

**ATTACHMENT 1
STAFF'S DRAFT
PROPOSED PARAMETERS AND GUIDELINES**

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

PUPIL SUSPENSIONS II (96-358-04, 04A, 04B, 98-TC-23, 01-TC-17)

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

Education Code Section 48915¹
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 that are proposed for adoption for the consolidated test claims *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* 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 six sets of parameters and guidelines, each covering one or more fiscal years, are intended to make reimbursement claims easier for school districts to submit and for the State Controller's Office to evaluate and pay.

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. This consolidated test claim – *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

¹ 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.

with later operative dates that were determined by the Commission to impose reimbursable state-mandated activities on school districts.

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 six sets of parameters and guidelines 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).

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 48911,² and recommend expulsion, and for the governing board to order expulsion for:
 1. A pupil who brandishes a knife at another person (§ 48915, subd. (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, subds. (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, subd. (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, subd. (c)(3), Stats. 1995 ch. 972).
- c. For the school to perform the following suspension procedures³ 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, subd. (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 is suspended from school, the parent or guardian shall be notified in writing of the suspension. (§ 48911, subd. (d).)

² All statutory references are to the Education Code unless otherwise indicated.

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

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, subd. (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, subd. (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, subd. (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, subd. (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, subd. (b)(1)(A).)

3. A local agency 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, subd. (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 local agency 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, subd. (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 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 for reimbursable activities identified below by the actual cost method (except for Section IV.D.3 which shall be by the reasonable reimbursement methodology) for additional expulsion hearing costs. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate. Only increased costs for reimbursable activities identified below are reimbursable.

For each eligible claimant, the following activities are reimbursable:

A. ONE-TIME ACTIVITIES

1. Adoption and Revision of Rules and Procedures for 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.

2. Training (one-time per employee)

- (a) Training school district personnel 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.

B. ON-GOING ACTIVITIES: PUPIL SUSPENSIONS II

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

- Brandishing a knife at another person (§ 48915, subd. (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, subd. (c)(3), Stats. 1995 ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (c)(1), Stats. 1995, ch. 972);

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

1. Conducting an informal conference (by the principal or the principal's designee or the superintendent of schools) between the pupil⁴ 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, subd. (b).)
2. Making a reasonable effort to contact the pupil's parent or guardian in person or by telephone. (§ 48911, subd. (b).)
3. Notifying the parent or guardian in writing of the suspension whenever the pupil is suspended from school. (§ 48911, subd. (d).)
4. 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, subd. (e).)

⁴ Pupil is defined to include "a pupil's parent or guardian or legal counsel." (§ 48925, subd. (e).)

C. ON-GOING ACTIVITIES: RECOMMENDATION OF 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, subd. (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (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, subd. (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, subd. (c)(3), Stats. 1995, ch. 972).

D. ON-GOING ACTIVITIES: EXPULSION HEARING PROCEDURAL REQUIREMENTS

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

- Brandishing a knife at another person (§ 48915, subd. (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (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, subd. (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, subd. (c)(3), Stats. 1995, ch. 972);

Then the following activities are reimbursable:

1. 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, subd. (b).)
2. 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).⁵ (§ 48918, subd. (b).)

3. Expulsion hearing costs:

(a) Preparation for Expulsion Hearing

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

(b) Conducting Expulsion Hearing

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

(c) Hearing Officer or Panel’s Expulsion 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, subds. (d) and (f).)

(d) Record of Hearing

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, subd. (g).)

E. ON-GOING ACTIVITIES: POST-EXPULSION HEARING PROCEDURES

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

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

Then the following activities are reimbursable:

1. Issuing the expulsion order. (§ 48915, subd. (d).)
2. 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

⁵ 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).

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, subd. (j).)

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

F. ON-GOING ACTIVITIES: 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, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));

Then the following activity 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, subd. (d), Stats. 1995, ch. 972.)

G. ON-GOING ACTIVITIES: READMISSION PROCEDURES

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

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

Then the following activities 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. ON-GOING ACTIVITIES: RESPONDING TO REQUESTS FOR RECOMMENDATIONS FOR ADMISSION TO A RECEIVING SCHOOL DISTRICT

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

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

And the expelled pupil applies for admission to another school district (the “receiving district”) then, unless the expelling district entered into a voluntary interdistrict transfer agreement with the receiving district, the activities of the expelling district in responding to the receiving district’s request for a recommendation regarding the admission of the applicant are reimbursable. (§ 48915.2.)

I. ON-GOING ACTIVITIES: EXPULSION APPEAL HEARINGS

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

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

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 and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment 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 must use the J-380 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

County offices of education must use the J-580 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

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) Preparation for Expulsion Hearing	\$115.72
IV.D.3 (b). Conducting Expulsion Hearing	\$144.58
IV.D.3 (c) Hearing Officer or Panel's Expulsion Recommendation to the Governing Board	\$171.00
IV.D.3 (d) Record of Hearing	\$1.47
Total	\$432.77

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 chapter⁶ 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 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.

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

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.

**ATTACHMENT 2
STAFF'S DRAFT
PROPOSED PARAMETERS AND GUIDELINES**

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

PUPIL SUSPENSIONS II (96-358-04, 04A, 04B, 98-TC-23, 01-TC-17)

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

Education Code Sections 48915, 48915.2, 48916, 48916.1, 48918, 48918.5, 48926
As Amended by Statutes 1995, Chapters 972 and 974
Statutes 1996, Chapters 915 and 937, 1052

Period of Reimbursement: July 1, 1996 through June 30, 1997

I. SUMMARY OF THE MANDATE

These parameters and guidelines are the second in a set of six that are proposed for adoption for the consolidated test claims *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* identified in the caption above. These parameters and guidelines address the costs incurred to perform the new activities mandated by Education Code sections shown in the caption above, and cover new offenses added to the Education Code 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 and second years of the period of reimbursement for this claim (fiscal years 1995-1996 and 1996-1997). The six sets of parameters and guidelines are intended to make reimbursement claims easier for school districts to submit and for the State Controller's Office to evaluate and pay.

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. This consolidated test claim – *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.

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 six sets of parameters and guidelines are summarized in the table below:

<u>Parameters and Guidelines</u>	<u>Period of Reimbursement</u>	<u>Statutes Approved</u>
Set 1	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– current document	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).

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 48911,¹ and recommend expulsion, and for the governing board to order expulsion for:
 1. A pupil who brandishes a knife at another person (§ 48915, subd. (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, subds. (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, subd. (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, subd. (c)(3), Stats. 1995 ch. 972).
- c. For the school to perform the following suspension procedures² 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, subd. (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 is suspended from school, the parent or guardian shall be notified in writing of the suspension. (§ 48911, subd. (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, subd. (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, subd. (a)(3), Stats. 1995, ch. 972). The section 48918 expulsion hearing procedures are part of this activity.

¹ All statutory references are to the Education Code unless otherwise indicated.

² These offenses also trigger the expulsion procedures identified in the *Pupil Expulsions from School* (CSM-4455) test claim.

- e. For the governing board to refer a pupil expelled for any of the most serious offenses (in § 48915, subd. (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, subd. (d), Stats. 1995, ch. 972).

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

- a. For the superintendent of schools (or designee) to provide notice to a pupil expelled for any of the most serious offenses (in § 48915, subd. (c)), of the education alternative placement to the pupil's parent or guardian at the time of the expulsion order. (§ 48918, subd. (j), Stats. 1995, ch. 974.)
- b. For the governing board to amend its expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918. This is a one-time activity. (§ 48918, subd. (i), Stats. 1995, ch. 974, §§ 7.5 & 10.)
- c. If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974.)
- d. Ensure that an educational program is provided to the pupil expelled for any of the most serious offenses in subdivision (c) of section 48915. The program must conform to the specifications in section 48916.1. (§ 48916.1, Stats. 1995, ch. 974.)
- e. Recommend a rehabilitation plan to a pupil at the time of the expulsion order (§ 48916, subd. (b), Stats. 1995, ch. 974) when a pupil is expelled for any of the most serious offenses listed in subdivision (c) of section 48915.
- f. For the one-time activity of adopting rules and regulations to establish the process for the required review of all expelled pupils for readmission. (§ 48916, subd. (c), Stats. 1995, ch. 974.)
- g. Perform the following activities when the governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses (in § 48915, subd. (c)). (§ 48916, Stats. 1995, ch. 974.):
 - 1. Review the pupil for readmission. (§ 48916, subd. (a).)
 - 2. Order the expelled pupil's readmission or make a finding to deny readmission if "the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district." (§ 48916, subd. (c).)
 - 3. If readmission is denied, for the governing board to make the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to,

serving expelled pupils, including placement in a county community school. (§ 48916, subd. (d).)

4. If readmission is denied, the governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916, subd. (e).)
- h. Before allowing the expelled pupil to enroll in a school district that did not expel the pupil, for the receiving district's governing board to determine, pursuant to a hearing under Section 48918, whether an individual expelled from another school district for the offenses listed below poses a danger to either the pupils or employees of the school district. (§ 48915.2, subd. (b), Stats. 1995, ch. 974.) This activity is only reimbursable for determinations of applicants who have been expelled by a district that has not entered into a voluntary interdistrict transfer agreement with the receiving district:
 1. Unlawful possession of any controlled substance [as specified] ... including the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. (§ 48915, subd. (a)(3).)
 2. Possessing, selling, or otherwise furnishing a firearm ... [without permission as specified]. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. (§ 48915, subd. (c)(1).)
 3. Brandishing a knife at another person. (§ 48915, subd. (c)(2).)
 4. Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined. (§ 48900, subd. (n) & 48915, subds. (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997.)

From July 1, 1996 until September 25, 1996, for school districts to maintain outcome data, as specified, for pupils expelled for the most serious offenses in subdivision (c) of section 48915. (§ 48916.1, Stats. 1995, ch. 974.)

Beginning September 26, 1996, for the school district to maintain data on the following and report it to the California Department of Education (CDE) for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) Whether the expulsion order was suspended; (2) The type of referral made after the expulsion; and (3) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e), Stats. 1996, ch. 937.)

Beginning September 26, 1996 until January 7, 2002, for school districts to maintain data on the following and report it to CDE for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) The number of pupils recommended for expulsion; (2) The grounds for each recommended expulsion; (3) Whether the pupil was subsequently expelled; (4) Whether the expulsion order was suspended; (5) The type of referral made after the expulsion; and (6) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e), Stats. 1996, ch. 937.)

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1997:

- a. Amend the school district's rules and regulations, as specified, to include procedures that apply when there is a recommendation to expel a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918, subd. (b) & 48918.5, Stats. 1996, ch. 915, one-time costs.)
- b. For the principal or superintendent to suspend, pursuant to section 48911, and recommend expulsion, and for the governing board to order expulsion for pupils who commit or attempt to commit a sexual assault or sexual battery as defined. (§ 48915, subd. (c)(4), Stats. 1996, ch. 1052.) The section 48911 suspension procedures and section 48918 expulsion hearing procedures are part of this activity.
- c. For the principal or superintendent to recommend expelling a pupil for assault or battery on any school employee. (§ 48915, subd. (a)(5), Stats. 1996, chs. 915 & 1052.) The expulsion hearing procedures in section 48918 are part of this activity.
- d. For school districts to follow specified procedures when a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n). (§ 48918 and 48918.5, Stats. 1996, ch. 915.)

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, 1996 through June 30, 1997. However, some of the statutes that impose activities have different operative dates, as follows:

Activities claimed under Statutes 1995, chapter 974, are reimbursable beginning July 1, 1996. Activities claimed under Statutes 1996, chapter 938, are reimbursable beginning September 26, 1996. Activities claimed under Statutes 1996, chapters 915 and 1052, are reimbursable beginning January 1, 1997. 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, subd. (b)(1)(A).)
3. A local agency 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, subd. (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 local agency 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, subd. (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 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 for reimbursable activities identified below by the actual cost method (except for Section IV.D.3 which shall be by the reasonable reimbursement methodology) for additional expulsion hearing costs. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate. Only increased costs for reimbursable activities identified below are reimbursable.

For each eligible claimant, the following activities are reimbursable:

A. ONE-TIME ACTIVITIES

1. Adoption and Revision of Rules and Procedures for 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, chapters 972 and 974 (operative July 1, 1996) and Statutes 1996, chapters 915 and 1052.
 - (b) Adopt rules and regulations establishing the procedure for the filing and processing of requests for readmission pursuant to Education Code section 48916, and revise those rules and regulations to conform to the amendments of Statutes 1995, chapter 974, operative July 1, 1996.
 - (c) Amend expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918 (Stats. 1995, ch. 974, §§ 7.5 & 10, operative July 1, 1996).
 - (d) Adopt rules and regulations establishing the procedures for expelling a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918, subd. (b) & 48918.5, Stats 1996, ch. 915 and ch. 1052, operative Jan. 1, 1997.)
2. School District Adoption of Education Services Plan for Expelled Pupils

If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974, operative July 1, 1996.)
3. Training (one-time per employee)
 - (a) Training school district personnel 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.

B. ON-GOING ACTIVITIES: PUPIL SUSPENSIONS II

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

- Brandishing a knife at another person (§ 48915, subd. (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, subd. (c)(3), Stats. 1995 ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (c)(1), Stats. 1995, ch. 972);

- Committing or attempting to commit a sexual assault or sexual battery as defined (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);

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

1. Conducting an informal conference (by the principal or the principal's designee or the superintendent of schools) between the pupil³ 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, subd. (b).)
2. Making a reasonable effort to contact the pupil's parent or guardian in person or by telephone. (§ 48911, subd. (b).)
3. Notifying the parent or guardian in writing of the suspension whenever the pupil is suspended from school. (§ 48911, subd. (d).)
4. 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, subd. (e).)

C. ON-GOING ACTIVITIES: RECOMMENDATION OF 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, subd. (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (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, subd. (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, subd. (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915, subd. (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

³ Pupil is defined to include "a pupil's parent or guardian or legal counsel." (§ 48925, subd. (e).)

D. ON-GOING ACTIVITIES: EXPULSION HEARING PROCEDURAL REQUIREMENTS

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

- Brandishing a knife at another person (§ 48915, subd. (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (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, subd. (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, subd. (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915, subd. (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

Then the following activities are reimbursable:

1. 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, subd. (b).)
2. 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).⁴ (§ 48918, subd. (b).)

⁴ 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

3. Expulsion hearing costs:

(a) Preparation for Expulsion Hearing

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

(b) Conducting Expulsion Hearing

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

(c) Hearing Officer or Panel's Expulsion 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, subds. (d) and (f).)

(d) Record of Hearing

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, subd. (g).)

