and supplies used or distributed in training sessions is reimbursable under this component.

**V. CLAIM PREPARATION AND SUBMISSION FOR ACTUAL COSTS**

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.

**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.

### 4. Fixed Assets

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

### 5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of the cost element A.1, Salaries and Benefits, for each applicable reimbursable activity.

### 6. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element A.1, Salaries and Benefits, and A.2, Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element A.3, Contracted Services.

## **B. Indirect Cost Rates**

Indirect costs are costs that have been incurred for a common or joint purpose. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective. 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.

Indirect costs 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 and county offices of education must use the California Department of Education approved indirect cost rate for the year that funds are expended.

## **VI. CLAIM PREPARATION AND SUBMISSION: REASONABLE REIMBURSEMENT METHODOLOGY**

The Commission is adopting a *reasonable reimbursement methodology* to reimburse school districts for all direct and indirect costs, as authorized by Government Code section 17557, subdivision (b), *in lieu of payment of total actual costs incurred for the reimbursable activities specified in Section IV.D.3 above.*

### **A. Reasonable Reimbursement Methodology**

The definition of reasonable reimbursement methodology is in Government Code section 17518.5, as follows:

Government Code Section 17518.5

- (a) *Reasonable reimbursement methodology* means a formula for reimbursing local agency and school district costs mandated by the state that meets the following conditions:
  - (1) the total amount to be reimbursed statewide is equivalent to total estimated local agency and school district costs to implement the mandate in a cost-efficient manner.
  - (2) for 50 percent or more of eligible local agency and school district claimants, the amount reimbursed is estimated to fully offset their projected costs to implement the mandate in a cost-efficient manner.
- (b) Whenever possible, a *reasonable reimbursement methodology* shall be based on general allocation formulas, uniform cost allowances, and other approximations of local costs mandated by the state rather than detailed documentation of actual local costs. In cases when local agencies and school districts are projected to incur costs to implement a mandate over a period of more than one fiscal year, the determination of a reasonable reimbursement methodology may consider local costs and state reimbursements over a period of greater than one fiscal year, but not exceeding 10 years.
- (c) A reasonable reimbursement methodology may be developed by any of the following:
  - (1) The Department of Finance.
  - (2) The Controller.
  - (3) An affected state agency.
  - (4) A claimant.
  - (5) An interested party,



**B. Uniform Cost Allowances and Formula for Reimbursable Activities**

The *reasonable reimbursement methodology* shall consist of uniform cost allowances to cover all direct and indirect costs of performing activities in Section IV.D.3 and applied to a formula for calculating claimable costs.

1. The uniform cost allowances for reimbursement of activities in Section IV.D.3 are as follows:

| Reimbursable Component   | Uniform Cost Allowance |
|--|------------------------|
| IV.D.3 (a) Hearing Preparation                                     | \$115.72               |
| IV.D.3 (b). Hearing  | \$144.58               |
| IV.D.3 (c) Written Expulsion Recommendation to the Governing Board | \$171.00               |
| IV.D.3 (d) Hearing Record  | \$1.47                 |
| Total  | \$432.77               |

The uniform cost allowances shall be adjusted each subsequent year by the Implicit Price Deflator. The State Controller’s Office will provide the correct uniform cost allowance for each fiscal year with each year’s claiming instructions.

2. Formula

Reimbursement of Activities IV.D.3 (a) – (d) is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of mandatory recommendations for expulsion that resulted in expulsion hearings. If a hearing does not result, claimant may claim increased costs incurred for Section IV.D.3 (a), Preparation for Expulsion Hearing.

**VII. RECORD RETENTION**

**A. Actual Costs and Reasonable Reimbursement Methodology**

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a school district pursuant to this chapter<sup>6</sup> is subject to the initiation of an audit by the State 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 documentation used to support the reimbursable activities, as described

---

<sup>6</sup> This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

in Section V, 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.

### **VIII. OFFSETTING REVENUES AND REIMBURSEMENTS**

Any offsetting revenues 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, services fees collected, federal funds, and other state funds shall be identified and deducted from this claim.

### **IX. STATE CONTROLLER'S CLAIMING INSTRUCTIONS**

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement no later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute, regulations, or executive order creating the mandate and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561, subdivision (d)(1), issuance of the claiming instructions shall constitute notice of the right of school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

### **X. REMEDIES BEFORE THE COMMISSION**

Upon request of a school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

### **XI. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES**

The statement of decision on *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan* is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claims. The administrative record, including the statement of decision, is on file with the Commission.