**E. ON-GOING ACTIVITIES: EXPULSIONS BASED ON ALLEGATIONS OF SEXUAL ASSAULT OR ATTEMPTED SEXUAL ASSAULT OR SEXUAL BATTERY
(operative Jan. 1, 1997.)**

When a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n), the following activities are reimbursable:

1. Provide the complaining witness with a copy of the applicable disciplinary rules and advise the witness of his or her right to: (1) receive five days' notice of the complaining witness's scheduled testimony at the hearing; (2) have up to two adult support persons of his or her choosing present in the hearing at the time he or she testifies; and (3) have the hearing closed during the time he or she testifies pursuant to subdivision (c) of section 48918. (§ 48918.5, subd. (a), Stats. 1996, ch. 915.)
2. Give the complaining witness five days' notice prior to being called to testify. (§ 48918, subd. (b), Stats. 1996, ch. 915.)
3. Before the complaining witness' testimony, admonish the witness' support person(s) that the hearing is confidential. (§ 48918, subd. (b), Stats. 1996, ch. 915.)
4. If the hearing is conducted at a public meeting, hear the witness' testimony in a session closed to the public if testifying would threaten serious psychological harm

(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).

and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television. (§ 48918, subd. (c), Stats. 1996, ch. 915.)

5. Follow the provisions of section 868.5 of the Penal Code at the hearing if the complaining witness has one or more support persons, and one or more of the support persons is also a witness. (§ 48918, subd. (b), Stats. 1996, ch. 915.) The section 868.5 procedures include: (1) Only one support person may accompany the witness to the witness stand, although the other may remain in the room during the witness' testimony; (2) For the prosecution to present evidence that the support person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness; (3) For the governing board, on the prosecution's showing in (2), to grant the request for the support person unless information presented by the defendant or noticed by the district establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony; (4) The governing board shall inform the support person or persons that the proceedings are confidential and may not be discussed with anyone not in attendance at the proceedings; (5) For the governing board to admonish the support person or persons to not prompt, sway, or influence the witness in any way; (6) For the testimony of the support person or persons who are also witnesses to be presented before the testimony of the prosecuting witnesses and excluding the prosecuting witnesses from the courtroom during the support person's testimony; and (7) When the evidence given by the support person would be subject to exclusion because it has been given before the corpus delicti⁵ has been established, for the evidence to be admitted subject to the governing board or defendant's motion to strike that evidence from the record if the corpus delicti is not later established by the testimony of the prosecuting witness.
6. Provide a nonthreatening environment for a complaining witness in order to better enable him or her to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. (§ 48918.5, subd. (c), Stats. 1996, ch. 915.)
7. Provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. (§ 48918.5, subd. (c), Stats. 1996, ch. 915.)
8. Immediately advise the complaining witnesses and accused pupils to refrain from personal or telephonic contact with each other during the pendency of any expulsion process. (§ 48918.5, subd. (d), Stats. 1996, ch. 915.)

F. ON-GOING ACTIVITIES: POST-EXPULSION HEARING PROCEDURES

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

⁵ The corpus delicti is the basic element or fact of a crime.

- Selling, or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

1. Issuing the expulsion order. (§ 48915, subd. (d).)
2. 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, subd. (j).)
3. Maintaining a record of the expulsion, including the cause of the expulsion. (§ 48918, subd. (k).)
4. Recording the expulsion order and the cause of the expulsion in the pupil's mandatory interim record. (§ 48918, subd. (k).)
5. Forwarding the pupil's mandatory interim record to any school in which the pupil subsequently enrolls upon the request of such school. (§ 48918, subd. (k).)

G. ON-GOING ACTIVITIES: REFERRAL OF EXPELLED PUPIL TO DIFFERENT SCHOOLSITE, REHABILITATION PLAN, AND EDUCATIONAL PROGRAM

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

- Possessing, selling, or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are 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; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension. (§ 48915, subd. (d), Stats. 1995, ch. 972.)

2. Send written notice to the pupil or the pupil's parent or guardian of the education alternative placement at the time of the expulsion order. (§ 48918, subd. j., Stats. 1995, ch. 974.)
3. Recommend a rehabilitation plan for the pupil, at the time of the expulsion order. (§ 48916, subd. (b), Stats. 1995, ch. 974, operative July 1, 1996.)
4. Ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. The educational program may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools. The educational program may not be situated within or on the grounds of the school from which the pupil was expelled (§ 48916.1, Stats. 1995, ch. 974, operative July 1, 1996.)

H. ON-GOING ACTIVITIES: READMISSION PROCEDURES

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

- Selling or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§ 48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

1. Setting a date when the pupil may apply for readmission to a district school;
2. Providing a description of the procedure for readmission to the pupil and the pupil's parent or guardian. (§ 48916.)
3. Review the pupil for readmission. (operative July 1, 1996.)
 - (a) Order the expelled pupil's readmission or making a finding to deny readmission if the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district. (§ 48916, subd. (c), Stats. 1995, ch. 974.)
 - (b) If readmission is denied, the governing board:
 - (1) Makes the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916, subd. (d).)
 - (2) Provides written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916, subd. (e).)

I. ON-GOING ACTIVITIES: APPLICATION BY EXPELLED PUPIL TO ATTEND NEW DISTRICT

If a pupil seeking application to a school district (the “receiving school district”) has been expelled by another school district for one of the following most serious offenses:

- Unlawful possession of any controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915, subd. (a)(3), Stats. 1995 ch. 972);
- Possessing, selling, or otherwise furnishing a firearm without permission, as specified, if the possession is verified by an employee of a school district (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined (§ 48900, subd. (n) & 48915, subds. (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997);

And the receiving school district does not have a voluntary interdistrict transfer agreement with the expelling district, then the following activity associated with the receiving district’s admission hearing is reimbursable:

Before allowing the expelled pupil to enroll, determination by the governing board pursuant to a hearing under section 48918, whether an individual expelled from another school poses a danger to either the pupils or employees of the school district. (§ 48915.2, subd. (b), Stats. 1995, ch. 974, operative July 1, 1996.)

J. ON-GOING ACTIVITIES: RESPONDING TO REQUESTS FOR RECOMMENDATIONS FOR ADMISSION TO A RECEIVING SCHOOL DISTRICT

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

- Selling or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), operative Jan. 1, 1997);

And the expelled pupil applies for admission to another school district (the “receiving district”) then, unless the expelling district entered into a voluntary interdistrict transfer agreement with the receiving district, the activities of the expelling district in responding to the receiving district’s request for a recommendation regarding the admission of the applicant are reimbursable. (§ 48915.2.)

K. ON-GOING ACTIVITIES: EXPULSION APPEAL HEARINGS

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

- Selling or otherwise furnishing a firearm § 48915, subd. (c)(1);

- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

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.)

L. ON-GOING ACTIVITIES: SCHOOL DISTRICT DATA COLLECTION

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

- Selling, or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

1. From July 1, 1996 until September 25, 1996, for school districts to maintain outcome data for these pupils as follows (§ 48916.1, Stats. 1995, ch. 974, operative July 1, 1996.):

- (a) Pupils who are enrolled in education programs operated by the school district, the county superintendent of schools, or as otherwise authorized pursuant to section 48916.1 (Stats. 1995, ch. 974). Outcome data shall include, but not be limited to, attendance, graduation and dropout rates of expelled pupils enrolled in alternative placement programs. Outcome data shall also include attendance, graduation and dropout rates, and comparable levels of academic progress, of pupils participating in independent study offered by the school district.
 - (b) Maintain data as further specified by the Superintendent of Public Instruction, on the number of pupils placed in community day school or participating in independent study whose immediate preceding placement was county community school, continuation school, or comprehensive school, or who was not enrolled in any school.
 - (c) The number of pupils placed in community day school whose subsequent placement is county community school, continuation school, or comprehensive school, or who are not enrolled in any school.
2. Beginning September 26, 1996 (until January 7, 2002), for school districts to maintain data on the following and report it to the California Department of Education (CDE), commencing on June 1, 1997, for pupils expelled for the most serious offenses in section 48915, subdivision (c):
- a. The number of pupils recommended for expulsion;
 - b. The grounds for each recommended expulsion;
 - c. Whether the pupil was subsequently expelled;
 - d. Whether the expulsion order was suspended;
 - e. The type of referral made after the expulsion; and
 - f. The disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e)(1), Stats. 1996, ch. 937.)

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 and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment 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 must use the J-380 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

County offices of education must use the J-580 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

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) Preparation for Expulsion Hearing	\$115.72
IV.D.3 (b). Conducting Expulsion Hearing	\$144.58
IV.D.3 (c) Hearing Officer or Panel’s Expulsion Recommendation to the Governing Board	\$171.00
IV.D.3 (d) Record of Hearing	\$1.47
Total	\$432.77

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 chapter⁶ is subject to the initiation of an audit by

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

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 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.

**ATTACHMENT 3
STAFF'S DRAFT
PROPOSED PARAMETERS AND GUIDELINES**

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

PUPIL SUSPENSIONS II (96-358-04, 04A, 04B, 98-TC-23, 01-TC-17)

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

Education Code Sections 48900.8, 48915, 48915.2, 48916, 48916.1, 48918, 48918.5, 48926

As Amended by Statutes 1995, Chapters 972 and 974

Statutes 1996, Chapters 915 and 937, 1052, Statutes 1997, Chapter 637,

Statutes 1998, Chapter 498.

**Period of Reimbursement: July 1, 1997 through June 30, 1998
and July 1, 1998 – June 30, 1999**

I. SUMMARY OF THE MANDATE

These parameters and guidelines are the third in a set of six that are proposed for adoption for the consolidated test claims *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* identified in the caption above. These parameters and guidelines address the costs incurred to perform the new activities mandated by Education Code sections shown in the caption above, and cover new offenses added to the Education Code 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 through fourth years of the period of reimbursement for this claim (fiscal years 1995-1996, 1996-1997, 1997-1998 and 1998-1999). The six sets of parameters and guidelines are intended to make reimbursement claims easier for school districts to submit and for the State Controller's Office to evaluate and pay.

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. This consolidated test claim – *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.

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 six sets of parameters and guidelines are summarized in the table below:

<u>Parameters and Guidelines</u>	<u>Period of Reimbursement</u>	<u>Statutes Approved</u>
Set 1	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 – current document	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).

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 48911,¹ and recommend expulsion, and for the governing board to order expulsion for:
 1. A pupil who brandishes a knife at another person (§ 48915, subd. (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, subds. (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, subd. (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, subd. (c)(3), Stats. 1995 ch. 972).
- c. For the school to perform the following suspension procedures² 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, subd. (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 is suspended from school, the parent or guardian shall be notified in writing of the suspension. (§ 48911, subd. (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, subd. (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

¹ All statutory references are to the Education Code unless otherwise indicated.

² These offenses also trigger the expulsion procedures identified in the *Pupil Expulsions from School* (CSM-4455) test claim.

of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915, subd. (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, subd. (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, subd. (d), Stats. 1995, ch. 972).

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

- a. For the superintendent of schools (or designee) to provide notice to a pupil expelled for any of the most serious offenses (in § 48915, subd. (c)), of the education alternative placement to the pupil's parent or guardian at the time of the expulsion order. (§ 48918, subd. (j), Stats. 1995, ch. 974.)
- b. For the governing board to amend its expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918. This is a one-time activity. (§ 48918, subd. (i), Stats. 1995, ch. 974, §§ 7.5 & 10.)
- c. If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974.)
- d. Ensure that an educational program is provided to the pupil expelled for any of the most serious offenses in subdivision (c) of section 48915. The program must conform to the specifications in section 48916.1. (§ 48916.1, Stats. 1995, ch. 974.)
- e. Recommend a rehabilitation plan to a pupil at the time of the expulsion order (§ 48916, subd. (b), Stats. 1995, ch. 974) when a pupil is expelled for any of the most serious offenses listed in subdivision (c) of section 48915.
- f. For the one-time activity of adopting rules and regulations to establish the process for the required review of all expelled pupils for readmission. (§ 48916, subd. (c), Stats. 1995, ch. 974.)
- g. Perform the following activities when the governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses (in § 48915, subd. (c)). (§ 48916, Stats. 1995, ch. 974.):
 - 1. Review the pupil for readmission. (§ 48916, subd. (a).)
 - 2. Order the expelled pupil's readmission or make a finding to deny readmission if "the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district." (§ 48916, subd. (c).)

3. If readmission is denied, for the governing board to make the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916, subd. (d).)
4. If readmission is denied, the governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916, subd. (e).)
- h. Before allowing the expelled pupil to enroll in a school district that did not expel the pupil, for the receiving district's governing board to determine, pursuant to a hearing under Section 48918, whether an individual expelled from another school district for the offenses listed below poses a danger to either the pupils or employees of the school district. (§ 48915.2, subd. (b), Stats. 1995, ch. 974.) This activity is only reimbursable for determinations of applicants who have been expelled by a district that has not entered into a voluntary interdistrict transfer agreement with the receiving district:
 1. Unlawful possession of any controlled substance [as specified] ... including the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. (§ 48915, subd. (a)(3).)
 2. Possessing, selling, or otherwise furnishing a firearm ... [without permission as specified]. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. (§ 48915, subd. (c)(1).)
 3. Brandishing a knife at another person. (§ 48915, subd. (c)(2).)
 4. Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined. (§ 48900, subd. (n) & 48915, subs. (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997.)

From July 1, 1996 until September 25, 1996, for school districts to maintain outcome data, as specified, for pupils expelled for the most serious offenses in subdivision (c) of section 48915. (§ 48916.1, Stats. 1995, ch. 974.)

Beginning September 26, 1996, for the school district to maintain data on the following and report it to the California Department of Education (CDE) for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) Whether the expulsion order was suspended; (2) The type of referral made after the expulsion; and (3) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e), Stats. 1996, ch. 937.)

Beginning September 26, 1996 until January 7, 2002, for school districts to maintain data on the following and report it to CDE for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) The number of pupils recommended for expulsion; (2) The grounds for each recommended expulsion; (3) Whether the pupil was subsequently expelled; (4) Whether the expulsion order was suspended; (5) The type of referral made after the expulsion; and (6) The

disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e), Stats. 1996, ch. 937.)

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1997:

- a. Amend the school district's rules and regulations, as specified, to include procedures that apply when there is a recommendation to expel a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918, subd. (b) & 48918.5, Stats. 1996, ch. 915, one-time costs.)
- b. For the principal or superintendent to suspend, pursuant to section 48911, and recommend expulsion, and for the governing board to order expulsion for pupils who commit or attempt to commit a sexual assault or sexual battery as defined. (§ 48915, subd. (c)(4), Stats. 1996, ch. 1052.) The section 48911 suspension procedures and section 48918 expulsion hearing procedures are part of this activity.
- c. For the principal or superintendent to recommend expelling a pupil for assault or battery on any school employee. (§ 48915, subd. (a)(5), Stats. 1996, chs. 915 & 1052.) The expulsion hearing procedures in section 48918 are part of this activity.
- d. For school districts to follow specified procedures when a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n). (§ 48918 and 48918.5, Stats. 1996, ch. 915.)

Beginning January 1, 1998, for school districts to identify by offense, in all appropriate official records of a pupil, each suspension of that pupil for any of the most serious mandatory offenses in section 48915, subdivision (c). (§ 48900.8, Stats. 1997, ch. 637.)

Beginning January 1, 1999, for the school district to amend its expulsion rules and regulations as follows:

If compliance by the governing board with the time requirements for the conduct of an expulsion hearing under subdivision (a) of section 48918 is impracticable due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 schooldays, as defined in subdivision (c) of Section 48915, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall be held no later than 20 calendar days prior to the first day of school for the school year. (§ 48918, subd. (a), Stats. 1998, ch. 489.)

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, 1997 through June 30, 1999. However, some of the statutes that impose activities have different operative dates, as follows:

Activities claimed under Statutes 1997, chapter 637, are reimbursable beginning January 1, 1998. Activities claimed under Statutes 1998, chapter 498, are reimbursable beginning January 1, 1999.

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, subd. (b)(1)(A).)
3. A local agency 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, subd. (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 local agency 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, subd. (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 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 for reimbursable activities identified below by the actual cost method (except for Section IV.D.3 which shall be by the reasonable reimbursement methodology) for additional expulsion hearing costs. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate. Only increased costs for reimbursable activities identified below are reimbursable.

For each eligible claimant, the following activities are reimbursable:

A. ONE-TIME ACTIVITIES

1. Adoption and Revision of Rules and Procedures for 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, chapters 972 and 974 (operative July 1, 1996), Statutes 1996, chapters 915 and 1052, and Statutes 1998, chapter 489.
 - (b) Adopt rules and regulations establishing the procedure for the filing and processing of requests for readmission pursuant to Education Code section 48916, and revise those rules and regulations to conform to the amendments of Statutes 1995, chapter 974, operative July 1, 1996.
 - (c) Amend expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918 (Stats. 1995, ch. 974, §§ 7.5 & 10, operative July 1, 1996).
 - (d) Adopt rules and regulations establishing the procedures for expelling a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918, subd. (b) & 48918.5, Stats 1996, ch. 915 and ch. 1052, operative Jan. 1, 1997.)

2. School District Adoption of Education Services Plan for Expelled Pupils

If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974, operative July 1, 1996.)

3. Training (one-time per employee)

- (a) Training school district personnel 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.

B. ON-GOING ACTIVITIES: PUPIL SUSPENSIONS II

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

- Brandishing a knife at another person (§ 48915, subd. (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, subd. (c)(3), Stats. 1995 ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (c)(1), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);

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

1. Conducting an informal conference (by the principal or the principal's designee or the superintendent of schools) between the pupil³ 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, subd. (b).)
2. Making a reasonable effort to contact the pupil's parent or guardian in person or by telephone. (§ 48911, subd. (b).)
3. Notifying the parent or guardian in writing of the suspension whenever the pupil is suspended from school. (§ 48911, subd. (d).)
4. 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, subd. (e).)
5. Identify by offense, in all appropriate official records of a pupil, each suspension of that pupil. (§ 48900.8, Stats. 1997, ch. 637.)

³ Pupil is defined to include "a pupil's parent or guardian or legal counsel." (§ 48925, subd. (e).)

C. ON-GOING ACTIVITIES: RECOMMENDATION OF 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, subd. (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (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, subd. (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, subd. (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915, subd. (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

D. ON-GOING ACTIVITIES: EXPULSION HEARING PROCEDURAL REQUIREMENTS

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

- Brandishing a knife at another person (§ 48915, subd. (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (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, subd. (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, subd. (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915, subd. (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

Then the following activities are reimbursable:

1. 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, subd. (b).)
2. 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).⁴ (§ 48918, subd. (b).)
3. Expulsion hearing costs:
- (a) Preparation for Expulsion Hearing
 - Preparing and reviewing documents to be used during the expulsion hearing.
 - Arranging hearing dates and assigning panel members and translators as needed.
 - (§ 48918, subd. (c).)
 - (b) Conducting Expulsion Hearing
 - The attendance of the review panel and other district employees required to attend the expulsion hearing. (§ 48918, subd. (c).)
 - (c) Hearing Officer or Panel's Expulsion 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, subds. (d) and (f).)
 - (d) Record of Hearing
 - 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, subd. (g).)

⁴ 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).

E. ON-GOING ACTIVITIES: EXPULSIONS BASED ON ALLEGATIONS OF SEXUAL ASSAULT OR ATTEMPTED SEXUAL ASSAULT OR SEXUAL BATTERY (operative Jan. 1, 1997.)

When a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n), the following activities are reimbursable:

1. Provide the complaining witness with a copy of the applicable disciplinary rules and advise the witness of his or her right to: (1) receive five days' notice of the complaining witness's scheduled testimony at the hearing; (2) have up to two adult support persons of his or her choosing present in the hearing at the time he or she testifies; and (3) have the hearing closed during the time he or she testifies pursuant to subdivision (c) of section 48918. (§ 48918.5, subd. (a), Stats. 1996, ch. 915.)
2. Give the complaining witness five days' notice prior to being called to testify. (§ 48918, subd. (b), Stats. 1996, ch. 915.)
3. Before the complaining witness' testimony, admonish the witness' support person(s) that the hearing is confidential. (§ 48918, subd. (b), Stats. 1996, ch. 915.)
4. If the hearing is conducted at a public meeting, hear the witness' testimony in a session closed to the public if testifying would threaten serious psychological harm and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television. (§ 48918, subd. (c), Stats. 1996, ch. 915.)
5. Follow the provisions of section 868.5 of the Penal Code at the hearing if the complaining witness has one or more support persons, and one or more of the support persons is also a witness. (§ 48918, subd. (b), Stats. 1996, ch. 915.) The section 868.5 procedures include: (1) Only one support person may accompany the witness to the witness stand, although the other may remain in the room during the witness' testimony; (2) For the prosecution to present evidence that the support person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness; (3) For the governing board, on the prosecution's showing in (2), to grant the request for the support person unless information presented by the defendant or noticed by the district establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony; (4) The governing board shall inform the support person or persons that the proceedings are confidential and may not be discussed with anyone not in attendance at the proceedings; (5) For the governing board to admonish the support person or persons to not prompt, sway, or influence the witness in any way; (6) For the testimony of the support person or persons who are also

witnesses to be presented before the testimony of the prosecuting witnesses and excluding the prosecuting witnesses from the courtroom during the support person's testimony; and (7) When the evidence given by the support person would be subject to exclusion because it has been given before the corpus delicti⁵ has been established, for the evidence to be admitted subject to the governing board or defendant's motion to strike that evidence from the record if the corpus delicti is not later established by the testimony of the prosecuting witness.

6. Provide a nonthreatening environment for a complaining witness in order to better enable him or her to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. (§ 48918.5, subd. (c), Stats. 1996, ch. 915.)
7. Provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. (§ 48918.5, subd. (c), Stats. 1996, ch. 915.)
8. Immediately advise the complaining witnesses and accused pupils to refrain from personal or telephonic contact with each other during the pendency of any expulsion process. (§ 48918.5, subd. (d), Stats. 1996, ch. 915.)

F. ON-GOING ACTIVITIES: POST-EXPULSION HEARING PROCEDURES

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

- Selling, or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

1. Issuing the expulsion order. (§ 48915, subd. (d).)
2. 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, subd. (j).)
3. Maintaining a record of the expulsion, including the cause of the expulsion. (§ 48918, subd. (k).)

⁵ The corpus delicti is the basic element or fact of a crime.

4. Recording the expulsion order and the cause of the expulsion in the pupil's mandatory interim record. (§ 48918, subd. (k).)
5. Forwarding the pupil's mandatory interim record to any school in which the pupil subsequently enrolls upon the request of such school. (§ 48918, subd. (k).)

G. ON-GOING ACTIVITIES: REFERRAL OF EXPELLED PUPIL TO DIFFERENT SCHOOLSITE, REHABILITATION PLAN, AND EDUCATIONAL PROGRAM

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

- Possessing, selling, or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are 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; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension. (§ 48915, subd. (d), Stats. 1995, ch. 972.)
2. Send written notice to the pupil or the pupil's parent or guardian of the education alternative placement at the time of the expulsion order. (§ 48918, subd. j., Stats. 1995, ch. 974.)
3. Recommend a rehabilitation plan for the pupil, at the time of the expulsion order. (§ 48916, subd. (b), Stats. 1995, ch. 974, operative July 1, 1996.)
4. Ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. The educational program may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools. The educational program may not be situated within or on the grounds of the school from which the pupil was expelled (§ 48916.1, Stats. 1995, ch. 974, operative July 1, 1996.)

H. ON-GOING ACTIVITIES: READMISSION PROCEDURES

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

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

- Committing or attempting to commit a sexual assault or committing a sexual battery. (§ 48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

1. Setting a date when the pupil may apply for readmission to a district school;
2. Providing a description of the procedure for readmission to the pupil and the pupil's parent or guardian. (§ 48916.)
3. Review the pupil for readmission. (operative July 1, 1996.)
 - (a) Order the expelled pupil's readmission or making a finding to deny readmission if the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district. (§ 48916, subd. (c), Stats. 1995, ch. 974.)
 - (b) If readmission is denied, the governing board:
 - (1) Makes the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916, subd. (d).)
 - (2) Provides written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916, subd. (e).)

I. ON-GOING ACTIVITIES: APPLICATION BY EXPELLED PUPIL TO ATTEND NEW DISTRICT

If a pupil seeking application to a school district (the "receiving school district") has been expelled by another school district for one of the following most serious offenses:

- Unlawful possession of any controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915, subd. (a)(3), Stats. 1995 ch. 972);
- Possessing, selling, or otherwise furnishing a firearm without permission, as specified, if the possession is verified by an employee of a school district (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined (§ 48900, subd. (n) & 48915, subds. (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997);

And the receiving school district does not have a voluntary interdistrict transfer agreement with the expelling district, then the following activity associated with the receiving district's admission hearing is reimbursable:

Before allowing the expelled pupil to enroll, determination by the governing board pursuant to a hearing under section 48918, whether an individual expelled from another school poses a danger to either the pupils or employees of the school district. (§ 48915.2, subd. (b), Stats. 1995, ch. 974, operative July 1, 1996.)

J. ON-GOING ACTIVITIES: RESPONDING TO REQUESTS FOR RECOMMENDATIONS FOR ADMISSION TO A RECEIVING SCHOOL DISTRICT

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

- Selling or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), operative Jan. 1, 1997);

And the expelled pupil applies for admission to another school district (the “receiving district”) then, unless the expelling district entered into a voluntary interdistrict transfer agreement with the receiving district, the activities of the expelling district in responding to the receiving district’s request for a recommendation regarding the admission of the applicant are reimbursable. (§ 48915.2.)

K. ON-GOING ACTIVITIES: EXPULSION APPEAL HEARINGS

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

- Selling or otherwise furnishing a firearm § 48915, subd. (c)(1);
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

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.)

L. ON-GOING ACTIVITIES: SCHOOL DISTRICT DATA COLLECTION

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

- Selling, or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

Beginning September 26, 1996 (until January 7, 2002), for school districts to maintain data on the following and report it to the California Department of Education (CDE), commencing on June 1, 1997:

- a. The number of pupils recommended for expulsion;
- b. The grounds for each recommended expulsion;
- c. Whether the pupil was subsequently expelled;
- d. Whether the expulsion order was suspended;
- e. The type of referral made after the expulsion; and
- f. The disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e)(1), Stats. 1996, ch. 937.)

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 and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment 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 must use the J-380 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

County offices of education must use the J-580 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

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) Preparation for Expulsion Hearing	\$115.72
IV.D.3 (b). Conducting Expulsion Hearing	\$144.58
IV.D.3 (c) Hearing Officer or Panel’s Expulsion Recommendation to the Governing Board	\$171.00
IV.D.3 (d) Record of Hearing	\$1.47
Total	\$432.77

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 chapter⁶ 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 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

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

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.

**ATTACHMENT 4
STAFF'S DRAFT
PROPOSED PARAMETERS AND GUIDELINES**

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

PUPIL SUSPENSIONS II (96-358-04, 04A, 04B, 98-TC-23, 01-TC-17)

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

Education Code Sections 48900.8, 48915, 48915.2, 48916, 48916.1, 48918, 48918.5, 48923,
48926

As Amended by Statutes 1995, Chapters 972 and 974

Statutes 1996, Chapters 915 and 937, 1052, Statutes 1997, Chapter 637,

Statutes 1998, Chapter 498, Statutes 1999, Chapter 332, Statutes 2000, Chapter 147.

**Period of Reimbursement: July 1, 1999 through June 30, 2000
and July 1, 2000 – June 30, 2001**

I. SUMMARY OF THE MANDATE

These parameters and guidelines are the fourth in a set of six that are proposed for adoption for the consolidated test claims *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* identified in the caption above. These parameters and guidelines address the costs incurred to perform the new activities mandated by Education Code sections shown in the caption above, and cover new offenses added to the Education Code 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 through sixth years of the period of reimbursement for this claim (fiscal year 1995-1996 through fiscal year 2000-2001). The six sets of parameters and guidelines are intended to make reimbursement claims easier for school districts to submit and for the State Controller's Office to evaluate and pay.

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. This consolidated test claim – *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.

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 six sets of parameters and guidelines are summarized in the table below:

<u>Parameters and Guidelines</u>	<u>Period of Reimbursement</u>	<u>Statutes Approved</u>
Set 1	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 – current document	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).

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 48911,¹ and recommend expulsion, and for the governing board to order expulsion for:
 1. A pupil who brandishes a knife at another person (§ 48915, subd. (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, subds. (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, subd. (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, subd. (c)(3), Stats. 1995 ch. 972).
- c. For the school to perform the following suspension procedures² 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, subd. (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 is suspended from school, the parent or guardian shall be notified in writing of the suspension. (§ 48911, subd. (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, subd. (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

¹ All statutory references are to the Education Code unless otherwise indicated.

² These offenses also trigger the expulsion procedures identified in the *Pupil Expulsions from School* (CSM-4455) test claim.

of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis) (§ 48915, subd. (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, subd. (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, subd. (d), Stats. 1995, ch. 972).

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

- a. For the superintendent of schools (or designee) to provide notice to a pupil expelled for any of the most serious offenses (in § 48915, subd. (c)), of the education alternative placement to the pupil's parent or guardian at the time of the expulsion order. (§ 48918, subd. (j), Stats. 1995, ch. 974.)
- b. For the governing board to amend its expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918. This is a one-time activity. (§ 48918, subd. (i), Stats. 1995, ch. 974, §§ 7.5 & 10.)
- c. If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974.)
- d. Ensure that an educational program is provided to the pupil expelled for any of the most serious offenses in subdivision (c) of section 48915. The program must conform to the specifications in section 48916.1. (§ 48916.1, Stats. 1995, ch. 974.)
- e. Recommend a rehabilitation plan to a pupil at the time of the expulsion order (§ 48916, subd. (b), Stats. 1995, ch. 974) when a pupil is expelled for any of the most serious offenses listed in subdivision (c) of section 48915.
- f. For the one-time activity of adopting rules and regulations to establish the process for the required review of all expelled pupils for readmission. (§ 48916, subd. (c), Stats. 1995, ch. 974.)
- g. Perform the following activities when the governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses (in § 48915, subd. (c)). (§ 48916, Stats. 1995, ch. 974.):
 - 1. Review the pupil for readmission. (§ 48916, subd. (a).)
 - 2. Order the expelled pupil's readmission or make a finding to deny readmission if "the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district." (§ 48916, subd. (c).)

3. If readmission is denied, for the governing board to make the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916, subd. (d).)
4. If readmission is denied, the governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916, subd. (e).)
- h. Before allowing the expelled pupil to enroll in a school district that did not expel the pupil, for the receiving district's governing board to determine, pursuant to a hearing under Section 48918, whether an individual expelled from another school district for the offenses listed below poses a danger to either the pupils or employees of the school district. (§ 48915.2, subd. (b), Stats. 1995, ch. 974.) This activity is only reimbursable for determinations of applicants who have been expelled by a district that has not entered into a voluntary interdistrict transfer agreement with the receiving district:
 1. Unlawful possession of any controlled substance [as specified] ... including the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. (§ 48915, subd. (a)(3).)
 2. Possessing, selling, or otherwise furnishing a firearm ... [without permission as specified]. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. (§ 48915, subd. (c)(1).)
 3. Brandishing a knife at another person. (§ 48915, subd. (c)(2).)
 4. Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined. (§ 48900, subd. (n) & 48915, subs. (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997.)

From July 1, 1996 until September 25, 1996, for school districts to maintain outcome data, as specified, for pupils expelled for the most serious offenses in subdivision (c) of section 48915. (§ 48916.1, Stats. 1995, ch. 974.)

Beginning September 26, 1996, for the school district to maintain data on the following and report it to the California Department of Education (CDE) for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) Whether the expulsion order was suspended; (2) The type of referral made after the expulsion; and (3) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e), Stats. 1996, ch. 937.)

Beginning September 26, 1996 until January 7, 2002, for school districts to maintain data on the following and report it to CDE for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) The number of pupils recommended for expulsion; (2) The grounds for each recommended expulsion; (3) Whether the pupil was subsequently expelled; (4) Whether the expulsion order was suspended; (5) The type of referral made after the expulsion; and (6) The

disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e), Stats. 1996, ch. 937.)

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1997:

- a. Amend the school district's rules and regulations, as specified, to include procedures that apply when there is a recommendation to expel a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918, subd. (b) & 48918.5, Stats. 1996, ch. 915, one-time costs.)
- b. For the principal or superintendent to suspend, pursuant to section 48911, and recommend expulsion, and for the governing board to order expulsion for pupils who commit or attempt to commit a sexual assault or sexual battery as defined. (§ 48915, subd. (c)(4), Stats. 1996, ch. 1052.) The section 48911 suspension procedures and section 48918 expulsion hearing procedures are part of this activity.
- c. For the principal or superintendent to recommend expelling a pupil for assault or battery on any school employee. (§ 48915, subd. (a)(5), Stats. 1996, chs. 915 & 1052.) The expulsion hearing procedures in section 48918 are part of this activity.
- d. For school districts to follow specified procedures when a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n). (§ 48918 and 48918.5, Stats. 1996, ch. 915.)

Beginning January 1, 1998, for school districts to identify by offense, in all appropriate official records of a pupil, each suspension of that pupil for any of the most serious mandatory offenses in section 48915, subdivision (c). (§ 48900.8, Stats. 1997, ch. 637.)

Beginning January 1, 1999, for the school district to amend its expulsion rules and regulations as follows:

If compliance by the governing board with the time requirements for the conduct of an expulsion hearing under subdivision (a) of section 48918 is impracticable due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 schooldays, as defined in subdivision (c) of Section 48915, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall be held no later than 20 calendar days prior to the first day of school for the school year. (§ 48918, subd. (a), Stats. 1998, ch. 489.)

Beginning January 1, 2000:

For school districts to perform the following one-time activities: (1) updating the school district rules and regulations on notification to the pupil regarding the opportunity to be represented by legal counsel or a nonattorney adviser, and (2) revising the pupil notification to include the right to be represented by legal counsel or a nonattorney

advisor. (§ 48918, subd. (b)(5), Stats. 1999, ch. 332). These activities are reimbursable when the pupil commits any of the offenses specified in subdivisions (a) or (c) of section 48915.

Beginning January 1, 2001:

For a county board of education to remand an expulsion matter to a school district for adoption of the required findings if the school district's decision is not supported by the findings required by section 48915, but evidence supporting the required findings exists in the record of the proceedings. (§ 48923, subdivision (b), Stats. 2000, ch. 147.) This activity is reimbursable for an expulsion for any reason.

For a school district, when adopting the required findings on remand from the county board of education, to: (1) take final action on the expulsion in a public session (not hold another hearing) and; (2) provide notice to the pupil or the pupil's parent or guardian of the following: the expulsion decision, the right to appeal to the county board, the education alternative placement to be provided during the expulsion, and the obligation of the parent or guardian to inform a new school district in which the pupil may enroll of the pupil's expulsion (§ 48918, subd. (j)); and (3) maintain a record of each expulsion and the cause therefor. (§ 48918, subd. (k)). (§ 48923, subd. (b), Stats. 2000, ch. 147.) This activity is only reimbursable when the district governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses. (listed in § 48915, subd. (c).)

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, 1999 through June 30, 2001. However, some of the statutes that impose activities have different operative dates, as follows:

Activities claimed under Statutes 1999, chapter 332, are reimbursable beginning January 1, 2000. Activities claimed under Statutes 2000, chapter 147, are reimbursable beginning January 1, 2001.

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, subd. (b)(1)(A).)
3. A local agency 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, subd. (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 local agency 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, subd. (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 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 for reimbursable activities identified below by the actual cost method (except for Section IV.D.3 which shall be by the reasonable reimbursement methodology) for additional expulsion hearing costs. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate. Only increased costs for reimbursable activities identified below are reimbursable.

For each eligible claimant, the following activities are reimbursable:

A. ONE-TIME ACTIVITIES

1. Adoption and Revision of Rules and Procedures for 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, chapters 972 and 974 (operative July 1, 1996), Statutes 1996, chapters 915 and 1052, Statutes 1998, chapter 489, and Statutes 1999, chapter 332 (including revising the pupil notification required by Stats. 1999, ch. 332).
 - (b) Adopt rules and regulations establishing the procedure for the filing and processing of requests for readmission pursuant to Education Code section 48916, and revise those rules and regulations to conform to the amendments of Statutes 1995, chapter 974, operative July 1, 1996.
 - (c) Amend expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918 (Stats. 1995, ch. 974, §§ 7.5 & 10, operative July 1, 1996).
 - (d) Adopt rules and regulations establishing the procedures for expelling a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918, subd. (b) & 48918.5, Stats 1996, ch. 915 and ch. 1052, operative Jan. 1, 1997.)
2. School District Adoption of Education Services Plan for Expelled Pupils

If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974, operative July 1, 1996.)
3. Training (one-time per employee)
 - (a) Training school district personnel 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.

B. ON-GOING ACTIVITIES: PUPIL SUSPENSIONS II

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

- Brandishing a knife at another person (§ 48915, subd. (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, subd. (c)(3), Stats. 1995 ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (c)(1), Stats. 1995, ch. 972);

- Committing or attempting to commit a sexual assault or sexual battery as defined (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);

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

1. Conducting an informal conference (by the principal or the principal's designee or the superintendent of schools) between the pupil³ 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, subd. (b).)
2. Making a reasonable effort to contact the pupil's parent or guardian in person or by telephone. (§ 48911, subd. (b).)
3. Notifying the parent or guardian in writing of the suspension whenever the pupil is suspended from school. (§ 48911, subd. (d).)
4. 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, subd. (e).)
5. Identify by offense, in all appropriate official records of a pupil, each suspension of that pupil. (§ 48900.8, Stats. 1997, ch. 637.)

C. ON-GOING ACTIVITIES: RECOMMENDATION OF 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, subd. (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (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, subd. (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, subd. (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915, subd. (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

³ Pupil is defined to include "a pupil's parent or guardian or legal counsel." (§ 48925, subd. (e).)

D. ON-GOING ACTIVITIES: EXPULSION HEARING PROCEDURAL REQUIREMENTS

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

- Brandishing a knife at another person (§ 48915, subd. (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (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, subd. (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, subd. (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915, subd. (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

Then the following activities are reimbursable:

1. 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;
 - (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, subd. (b)); and
 - (d) Notice of the opportunity for the pupil or the pupil's parent or guardian to be represented by counsel or by a non-attorney adviser. (§ 48918, subd. (b)(5), Stats. 1999, ch. 332, eff. Jan. 1, 2000.)
2. 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).⁴ (§ 48918, subd. (b).)

⁴ 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

3. Expulsion hearing costs:

(a) Preparation for Expulsion Hearing

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

(b) Conducting Expulsion Hearing

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

(c) Hearing Officer or Panel's Expulsion 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, subds. (d) and (f).)

(d) Record of Hearing

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, subd. (g).)

E. ON-GOING ACTIVITIES: EXPULSIONS BASED ON ALLEGATIONS OF SEXUAL ASSAULT OR ATTEMPTED SEXUAL ASSAULT OR SEXUAL BATTERY (operative Jan. 1, 1997.)

When a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n), the following activities are reimbursable:

1. Provide the complaining witness with a copy of the applicable disciplinary rules and advise the witness of his or her right to: (1) receive five days' notice of the complaining witness's scheduled testimony at the hearing; (2) have up to two adult support persons of his or her choosing present in the hearing at the time he or she testifies; and (3) have the hearing closed during the time he or she testifies pursuant to subdivision (c) of section 48918. (§ 48918.5, subd. (a), Stats. 1996, ch. 915.)
2. Give the complaining witness five days' notice prior to being called to testify. (§ 48918, subd. (b), Stats. 1996, ch. 915.)
3. Before the complaining witness' testimony, admonish the witness' support person(s) that the hearing is confidential. (§ 48918, subd. (b), Stats. 1996, ch. 915.)

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).

4. If the hearing is conducted at a public meeting, hear the witness' testimony in a session closed to the public if testifying would threaten serious psychological harm and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television. (§ 48918, subd. (c), Stats. 1996, ch. 915.)
5. Follow the provisions of section 868.5 of the Penal Code at the hearing if the complaining witness has one or more support persons, and one or more of the support persons is also a witness. (§ 48918, subd. (b), Stats. 1996, ch. 915.) The section 868.5 procedures include: (1) Only one support person may accompany the witness to the witness stand, although the other may remain in the room during the witness' testimony; (2) For the prosecution to present evidence that the support person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness; (3) For the governing board, on the prosecution's showing in (2), to grant the request for the support person unless information presented by the defendant or noticed by the district establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony; (4) The governing board shall inform the support person or persons that the proceedings are confidential and may not be discussed with anyone not in attendance at the proceedings; (5) For the governing board to admonish the support person or persons to not prompt, sway, or influence the witness in any way; (6) For the testimony of the support person or persons who are also witnesses to be presented before the testimony of the prosecuting witnesses and excluding the prosecuting witnesses from the courtroom during the support person's testimony; and (7) When the evidence given by the support person would be subject to exclusion because it has been given before the corpus delicti⁵ has been established, for the evidence to be admitted subject to the governing board or defendant's motion to strike that evidence from the record if the corpus delicti is not later established by the testimony of the prosecuting witness.
6. Provide a nonthreatening environment for a complaining witness in order to better enable him or her to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. (§ 48918.5, subd. (c), Stats. 1996, ch. 915.)
7. Provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. (§ 48918.5, subd. (c), Stats. 1996, ch. 915.)
8. Immediately advise the complaining witnesses and accused pupils to refrain from personal or telephonic contact with each other during the pendency of any expulsion process. (§ 48918.5, subd. (d), Stats. 1996, ch. 915.)

F. ON-GOING ACTIVITIES: POST-EXPULSION HEARING PROCEDURES

⁵ The corpus delicti is the basic element or fact of a crime.

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

- Selling, or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

1. Issuing the expulsion order. (§ 48915, subd. (d).)
2. 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, subd. (j).)
3. Maintaining a record of the expulsion, including the cause of the expulsion. (§ 48918, subd. (k).)
4. Recording the expulsion order and the cause of the expulsion in the pupil's mandatory interim record. (§ 48918, subd. (k).)
5. Forwarding the pupil's mandatory interim record to any school in which the pupil subsequently enrolls upon the request of such school. (§ 48918, subd. (k).)

G. ON-GOING ACTIVITIES: REFERRAL OF EXPELLED PUPIL TO DIFFERENT SCHOOLSITE, REHABILITATION PLAN, AND EDUCATIONAL PROGRAM

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

- Possessing, selling, or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are 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; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension. (§ 48915, subd. (d), Stats. 1995, ch. 972.)

2. Send written notice to the pupil or the pupil's parent or guardian of the education alternative placement at the time of the expulsion order. (§ 48918, subd. j., Stats. 1995, ch. 974.)
3. Recommend a rehabilitation plan for the pupil, at the time of the expulsion order. (§ 48916, subd. (b), Stats. 1995, ch. 974, operative July 1, 1996.)
4. Ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. The educational program may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools. The educational program may not be situated within or on the grounds of the school from which the pupil was expelled (§ 48916.1, Stats. 1995, ch. 974, operative July 1, 1996.)

H. ON-GOING ACTIVITIES: READMISSION PROCEDURES

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

- Selling or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§ 48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

1. Setting a date when the pupil may apply for readmission to a district school;
2. Providing a description of the procedure for readmission to the pupil and the pupil's parent or guardian. (§ 48916.)
3. Review the pupil for readmission. (operative July 1, 1996.)
 - (a) Order the expelled pupil's readmission or making a finding to deny readmission if the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district. (§ 48916, subd. (c), Stats. 1995, ch. 974.)
 - (b) If readmission is denied, the governing board:
 - (1) Makes the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916, subd. (d).)
 - (2) Provides written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916, subd. (e).)

I. ON-GOING ACTIVITIES: APPLICATION BY EXPELLED PUPIL TO ATTEND NEW DISTRICT

If a pupil seeking application to a school district (the “receiving school district”) has been expelled by another school district for one of the following most serious offenses:

- Unlawful possession of any controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915, subd. (a)(3), Stats. 1995 ch. 972);
- Possessing, selling, or otherwise furnishing a firearm without permission, as specified, if the possession is verified by an employee of a school district (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined (§ 48900, subd. (n) & 48915, subds. (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997);

And the receiving school district does not have a voluntary interdistrict transfer agreement with the expelling district, then the following activity associated with the receiving district’s admission hearing is reimbursable:

Before allowing the expelled pupil to enroll, determination by the governing board pursuant to a hearing under section 48918, whether an individual expelled from another school poses a danger to either the pupils or employees of the school district. (§ 48915.2, subd. (b), Stats. 1995, ch. 974, operative July 1, 1996.)

J. ON-GOING ACTIVITIES: RESPONDING TO REQUESTS FOR RECOMMENDATIONS FOR ADMISSION TO A RECEIVING SCHOOL DISTRICT

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

- Selling or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), operative Jan. 1, 1997);

And the expelled pupil applies for admission to another school district (the “receiving district”) then, unless the expelling district entered into a voluntary interdistrict transfer agreement with the receiving district, the activities of the expelling district in responding to the receiving district’s request for a recommendation regarding the admission of the applicant are reimbursable. (§ 48915.2.)

K. ON-GOING ACTIVITIES: EXPULSION APPEAL HEARINGS

County Boards of Education (applies to expulsion appeals for all offenses)

Remanding an expulsion decision to a school district for adoption of the required findings if the school district's decision is not supported by the findings required by section 48915, but evidence supporting the required findings exists in the record of the proceedings. (§ 48923, subd. (b), Stats. 2000, ch. 147, eff. Jan. 1, 2001.)

School Districts

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

- Selling or otherwise furnishing a firearm § 48915, subd. (c)(1);
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

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. Expunging Records

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

4. 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.)

5. Notice and Adoption of Required Findings on Remand (operative Jan. 1, 2001)

If following an appeal, the county board of education remanded the expulsion to the governing board, then:

- (a) Providing notice to the pupil or the pupil's parent or guardian of the following: the expulsion decision, the right to appeal to the county board, the education alternative placement to be provided during the expulsion, and the obligation of the parent or guardian to inform a new school district in which the pupil may enroll of the pupil's expulsion; and maintain a record of each expulsion and the cause therefor.
- (b) Adopting the required findings on remand from the county board of education in a public session. (Holding a hearing is not reimbursable.) (§ 48923, subd. (b), Stats. 2000, ch. 147.)

L. ON-GOING ACTIVITIES: SCHOOL DISTRICT DATA COLLECTION

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

- Selling, or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

Maintain data on the following and report it to the California Department of Education (CDE):

- a. The number of pupils recommended for expulsion;
- b. The grounds for each recommended expulsion;
- c. Whether the pupil was subsequently expelled;
- d. Whether the expulsion order was suspended;
- e. The type of referral made after the expulsion; and
- f. The disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e)(1), Stats. 1996, ch. 937.)

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 and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment 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 must use the J-380 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

County offices of education must use the J-580 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

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) Preparation for Expulsion Hearing	\$115.72
IV.D.3 (b). Conducting Expulsion Hearing	\$144.58
IV.D.3 (c) Hearing Officer or Panel's Expulsion Recommendation to the Governing Board	\$171.00
IV.D.3 (d) Record of Hearing	\$1.47
Total	\$432.77

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 chapter⁶ is subject to the initiation of an audit by

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

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 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.

**ATTACHMENT 5
STAFF'S DRAFT
PROPOSED PARAMETERS AND GUIDELINES**

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

PUPIL SUSPENSIONS II (96-358-04, 04A, 04B, 98-TC-23, 01-TC-17)

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

Education Code Sections 48900.8, 48915, 48915.2, 48916, 48916.1, 48918, 48918.5, 48923,
48926

As Amended by Statutes 1995, Chapters 972 and 974

Statutes 1996, Chapters 915 and 937, 1052, Statutes 1997, Chapter 637,

Statutes 1998, Chapter 498, Statutes 1999, Chapter 332, Statutes 2000, Chapter 147.

Statutes 2001, Chapter 116

Period of Reimbursement: July 1, 2001 through June 30, 2012

I. SUMMARY OF THE MANDATE

These parameters and guidelines are the fifth in a set of six that are proposed for adoption for the consolidated test claims *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* identified in the caption above. These parameters and guidelines address the costs incurred to perform the new activities mandated by Education Code sections shown in the caption above, and cover new offenses added to the Education Code 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 through seventeenth years of the period of reimbursement for this claim (fiscal year 1995-1996 through fiscal year 2011-2012).). The six sets of parameters and guidelines are intended to make reimbursement claims easier for school districts to submit and for the State Controller's Office to evaluate and pay.

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. This consolidated test claim – *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.

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 six sets of parameters and guidelines are summarized in the table below:

<u>Parameters and Guidelines</u>	<u>Period of Reimbursement</u>	<u>Statutes Approved</u>
Set 1	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 – current document	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).

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 48911,¹ and recommend expulsion, and for the governing board to order expulsion for:
 1. A pupil who brandishes a knife at another person (§ 48915, subd. (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, subds. (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, subd. (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, subd. (c)(3), Stats. 1995 ch. 972).
- c. For the school to perform the following suspension procedures² 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, subd. (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 is suspended from school, the parent or guardian shall be notified in writing of the suspension. (§ 48911, subd. (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, subd. (e).)

¹ All statutory references are to the Education Code unless otherwise indicated.

² These offenses also trigger the expulsion procedures identified in the *Pupil Expulsions from School* (CSM-4455) test claim.

- 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, subd. (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, subd. (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, subd. (d), Stats. 1995, ch. 972).

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

- a. For the superintendent of schools (or designee) to provide notice to a pupil expelled for any of the most serious offenses (in § 48915, subd. (c)), of the education alternative placement to the pupil's parent or guardian at the time of the expulsion order. (§ 48918, subd. (j), Stats. 1995, ch. 974.)
- b. For the governing board to amend its expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918. This is a one-time activity. (§ 48918, subd. (i), Stats. 1995, ch. 974, §§ 7.5 & 10.)
- c. If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974.)
- d. Ensure that an educational program is provided to the pupil expelled for any of the most serious offenses in subdivision (c) of section 48915. The program must conform to the specifications in section 48916.1. (§ 48916.1, Stats. 1995, ch. 974.)
- e. Recommend a rehabilitation plan to a pupil at the time of the expulsion order (§ 48916, subd. (b), Stats. 1995, ch. 974) when a pupil is expelled for any of the most serious offenses listed in subdivision (c) of section 48915.
- f. For the one-time activity of adopting rules and regulations to establish the process for the required review of all expelled pupils for readmission. (§ 48916, subd. (c), Stats. 1995, ch. 974.)
- g. Perform the following activities when the governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses (in § 48915, subd. (c)). (§ 48916, Stats. 1995, ch. 974.):
 - 1. Review the pupil for readmission. (§ 48916, subd. (a).)
 - 2. Order the expelled pupil's readmission or make a finding to deny readmission if "the pupil has not met the conditions of the rehabilitation plan or continues to pose a

danger to campus safety or to other pupils or employees of the school district.”
(§ 48916, subd. (c).)

3. If readmission is denied, for the governing board to make the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school.
(§ 48916, subd. (d).)
4. If readmission is denied, the governing board shall provide written notice to the expelled pupil and the pupil’s parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916, subd. (e).)
- h. Before allowing the expelled pupil to enroll in a school district that did not expel the pupil, for the receiving district’s governing board to determine, pursuant to a hearing under Section 48918, whether an individual expelled from another school district for the offenses listed below poses a danger to either the pupils or employees of the school district. (§ 48915.2, subd. (b), Stats. 1995, ch. 974.) This activity is only reimbursable for determinations of applicants who have been expelled by a district that has not entered into a voluntary interdistrict transfer agreement with the receiving district:
 1. Unlawful possession of any controlled substance [as specified] ... including the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. (§ 48915, subd. (a)(3).)
 2. Possessing, selling, or otherwise furnishing a firearm ... [without permission as specified]. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. (§ 48915, subd. (c)(1).)
 3. Brandishing a knife at another person. (§ 48915, subd. (c)(2).)
 4. Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined. (§ 48900, subd. (n) & 48915, subds. (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997.)

From July 1, 1996 until September 25, 1996, for school districts to maintain outcome data, as specified, for pupils expelled for the most serious offenses in subdivision (c) of section 48915. (§ 48916.1, Stats. 1995, ch. 974.)

Beginning September 26, 1996, for the school district to maintain data on the following and report it to the California Department of Education (CDE) for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) Whether the expulsion order was suspended; (2) The type of referral made after the expulsion; and (3) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e), Stats. 1996, ch. 937.)

Beginning September 26, 1996 until January 7, 2002, for school districts to maintain data on the following and report it to CDE for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) The number of pupils recommended for expulsion; (2) The grounds for each recommended expulsion; (3) Whether the pupil was subsequently expelled; (4) Whether the

expulsion order was suspended; (5) The type of referral made after the expulsion; and (6) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e), Stats. 1996, ch. 937.)

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1997:

- a. Amend the school district's rules and regulations, as specified, to include procedures that apply when there is a recommendation to expel a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918, subd. (b) & 48918.5, Stats. 1996, ch. 915, one-time costs.)
- b. For the principal or superintendent to suspend, pursuant to section 48911, and recommend expulsion, and for the governing board to order expulsion for pupils who commit or attempt to commit a sexual assault or sexual battery as defined. (§ 48915, subd. (c)(4), Stats. 1996, ch. 1052.) The section 48911 suspension procedures and section 48918 expulsion hearing procedures are part of this activity.
- c. For the principal or superintendent to recommend expelling a pupil for assault or battery on any school employee. (§ 48915, subd. (a)(5), Stats. 1996, chs. 915 & 1052.) The expulsion hearing procedures in section 48918 are part of this activity.
- d. For school districts to follow specified procedures when a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n). (§ 48918 and 48918.5, Stats. 1996, ch. 915.)

Beginning January 1, 1998, for school districts to identify by offense, in all appropriate official records of a pupil, each suspension of that pupil for any of the most serious mandatory offenses in section 48915, subdivision (c). (§ 48900.8, Stats. 1997, ch. 637.)

Beginning January 1, 1999, for the school district to amend its expulsion rules and regulations as follows:

If compliance by the governing board with the time requirements for the conduct of an expulsion hearing under subdivision (a) of section 48918 is impracticable due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 schooldays, as defined in subdivision (c) of Section 48915, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall be held no later than 20 calendar days prior to the first day of school for the school year. (§ 48918, subd. (a), Stats. 1998, ch. 489.)

Beginning January 1, 2000:

For school districts to perform the following one-time activities: (1) updating the school district rules and regulations on notification to the pupil regarding the opportunity to be represented by legal counsel or a nonattorney adviser, and (2) revising the pupil

notification to include the right to be represented by legal counsel or a nonattorney advisor. (§ 48918, subd. (b)(5), Stats. 1999, ch. 332). These activities are reimbursable when the pupil commits any of the offenses specified in subdivisions (a) or (c) of section 48915.

Beginning January 1, 2001:

For a county board of education to remand an expulsion matter to a school district for adoption of the required findings if the school district's decision is not supported by the findings required by section 48915, but evidence supporting the required findings exists in the record of the proceedings. (§ 48923, subdivision (b), Stats. 2000, ch. 147.) This activity is reimbursable for an expulsion for any reason.

For a school district, when adopting the required findings on remand from the county board of education, to: (1) take final action on the expulsion in a public session (not hold another hearing) and; (2) provide notice to the pupil or the pupil's parent or guardian of the following: the expulsion decision, the right to appeal to the county board, the education alternative placement to be provided during the expulsion, and the obligation of the parent or guardian to inform a new school district in which the pupil may enroll of the pupil's expulsion (§ 48918, subd. (j)); and (3) maintain a record of each expulsion and the cause therefor. (§ 48918, subd. (k)). (§ 48923, subd. (b), Stats. 2000, ch. 147.) This activity is only reimbursable when the district governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses. (listed in § 48915, subd. (c).)

Beginning January 1, 2002:

- For a principal or superintendent to immediately suspend, pursuant to section 48911, a pupil who possesses an explosive at school or at a school activity off school grounds. (§ 48915, subds. (c) & (d), Stats. 2001, ch. 116.) The section 48911 suspension procedures are part of this activity.

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, 2001 through June 30, 2012. However, activities claimed under Statutes 2001, chapter 116, are reimbursable beginning January 1, 2002. 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, subd. (b)(1)(A).)
3. A local agency 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, subd. (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 local agency 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, subd. (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 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 for reimbursable activities identified below by the actual cost method (except for Section IV.D.3 which shall be by the

reasonable reimbursement methodology) for additional expulsion hearing costs. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate. Only increased costs for reimbursable activities identified below are reimbursable.

For each eligible claimant, the following activities are reimbursable:

A. ONE-TIME ACTIVITIES

1. Adoption and Revision of Rules and Procedures for 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, chapters 972 and 974 (operative July 1, 1996), Statutes 1996, chapters 915 and 1052, Statutes 1998, chapter 489, and Statutes 1999, chapter 332 (including revising the pupil notification required by Stats. 1999, ch. 332).
 - (b) Adopt rules and regulations establishing the procedure for the filing and processing of requests for readmission pursuant to Education Code section 48916, and revise those rules and regulations to conform to the amendments of Statutes 1995, chapter 974, operative July 1, 1996.
 - (c) Amend expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918 (Stats. 1995, ch. 974, §§ 7.5 & 10, operative July 1, 1996).
 - (d) Adopt rules and regulations establishing the procedures for expelling a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918, subd. (b) & 48918.5, Stats 1996, ch. 915 and ch. 1052, operative Jan. 1, 1997.)
 - (e) Adopt rules and regulations establishing the procedures for suspending a pupil who possesses an explosive at school or at a school activity off school grounds. (Statutes 2001, chapter 116.)
2. School District Adoption of Education Services Plan for Expelled Pupils

If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974, operative July 1, 1996.)
3. Training (one-time per employee)
 - (a) Training school district personnel 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.

B. ON-GOING ACTIVITIES: PUPIL SUSPENSIONS II

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

- Brandishing a knife at another person (§ 48915, subd. (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, subd. (c)(3), Stats. 1995 ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (c)(1), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915, subd. (c)(5), Stats. 2001, ch. 116, eff. Jan. 1, 2002);

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

1. Conducting an informal conference (by the principal or the principal's designee or the superintendent of schools) between the pupil³ 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, subd. (b).)
2. Making a reasonable effort to contact the pupil's parent or guardian in person or by telephone. (§ 48911, subd. (b).)
3. Notifying the parent or guardian in writing of the suspension whenever the pupil is suspended from school. (§ 48911, subd. (d).)
4. 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, subd. (e).)
5. Identify by offense, in all appropriate official records of a pupil, each suspension of that pupil. (§ 48900.8, Stats. 1997, ch. 637.)

C. ON-GOING ACTIVITIES: RECOMMENDATION OF 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, subd. (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (c)(1), Stats. 1995, ch. 972);

³ Pupil is defined to include "a pupil's parent or guardian or legal counsel." (§ 48925, subd. (e).)

- 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, subd. (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, subd. (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915, subd. (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

D. ON-GOING ACTIVITIES: EXPULSION HEARING PROCEDURAL REQUIREMENTS

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

- Brandishing a knife at another person (§ 48915, subd. (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (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, subd. (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, subd. (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee. (§ 48915, subd. (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997.)

Then the following activities are reimbursable:

1. 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;
 - (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, subd. (b)); and
 - (d) Notice of the opportunity for the pupil or the pupil's parent or guardian to be represented by counsel or by a non-attorney adviser. (§ 48918, subd. (b)(5), Stats. 1999, ch. 332, eff. Jan. 1, 2000.)

2. 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).⁴ (§ 48918, subd. (b).)
3. Expulsion hearing costs:
 - (a) Preparation for Expulsion Hearing

Preparing and reviewing documents to be used during the expulsion hearing.
Arranging hearing dates and assigning panel members and translators as needed.
(§ 48918, subd. (c).)
 - (b) Conducting Expulsion Hearing

The attendance of the review panel and other district employees required to attend the expulsion hearing. (§ 48918, subd. (c).)
 - (c) Hearing Officer or Panel's Expulsion 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, subds. (d) and (f).)
 - (d) Record of Hearing

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, subd. (g).)

E. ON-GOING ACTIVITIES: EXPULSIONS BASED ON ALLEGATIONS OF SEXUAL ASSAULT OR ATTEMPTED SEXUAL ASSAULT OR SEXUAL BATTERY (operative Jan. 1, 1997.)

When a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n), the following activities are reimbursable:

⁴ 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).

1. Provide the complaining witness with a copy of the applicable disciplinary rules and advise the witness of his or her right to: (1) receive five days' notice of the complaining witness's scheduled testimony at the hearing; (2) have up to two adult support persons of his or her choosing present in the hearing at the time he or she testifies; and (3) have the hearing closed during the time he or she testifies pursuant to subdivision (c) of section 48918. (§ 48918.5, subd. (a), Stats. 1996, ch. 915.)
2. Give the complaining witness five days' notice prior to being called to testify. (§ 48918, subd. (b), Stats. 1996, ch. 915.)
3. Before the complaining witness' testimony, admonish the witness' support person(s) that the hearing is confidential. (§ 48918, subd. (b), Stats. 1996, ch. 915.)
4. If the hearing is conducted at a public meeting, hear the witness' testimony in a session closed to the public if testifying would threaten serious psychological harm and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television. (§ 48918, subd. (c), Stats. 1996, ch. 915.)
5. Follow the provisions of section 868.5 of the Penal Code at the hearing if the complaining witness has one or more support persons, and one or more of the support persons is also a witness. (§ 48918, subd. (b), Stats. 1996, ch. 915.) The section 868.5 procedures include: (1) Only one support person may accompany the witness to the witness stand, although the other may remain in the room during the witness' testimony; (2) For the prosecution to present evidence that the support person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness; (3) For the governing board, on the prosecution's showing in (2), to grant the request for the support person unless information presented by the defendant or noticed by the district establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony; (4) The governing board shall inform the support person or persons that the proceedings are confidential and may not be discussed with anyone not in attendance at the proceedings; (5) For the governing board to admonish the support person or persons to not prompt, sway, or influence the witness in any way; (6) For the testimony of the support person or persons who are also witnesses to be presented before the testimony of the prosecuting witnesses and excluding the prosecuting witnesses from the courtroom during the support person's testimony; and (7) When the evidence given by the support person would be subject to exclusion because it has been given before the corpus delicti⁵ has

⁵ The corpus delicti is the basic element or fact of a crime.

been established, for the evidence to be admitted subject to the governing board or defendant's motion to strike that evidence from the record if the corpus delicti is not later established by the testimony of the prosecuting witness.

6. Provide a nonthreatening environment for a complaining witness in order to better enable him or her to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. (§ 48918.5, subd. (c), Stats. 1996, ch. 915.)
7. Provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. (§ 48918.5, subd. (c), Stats. 1996, ch. 915.)
8. Immediately advise the complaining witnesses and accused pupils to refrain from personal or telephonic contact with each other during the pendency of any expulsion process. (§ 48918.5, subd. (d), Stats. 1996, ch. 915.)

F. ON-GOING ACTIVITIES: POST-EXPULSION HEARING PROCEDURES

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

- Selling, or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

Then the following activities are reimbursable:

1. Issuing the expulsion order. (§ 48915, subd. (d).)
2. 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, subd. (j).)
3. Maintaining a record of the expulsion, including the cause of the expulsion. (§ 48918, subd. (k).)
4. Recording the expulsion order and the cause of the expulsion in the pupil's mandatory interim record. (§ 48918, subd. (k).)
5. Forwarding the pupil's mandatory interim record to any school in which the pupil subsequently enrolls upon the request of such school. (§ 48918, subd. (k).)

G. ON-GOING ACTIVITIES: REFERRAL OF EXPELLED PUPIL TO DIFFERENT SCHOOLSITE, REHABILITATION PLAN, AND EDUCATIONAL PROGRAM

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

- Possessing, selling, or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915, subd. (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

Then the following activities are 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; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension. (§ 48915, subd. (d), Stats. 1995, ch. 972.)
2. Send written notice to the pupil or the pupil's parent or guardian of the education alternative placement at the time of the expulsion order. (§ 48918, subd. j., Stats. 1995, ch. 974.)
3. Recommend a rehabilitation plan for the pupil, at the time of the expulsion order. (§ 48916, subd. (b), Stats. 1995, ch. 974, operative July 1, 1996.)
4. Ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. The educational program may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools. The educational program may not be situated within or on the grounds of the school from which the pupil was expelled (§ 48916.1, Stats. 1995, ch. 974, operative July 1, 1996.)

H. ON-GOING ACTIVITIES: READMISSION PROCEDURES

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

- Selling or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§ 48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

- Possession of an explosive at school or at a school activity off school grounds (§ 48915, subd. (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

Then the following activities are reimbursable:

1. Setting a date when the pupil may apply for readmission to a district school;
2. Providing a description of the procedure for readmission to the pupil and the pupil's parent or guardian. (§ 48916.)
3. Review the pupil for readmission. (operative July 1, 1996.)
 - (a) Order the expelled pupil's readmission or making a finding to deny readmission if the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district. (§ 48916, subd. (c), Stats. 1995, ch. 974.)
 - (b) If readmission is denied, the governing board:
 - (1) Makes the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916, subd. (d).)
 - (2) Provides written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916, subd. (e).)

I. ON-GOING ACTIVITIES: APPLICATION BY EXPELLED PUPIL TO ATTEND NEW DISTRICT

If a pupil seeking application to a school district (the "receiving school district") has been expelled by another school district for one of the following most serious offenses:

- Unlawful possession of any controlled substance, including the first offense for selling not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, as defined (§ 48915, subd. (a)(3), Stats. 1995 ch. 972);
- Possessing, selling, or otherwise furnishing a firearm without permission, as specified, if the possession is verified by an employee of a school district (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined (§ 48900, subd. (n) & 48915, subds. (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915, subd. (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

And the receiving school district does not have a voluntary interdistrict transfer agreement with the expelling district, then the following activity associated with the receiving district's admission hearing is reimbursable:

Before allowing the expelled pupil to enroll, determination by the governing board pursuant to a hearing under section 48918, whether an individual expelled from another school poses a danger to either the pupils or employees of the school district. (§ 48915.2, subd. (b), Stats. 1995, ch. 974, operative July 1, 1996.)

J. ON-GOING ACTIVITIES: RESPONDING TO REQUESTS FOR RECOMMENDATIONS FOR ADMISSION TO A RECEIVING SCHOOL DISTRICT

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

- Selling or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915, subd. (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

And the expelled pupil applies for admission to another school district (the "receiving district") then, unless the expelling district entered into a voluntary interdistrict transfer agreement with the receiving district, the activities of the expelling district in responding to the receiving district's request for a recommendation regarding the admission of the applicant are reimbursable. (§ 48915.2.)

K. ON-GOING ACTIVITIES: EXPULSION APPEAL HEARINGS

County Boards of Education (applies to expulsion appeals for all offenses)

Remanding an expulsion decision to a school district for adoption of the required findings if the school district's decision is not supported by the findings required by section 48915, but evidence supporting the required findings exists in the record of the proceedings. (§ 48923, subd. (b), Stats. 2000, ch. 147, eff. Jan. 1, 2001.)

School Districts

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

- Selling or otherwise furnishing a firearm § 48915, subd. (c)(1);
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

- Possession of an explosive at school or at a school activity off school grounds (§ 48915, subd. (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

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. Expunging Records

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

4. 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.)

5. Notice and Adoption of Required Findings on Remand (operative Jan. 1, 2001)

If following an appeal, the county board of education remanded the expulsion to the governing board, then:

- (a) Providing notice to the pupil or the pupil's parent or guardian of the following: the expulsion decision, the right to appeal to the county board, the education alternative placement to be provided during the expulsion, and the obligation of the parent or guardian to inform a new school district in which the pupil may enroll of the pupil's expulsion; and maintain a record of each expulsion and the cause therefor.
- (b) Adopting the required findings on remand from the county board of education in a public session. (Holding a hearing is not reimbursable.) (§ 48923, subd. (b), Stats. 2000, ch. 147.)

L. ON-GOING ACTIVITIES: SCHOOL DISTRICT DATA COLLECTION

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

- Selling, or otherwise furnishing a firearm (§ 48915, subd. (c)(1));

- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915, subd. (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

Then the following activities are reimbursable until January 7, 2002:

Maintain data on the following and report it to the California Department of Education (CDE):

- a. The number of pupils recommended for expulsion;
- b. The grounds for each recommended expulsion;
- c. Whether the pupil was subsequently expelled;
- d. Whether the expulsion order was suspended;
- e. The type of referral made after the expulsion; and
- f. The disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e)(1), Stats. 1996, ch. 937.)

Beginning January 8, 2002, it is reimbursable for the school district to maintain data on the following and report it to CDE for pupils expelled for the offenses listed above (section 48915, subd. (c)):

- a. Whether the expulsion order was suspended;
- b. The type of referral made after the expulsion; and
- c. The disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e), Stats. 1996, ch. 937.)

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 and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment 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 must use the J-380 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

County offices of education must use the J-580 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

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) Preparation for Expulsion Hearing	\$115.72
IV.D.3 (b). Conducting Expulsion Hearing	\$144.58
IV.D.3 (c) Hearing Officer or Panel’s Expulsion Recommendation to the Governing Board	\$171.00
IV.D.3 (d) Record of Hearing	\$1.47
Total	\$432.77

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 chapter⁶ 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

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

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 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.

**ATTACHMENT 6
STAFF'S DRAFT
PROPOSED PARAMETERS AND GUIDELINES**

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

PUPIL SUSPENSIONS II (96-358-04, 04A, 04B, 98-TC-23, 01-TC-17)

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

Education Code Sections 48900.8, 48915, 48915.2, 48916, 48916.1,
48918, 48918.5, 48923, 48926

As Amended by Statutes 1995, Chapters 972 and 974;
Statutes 1996, Chapters 915 937, and 1052; Statutes 1997, Chapter 637;
Statutes 1998, Chapter 498; Statutes 1999, Chapter 332; Statutes 2000, Chapter 147;
Statutes 2001, Chapter 116

Consolidated With

PUPIL SUSPENSIONS FROM SCHOOL (CSM-4456)

Education Code Section 48911, Subdivisions (b) and (e)

Statutes 1977, Chapter 965; Statutes 1978, Chapter 668; Statutes 1980, Chapter 73;
Statutes 1983, Chapter 498; Statutes 1985, Chapter 856; Statutes 1987, Chapter 134

PUPIL EXPULSIONS FROM SCHOOL (CSM-4455)

Education Code Sections 48915, Subdivisions (a) and (b),
48915.1, 48915.2, 48916 and 48918

Statutes 1975, Chapter 1253; Statutes 1977, Chapter 965; Statutes 1978, Chapter 668; Statutes
1982, Chapter 318; Statutes 1983, Chapter 498; Statutes 1984, Chapter 622; Statutes 1987,
Chapter 942; Statutes 1990, Chapter 1231; Statutes 1992, Chapter 152; Statutes 1993, Chapters
1255, 1256, and 1257; Statutes 1994, Chapter 146

PUPIL EXPULSION APPEALS (CSM-4463)

Education Code Sections 48919, 48921, 48924

Statutes 1975, Chapter 1253; Statutes 1977, Chapter 965,; Statutes 1978, Chapter 668;
Statutes 1983, Chapter 498

Period of Reimbursement: From July 1, 2012 Forward

I. SUMMARY OF THE MANDATE

These parameters and guidelines are the sixth in a set of six that are proposed for adoption for the consolidated test claims *Pupil Suspensions II*, *Pupil Expulsions II*, and *Educational Services Plan for Expelled Pupils* identified in the caption above. These parameters and guidelines address the costs incurred to perform the new activities mandated by Education Code sections shown in the caption above, and cover offenses added to the Education Code that trigger existing

mandatory suspension and expulsion procedures and post-expulsion requirements that increased the level of service provided by school districts during the period of reimbursement for this claim (fiscal year 2012-forward). The six sets of parameters and guidelines are intended to make reimbursement claims easier for school districts to submit and for the State Controller’s Office to evaluate and pay.

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. This consolidated test claim – *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 consolidated 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.

Beginning with these parameters and guidelines (fiscal year 2012-2013 and beyond), 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 this 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 six sets of parameters and guidelines are summarized in the table below:

<u>Parameters and Guidelines</u>	<u>Period of Reimbursement</u>	<u>Statutes Approved</u>
Set 1	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– current document	July 1, 2012 –	All statutes, consolidated with <i>Pupil Suspension from School, Pupil Expulsion from School, and Pupil Expulsion Appeals</i> (CSM-4456, 4455, 4463).

A. *Pupil Suspensions from School* (CSM 4456)

On December 19, 1996, the Commission on State Mandates (Commission) adopted its statement of decision determining that certain provisions of Education Code section 48911,¹ subdivisions (b) and (e), impose a new program or higher level of service within the meaning of section 6 of article XIII B of the California Constitution and costs mandated by the state pursuant to Government Code section 17514. The mandate is limited to the following reimbursable activities for suspensions based upon (1) possession of a firearm (October 11, 1993 to present), and (2) possession of a knife or explosive (October 11, 1993 to December 31, 1993):

- The attendance of the referring school employee in the pre-suspension conference between the principal (or designee or superintendent) and the pupil, whenever practicable (§ 48911, subd. (b)); and
- A report of the cause of each school suspension to the district board. (§ 48911, subd. (e).)

B.. *Pupil Expulsions from School* (CSM 4455)

On May 26, 1997, the Commission adopted its statement of decision, and on May 26, 2005, adopted its amended statement of decision pursuant to the California Supreme Court decision in *San Diego Unified School District. v. Commission on State Mandates* (2004) 33 Cal.4th 859, finding that certain provisions of the Education Code impose a new program or higher level of service for school districts within the meaning of section 6 of article XIII B of the California Constitution and costs mandated by the state pursuant to Government Code section 17514:

To suspend a pupil for possessing a firearm,² and recommend expulsion of a pupil for:

¹ All statutory references are to the Education Code unless otherwise indicated.

² The statement of decision also lists: From October 11, 1993 to December 31, 1993, suspending a pupil for possession of a firearm, knife of no reasonable use to the pupil, or possession of an explosive.

- (a) Causing serious physical injury to another person, except in self defense;
- (b) Possession of any firearm, knife, explosive, or other dangerous device of no reasonable use to the pupil at school or at a school activity off school grounds;
- (c) Unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis;
- (d) Robbery or extortion. (§ 48915, subd. (a), Stats. 1983, ch. 498 Stats. 1993, ch. 1255 and ch. 1256; § 48915, subd. (b), Stats. 1993, ch. 1255 and ch. 1256.)

When a pupil is expelled for any of the following:

- (a) Causing serious physical injury to another person, except in self defense;
- (b) Possession of any firearm, knife, explosive, or other dangerous device of no reasonable use to the pupil at school or at a school activity off school grounds;
- (c) Unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of Health and Safety Code, except for the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis;
- (d) Robbery or extortion.

Then it is reimbursable to include specified provisions in the notice of hearing to the pupil, and on request, allow a pupil or pupil's parent or guardian to inspect and obtain copies of documents to be used at the expulsion hearing, as specified. (§ 48915, subd. (a), Stats. 1983, ch. 498, Stats. 1983, ch. 1255 and ch. 1256; § 48915, subd. (b), Stats. 1993, ch. 1255 and ch. 1256.)

If the pupil is expelled for the following:

From October 11, 1993, to December 31, 1993, for possession of a firearm, knife of no reasonable use to the pupil, or explosive. (§ 48915, subd. (b), Stats. 1993, ch. 1255.)

From January 1, 1994 to the present, for possession of a firearm. (§ 48915, subd. (b), Stats. 1993, ch. 1256.)

Then it is reimbursable to (1) send written notice of specified provisions (§ 48918, subd. (i)); (2) Maintain a record of each expulsion, including the cause thereof (§ 48918, subd. (j).); and (3) Record expulsion orders and the causes thereof as specified, and, on request, forward the record to any school in which the pupil subsequently enrolls. (§ 48918, subd. (j).)

For a pupil expelled for possessing a firearm, the following is reimbursable: (1) Set a date when the pupil may apply for readmission to a district school; (2) Make available to the same pupil and his or her parent or guardian a description of the procedure for readmission; and (3) Adopt rules and regulations to establish a procedure for the filing and processing of requests for readmission. (§ 48916.)

The following were also found to be reimbursable for school districts that do not have an interdistrict transfer agreement with another school district: (1) Determine whether a pupil expelled by another school district, would pose a potential danger to the pupils and employees of the receiving district and whether to admit, deny admission, or conditionally admit the applicant during or after the period of expulsion (§ 48915.1, subd. (d)); (2) Respond to a receiving district's request for recommendation (§ 48915.1) if the pupil is expelled for the following offenses: (a) from October 11, 1993 to December 31, 1993, for possession of a firearm, knife of no reasonable use to the pupil, or explosive; (§ 48915, subd. (b), Stats. 1993, ch. 1255); (b) from January 1, 1994 to the present, for possession of a firearm (§ 48915, subd. (b), Stats. 1993, ch. 1256); (3) include in the notice of hearing specified information (§§ 48915.1, 48915.2, and 48918, subd. (b)); (4) Allow a pupil or pupil's parent or guardian to inspect and obtain copies of documents to be used at the admission hearing upon request, as specified (§§ 48915.1, 48915.2, and 48918, subd. (b)); (5) Maintain records as specified (§§ 48915.1, 48915.2, and 48918, subd. (j)); and (6) Notify the applicant and parent/guardian of the governing board's determination, as specified. (§§ 48915.1, subd. (a), 48915.2 & 48918, subd. (i).)

C. Pupil Expulsion Appeals (CSM 4463)

On March 27, 1997, the Commission adopted its statement of decision finding that certain provisions of Education Code sections 48919 and 48921 through 48924 impose a new program or higher level of service within the meaning of section 6 of article XIII B of the California Constitution for school districts and county boards of education to hear and decide pupil expulsion appeals.

The Commission determined that the following provisions applicable to all pupil expulsion appeals establish costs mandated by the state pursuant to Government Code section 17514 for county boards of education to:

- Adopt rules and regulations establishing procedures for expulsion appeals;
- Notify persons appealing a school district expulsion of the procedures for the conduct of the appeal, as part of the county board's notice to the pupil regarding the appeal;
- Review the appeal and the record of the expulsion hearing conducted by the governing board (including the written transcript of the hearing and supporting documents);
- Conduct the initial hearing on the appeal, if the county board of education decides in such hearing to grant a hearing de novo;
- By either personal service or certified mail, notify the pupil and the school district of the final and binding order of the county board of education; and
- Preserve the record of appeal.

The Commission determined that, limited to those expulsions which were based upon Education Code section 48915, subdivision (b) (as amended by Stats. 1993, chs. 1255 & 1256), the following provisions establish costs mandated by the state pursuant to Government Code section 17514 for school districts to:

- Provide copies of supporting documents and records from the district’s expulsion hearing (other than the transcript) to a pupil or the pupil’s parent or guardian, as follows:
 1. 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
 2. 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).³
 3. Participate in the initial appeal hearing at the county board of education, if the county board decides in such hearing to grant a trial de novo.
 4. If the county board of education remands the matter to the school district, send notice of hearing, conduct the hearing and render a decision in the remand hearing.
 5. If ordered by the county board of education, expunge the district’s and the pupil’s records of the expulsion.

D. Pupil Expulsions II, Pupil Suspensions II, and Educational Services Plan for Expelled Pupils

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, and recommend expulsion, and for the governing board to order expulsion for:
 1. A pupil who brandishes a knife at another person (§ 48915, subd. (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, subds. (c)(1) and (d), Stats. 1995, ch. 972);

³The 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).

3. A pupil's first offense of a sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis (§ 48915, subd. (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, subd. (c)(3), Stats. 1995 ch. 972).
- c. For the school to perform the following suspension procedures⁴ 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, subd. (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 is suspended from school, the parent or guardian shall be notified in writing of the suspension. (§ 48911, subd. (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, subd. (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, subd. (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, subd. (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, subd. (d), Stats. 1995, ch. 972).

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

⁴ These offenses also trigger the expulsion procedures identified in the *Pupil Expulsions from School* (CSM-4455) test claim.

- a. For the superintendent of schools (or designee) to provide notice to a pupil expelled for any of the most serious offenses (in § 48915, subd. (c)), of the education alternative placement to the pupil's parent or guardian at the time of the expulsion order. (§ 48918, subd. (j), Stats. 1995, ch. 974.)
- b. For the governing board to amend its expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918. This is a one-time activity. (§ 48918, subd. (i), Stats. 1995, ch. 974, §§ 7.5 & 10.)
- c. If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974.)
- d. Ensure that an educational program is provided to the pupil expelled for any of the most serious offenses in subdivision (c) of section 48915. The program must conform to the specifications in section 48916.1. (§ 48916.1, Stats. 1995, ch. 974.)
- e. Recommend a rehabilitation plan to a pupil at the time of the expulsion order (§ 48916, subd. (b), Stats. 1995, ch. 974) when a pupil is expelled for any of the most serious offenses listed in subdivision (c) of section 48915.
- f. For the one-time activity of adopting rules and regulations to establish the process for the required review of all expelled pupils for readmission. (§ 48916, subd. (c), Stats. 1995, ch. 974.)
- g. Perform the following activities when the governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses (in § 48915, subd. (c)). (§ 48916, Stats. 1995, ch. 974.):
 1. Review the pupil for readmission. (§ 48916, subd. (a).)
 2. Order the expelled pupil's readmission or make a finding to deny readmission if "the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district." (§ 48916, subd. (c).)
 3. If readmission is denied, for the governing board to make the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916, subd. (d).)
 4. If readmission is denied, the governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916, subd. (e).)
- h. Before allowing the expelled pupil to enroll in a school district that did not expel the pupil, for the receiving district's governing board to determine, pursuant to a hearing under Section 48918, whether an individual expelled from another school district for the

offenses listed below poses a danger to either the pupils or employees of the school district. (§ 48915.2, subd. (b), Stats. 1995, ch. 974.) This activity is only reimbursable for determinations of applicants who have been expelled by a district that has not entered into a voluntary interdistrict transfer agreement with the receiving district:

1. Unlawful possession of any controlled substance [as specified] ... including the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. (§ 48915, subd. (a)(3).)
2. Possessing, selling, or otherwise furnishing a firearm ... [without permission as specified]. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. (§ 48915, subd. (c)(1).)
3. Brandishing a knife at another person. (§ 48915, subd. (c)(2).)
4. Committing or attempting to commit a sexual assault, as defined, or committing a sexual battery, as defined. (§ 48900, subd. (n) & 48915, subs. (c)(4) & (d), Stats. 1996, chs. 915 and 1052, operative Jan. 1, 1997.)

From July 1, 1996 until September 25, 1996, for school districts to maintain outcome data, as specified, for pupils expelled for the most serious offenses in subdivision (c) of section 48915. (§ 48916.1, Stats. 1995, ch. 974.)

Beginning September 26, 1996, for the school district to maintain data on the following and report it to the California Department of Education (CDE) for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) Whether the expulsion order was suspended; (2) The type of referral made after the expulsion; and (3) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e), Stats. 1996, ch. 937.)

Beginning September 26, 1996 until January 7, 2002, for school districts to maintain data on the following and report it to CDE for pupils expelled for the most serious offenses in section 48915, subdivision (c): (1) The number of pupils recommended for expulsion; (2) The grounds for each recommended expulsion; (3) Whether the pupil was subsequently expelled; (4) Whether the expulsion order was suspended; (5) The type of referral made after the expulsion; and (6) The disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e), Stats. 1996, ch. 937.)

The Commission also approved the consolidated test claim for the following reimbursable activities, beginning January 1, 1997:

- a. Amend the school district's rules and regulations, as specified, to include procedures that apply when there is a recommendation to expel a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918, subd. (b) & 48918.5, Stats. 1996, ch. 915, one-time costs.)
- b. For the principal or superintendent to suspend, pursuant to section 48911, and recommend expulsion, and for the governing board to order expulsion for pupils who commit or attempt to commit a sexual assault or sexual battery as defined. (§ 48915, subd. (c)(4), Stats. 1996, ch. 1052.) The section 48911 suspension procedures and section 48918 expulsion hearing procedures are part of this activity.

- c. For the principal or superintendent to recommend expelling a pupil for assault or battery on any school employee. (§ 48915, subd. (a)(5), Stats. 1996, chs. 915 & 1052.) The expulsion hearing procedures in section 48918 are part of this activity.
- d. For school districts to follow specified procedures when a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n). (§ 48918 and 48918.5, Stats. 1996, ch. 915.)

Beginning January 1, 1998, for school districts to identify by offense, in all appropriate official records of a pupil, each suspension of that pupil for any of the most serious mandatory offenses in section 48915, subdivision (c). (§ 48900.8, Stats. 1997, ch. 637.)

Beginning January 1, 1999, for the school district to amend its expulsion rules and regulations as follows:

If compliance by the governing board with the time requirements for the conduct of an expulsion hearing under subdivision (a) of section 48918 is impracticable due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 schooldays, as defined in subdivision (c) of Section 48915, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall be held no later than 20 calendar days prior to the first day of school for the school year. (§ 48918, subd. (a), Stats. 1998, ch. 489.)

Beginning January 1, 2000:

For school districts to perform the following one-time activities: (1) updating the school district rules and regulations on notification to the pupil regarding the opportunity to be represented by legal counsel or a nonattorney adviser, and (2) revising the pupil notification to include the right to be represented by legal counsel or a nonattorney adviser. (§ 48918, subd. (b)(5), Stats. 1999, ch. 332). These activities are reimbursable when the pupil commits any of the offenses specified in subdivisions (a) or (c) of section 48915.

Beginning January 1, 2001:

For a county board of education to remand an expulsion matter to a school district for adoption of the required findings if the school district's decision is not supported by the findings required by section 48915, but evidence supporting the required findings exists in the record of the proceedings. (§ 48923, subdivision (b), Stats. 2000, ch. 147.) This activity is reimbursable for an expulsion for any reason.

For a school district, when adopting the required findings on remand from the county board of education, to: (1) take final action on the expulsion in a public session (not hold another hearing) and; (2) provide notice to the pupil or the pupil's parent or guardian of the following: the expulsion decision, the right to appeal to the county board, the

education alternative placement to be provided during the expulsion, and the obligation of the parent or guardian to inform a new school district in which the pupil may enroll of the pupil's expulsion (§ 48918, subd. (j)); and (3) maintain a record of each expulsion and the cause therefor. (§ 48918, subd. (k)). (§ 48923, subd. (b), Stats. 2000, ch. 147.) This activity is only reimbursable when the district governing board orders the pupil expelled for any of the most serious mandatory expulsion offenses. (listed in § 48915, subd. (c).)

Beginning January 1, 2002:

For a principal or superintendent to immediately suspend, pursuant to section 48911, a pupil who possesses an explosive at school or at a school activity off school grounds. (§ 48915, subds. (c) & (d), Stats. 2001, ch. 116.) The section 48911 suspension procedures are part of this activity.

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 *Pupil Expulsions II* and *Pupil Suspensions II* test claims were filed on December 23, 1996, so the filing dates of these test claims establish eligibility for reimbursement operative July 1, 1995, pursuant to Government Code section 17557, subdivision (e). The *Educational Services Plan for Expelled Pupils* test claim was filed December 29, 1997, so the filing date of this test claim establishes eligibility for reimbursement operative July 1, 1996.

These consolidated parameters and guidelines are for the period of reimbursement beginning July 1, 2012. 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, subd. (b)(1)(A).)
3. A local agency 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, subd. (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 local agency 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, subd. (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 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 for reimbursable activities identified below by the actual cost method (except for Section IV.D.3 which shall be by the reasonable reimbursement methodology) for additional expulsion hearing costs. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate. Only increased costs for reimbursable activities identified below are reimbursable.

For each eligible claimant, the following activities are reimbursable:

A. ONE-TIME ACTIVITIES

1. Adoption and Revision of Rules and Procedures for 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, chapters 972 and 974 (operative July 1, 1996), Statutes 1996, chapters 915 and 1052, Statutes 1998, chapter 489, and Statutes 1999, chapter 332 (including revising the pupil notification required by Stats. 1999, ch. 332).

- (b) Adopt rules and regulations establishing the procedure for the filing and processing of requests for readmission pursuant to Education Code section 48916, and revise those rules and regulations to conform to the amendments of Statutes 1995, chapter 974, operative July 1, 1996.
- (c) Amend expulsion rules and regulations to provide for issuing subpoenas, as specified in subdivision (i) of section 48918 (Stats. 1995, ch. 974, §§ 7.5 & 10, operative July 1, 1996).
- (d) Adopt rules and regulations establishing the procedures for expelling a pupil based on an allegation of sexual assault or attempted sexual assault, or sexual battery, as defined in subdivision (n) of section 48900. (§ 48918, subd. (b) & 48918.5, Stats 1996, ch. 915 and ch. 1052, operative Jan. 1, 1997.)
- (e) Adopt rules and regulations establishing the procedures for suspending a pupil who possesses an explosive at school or at a school activity off school grounds. (Statutes 2001, chapter 116.)
- (f) Printing and disseminating rules and procedures to each school site.

2. County Board of Education

- (a) Adopting rules and procedures pertaining to pupil expulsions and revising those rules and procedures to conform to amendment of the statutory requirements.

3. School District Adoption of Education Services Plan for Expelled Pupils

If the county superintendent of schools develops a plan for providing education services to all expelled pupils in the county, for school district governing boards to adopt the plan. (§ 48926, Stats. 1995, ch. 974, operative July 1, 1996.)

4. Training (one-time per employee)

- (a) Training school district personnel 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.

B. ON-GOING ACTIVITIES: PUPIL SUSPENSIONS I and II

If the suspension is for possession of a firearm, then the following activities are reimbursable:

1. Attendance at Informal Conference

The attendance of the teacher, supervisor, or other school district employee who referred the pupil to the principal for suspension in the pre-suspension conference between the principal (or principal's designee) or superintendent and the pupil. (§ 48911, subd. (b).)

2. Reporting the Cause to the District Office

Reporting the cause of the suspension to the school district's superintendent or governing board in accordance with the regulations of the school district's governing board. Such report may be oral or written. (§ 48911, subd. (e).)

3. Pupil Records

Identifying by offense, in all appropriate official records of a pupil, each suspension of that pupil. (§ 48900.8, Stats. 1997, ch. 637, eff. Jan. 1, 1998.)

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

- Brandishing a knife at another person (§ 48915, subd. (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, subd. (c)(3), Stats. 1995 ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (c)(1), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915, subd. (c)(5), Stats. 2001, ch. 116, eff. Jan. 1, 2002);

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

1. Conducting an informal conference (by the principal or the principal's designee or the superintendent of schools) between the pupil⁵ 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, subd. (b).)
2. Making a reasonable effort to contact the pupil's parent or guardian in person or by telephone. (§ 48911, subd. (b).)
3. Notifying the parent or guardian in writing of the suspension whenever the pupil is suspended from school. (§ 48911, subd. (d).)
4. 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, subd. (e).)
5. Identify by offense, in all appropriate official records of a pupil, each suspension of that pupil. (§ 48900.8, Stats. 1997, ch. 637.)

⁵ Pupil is defined to include "a pupil's parent or guardian or legal counsel." (§ 48925, subd. (e).)

C. ON-GOING ACTIVITIES: RECOMMENDATION OF 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, subd. (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (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, subd. (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, subd. (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Assault or battery on any school employee (§ 48915, subd. (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Causing serious physical injury to another person, except in self defense (§ 48915, subd. (a)(1));
- Possession of any knife or other dangerous object of no reasonable use to the pupil (§ 48915, subd. (a)(2));
- Unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code (§ 48915, subd. (c)(3));
- Robbery or extortion. (§ 48915, subd. (a)(4).)

D. ON-GOING ACTIVITIES: EXPULSION HEARING PROCEDURAL REQUIREMENTS

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

- Brandishing a knife at another person (§ 48915, subd. (c)(2), Stats. 1995, ch. 972);
- Selling or furnishing a firearm, as specified (§ 48915, subd. (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, subd. (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, subd. (c)(3), Stats. 1995, ch. 972);
- Committing or attempting to commit a sexual assault or sexual battery as defined in section 48900 (§ 48915, subd. (c)(4), Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);

- Assault or battery on any school employee (§ 48915, subd. (a)(5) Stats. 1996, chs. 915 & 1052, operative Jan. 1, 1997);
- Causing serious physical injury to another person, except in self defense (§ 48915, subd. (a)(1));
- Possession of any knife or other dangerous object of no reasonable use to the pupil (§ 48915, subd. (a)(2));
- Unlawful sale of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code (§ 48915, subd. (c)(3));
- Robbery or extortion; (§ 48915, subd. (a)(4));

Then the following activities are reimbursable:

1. 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;
 - (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, subd. (b)); and
 - (d) Notice of the opportunity for the pupil or the pupil's parent or guardian to be represented by counsel or by a non-attorney adviser. (§ 48918, subd. (b)(5), Stats. 1999, ch. 332, eff. Jan. 1, 2000.)
2. 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).⁶ (§ 48918, subd. (b).)
3. Expulsion hearing costs:
 - (a) Preparation for Expulsion Hearing

⁶ 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).

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

(b) Conducting Expulsion Hearing

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

(c) Hearing Officer or Panel's Expulsion 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, subds. (d) and (f).)

(d) Record of Hearing

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, subd. (g).)

E. ON-GOING ACTIVITIES: EXPULSIONS BASED ON ALLEGATIONS OF SEXUAL ASSAULT OR ATTEMPTED SEXUAL ASSAULT OR SEXUAL BATTERY (operative Jan. 1, 1997.)

When a pupil is recommended for an expulsion involving allegations of sexual assault or attempted sexual assault, as defined, or sexual battery, as defined in section 48900, subdivision (n), the following activities are reimbursable:

1. Provide the complaining witness with a copy of the applicable disciplinary rules and advise the witness of his or her right to: (1) receive five days' notice of the complaining witness's scheduled testimony at the hearing; (2) have up to two adult support persons of his or her choosing present in the hearing at the time he or she testifies; and (3) have the hearing closed during the time he or she testifies pursuant to subdivision (c) of section 48918. (§ 48918.5, subd. (a), Stats. 1996, ch. 915.)
2. Give the complaining witness five days' notice prior to being called to testify. (§ 48918, subd. (b), Stats. 1996, ch. 915.)
3. Before the complaining witness' testimony, admonish the witness' support person(s) that the hearing is confidential. (§ 48918, subd. (b), Stats. 1996, ch. 915.)
4. If the hearing is conducted at a public meeting, hear the witness' testimony in a session closed to the public if testifying would threaten serious psychological harm and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television. (§ 48918, subd. (c), Stats. 1996, ch. 915.)
5. Follow the provisions of section 868.5 of the Penal Code at the hearing if the complaining witness has one or more support persons, and one or more of the support

- persons is also a witness. (§ 48918, subd. (b), Stats. 1996, ch. 915.) The section 868.5 procedures include: (1) Only one support person may accompany the witness to the witness stand, although the other may remain in the room during the witness' testimony; (2) For the prosecution to present evidence that the support person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness; (3) For the governing board, on the prosecution's showing in (2), to grant the request for the support person unless information presented by the defendant or noticed by the district establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony; (4) The governing board shall inform the support person or persons that the proceedings are confidential and may not be discussed with anyone not in attendance at the proceedings; (5) For the governing board to admonish the support person or persons to not prompt, sway, or influence the witness in any way; (6) For the testimony of the support person or persons who are also witnesses to be presented before the testimony of the prosecuting witnesses and excluding the prosecuting witnesses from the courtroom during the support person's testimony; and (7) When the evidence given by the support person would be subject to exclusion because it has been given before the corpus delicti⁷ has been established, for the evidence to be admitted subject to the governing board or defendant's motion to strike that evidence from the record if the corpus delicti is not later established by the testimony of the prosecuting witness.
6. Provide a nonthreatening environment for a complaining witness in order to better enable him or her to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. (§ 48918.5, subd. (c), Stats. 1996, ch. 915.)
 7. Provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. (§ 48918.5, subd. (c), Stats. 1996, ch. 915.)
 8. Immediately advise the complaining witnesses and accused pupils to refrain from personal or telephonic contact with each other during the pendency of any expulsion process. (§ 48918.5, subd. (d), Stats. 1996, ch. 915.)

F. ON-GOING ACTIVITIES: POST-EXPULSION HEARING PROCEDURES

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

- Possessing, selling, or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);

⁷ The corpus delicti is the basic element or fact of a crime.

Then the following activities are reimbursable:

1. Issuing the expulsion order. (§ 48915, subd. (d).)
2. 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, subd. (j).)
3. Maintaining a record of the expulsion, including the cause of the expulsion. (§ 48918, subd. (k).)
4. Recording the expulsion order and the cause of the expulsion in the pupil's mandatory interim record. (§ 48918, subd. (k).)
5. Forwarding the pupil's mandatory interim record to any school in which the pupil subsequently enrolls upon the request of such school. (§ 48918, subd. (k).)

G. ON-GOING ACTIVITIES: REFERRAL OF EXPELLED PUPIL TO DIFFERENT SCHOOLSITE, REHABILITATION PLAN, AND EDUCATIONAL PROGRAM

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

- Possessing, selling, or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915, subd. (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

Then the following activities are 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; and (3) is not housed at the schoolsite attended by the pupil at the time of suspension. (§ 48915, subd. (d), Stats. 1995, ch. 972.)
2. Send written notice to the pupil or the pupil's parent or guardian of the education alternative placement at the time of the expulsion order. (§ 48918, subd. j., Stats. 1995, ch. 974.)
3. Recommend a rehabilitation plan for the pupil, at the time of the expulsion order. (§ 48916, subd. (b), Stats. 1995, ch. 974, operative July 1, 1996.)

4. Ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. The educational program may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools. The educational program may not be situated within or on the grounds of the school from which the pupil was expelled (§ 48916.1, Stats. 1995, ch. 974, operative July 1, 1996.)

H. ON-GOING ACTIVITIES: READMISSION PROCEDURES

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

- Possessing, selling or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§ 48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915, subd. (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

Then the following activities are reimbursable:

1. Setting a date when the pupil may apply for readmission to a district school;
2. Providing a description of the procedure for readmission to the pupil and the pupil's parent or guardian. (§ 48916.)
3. Review the pupil for readmission. (operative July 1, 1996.)

(a) Order the expelled pupil's readmission or making a finding to deny readmission if the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district. (§ 48916, subd. (c), Stats. 1995, ch. 974.)

(b) If readmission is denied, the governing board:

- (1) Makes the determination to either continue the placement of the expelled pupil in the alternative education program, or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school. (§ 48916, subd. (d).)
- (2) Provides written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying readmission to the regular school program. The written notice shall include the determination of the education program for the expelled pupil. (§ 48916, subd. (e).)

I. ON-GOING ACTIVITIES: APPLICATION BY EXPELLED PUPIL TO ATTEND NEW DISTRICT

If a pupil (“applicant”) seeking application to the receiving school district has been expelled by another school district for *any offense* and the receiving school district does not have a voluntary interdistrict transfer agreement with the expelling district, then the following activities associated with the receiving district’s hearing are reimbursable:

1. Including in the notice of hearing to the applicant: (a) a copy of the hearing procedure rules of the receiving district; and (b) notice of the opportunity for the applicant or the applicant’s parent or guardian to inspect and obtain copies of all documents to be used at the hearing.
2. Allowing an applicant or applicant’s parent or guardian to inspect and obtain copies of documents to be used at the admission hearing, as follows:
 - (a) if the requesting party is an applicant less than 18 years of age, or the parent or guardian of an applicant who is 18 years of age or older, all documents; or
 - (b) if the requesting party is the parent or guardian of an applicant under the age of 18, only those documents which are not “education records” as defined in 20 U.S.C. section 1232g(a)(4).
3. Determination by the governing board whether a pupil expelled by another school district would pose a danger to the pupils and employees of the receiving district and whether to admit, deny admission, or conditionally admit the pupil during or after the period of expulsion.
4. Maintaining a record of each admission denial, including the cause of the denial.
5. Notifying the applicant and the applicant’s parent or guardian of the governing board’s determination of whether the applicant poses a potential danger to the pupils or employees of the receiving district and whether to admit, deny admission, or conditionally admit the applicant during or after the period of expulsion. (§§ 48915.1 & 48915.2)

J. ON-GOING ACTIVITIES: RESPONDING TO REQUESTS FOR RECOMMENDATIONS FOR ADMISSION TO A RECEIVING SCHOOL DISTRICT

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

- Possessing, selling or otherwise furnishing a firearm (§ 48915, subd. (c)(1));
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915, subd. (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

And the expelled pupil applies for admission to another school district (the “receiving district”) then, unless the expelling district entered into a voluntary interdistrict transfer agreement with the receiving district, the activities of the expelling district in responding to the receiving district’s request for a recommendation regarding the admission of the applicant are reimbursable. (§ 48915.2.)

K. ON-GOING ACTIVITIES: EXPULSION APPEAL HEARINGS

County Boards of Education (applies to expulsion appeals for *all offenses*)

1. Providing Notice to the Parties

(a) Notifying the pupil and the pupil’s parent(s) or guardian(s) of the procedures for the appeal. (§ 48919.)

(b) Notifying the school district and pupil in writing of the final order of the county board of education, either by personal service or certified mail. (§ 48924.)

2. Review of Hearing Record

Reviewing the filed appeal and the transcript and record of the hearing conducted by the school district governing board. (§§ 48921-48922.)

3. Conducting Hearings

Conducting the initial appeal hearing and rendering a decision. Reimbursement for this component is limited to appeals for which the county board of education decides to grant a hearing de novo. (§§ 48919 & 48923.)

4. Preserving Records

Preserving the record of appeal. (§ 48919.)

5. Remand

Remanding an expulsion decision to a school district for adoption of the required findings if the school district’s decision is not supported by the findings required by section 48915, but evidence supporting the required findings exists in the record of the proceedings. (§ 48923, subd. (b), Stats. 2000, ch. 147, eff. Jan. 1, 2001.)

School Districts

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

- Possessing, selling or otherwise furnishing a firearm § 48915, subd. (c)(1);
- Brandishing a knife at another person (§ 48915, subd. (c)(2));
- Unlawfully selling any controlled substance (§ 48915, subd.(c)(3));
- Committing or attempting to commit a sexual assault or committing a sexual battery. (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915, subd. (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

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. Expunging Records

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

4. 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.)

5. Notice and Adoption of Required Findings on Remand (operative Jan. 1, 2001)

If following an appeal, the county board of education remanded the expulsion to the governing board, then:

- (a) Providing notice to the pupil or the pupil's parent or guardian of the following: the expulsion decision, the right to appeal to the county board, the education alternative placement to be provided during the expulsion, and the obligation of the parent or guardian to inform a new school district in which the pupil may enroll of the pupil's expulsion; and maintain a record of each expulsion and the cause therefor.
- (b) Adopting the required findings on remand from the county board of education in a public session. (Holding a hearing is not reimbursable.) (§ 48923, subd. (b), Stats. 2000, ch. 147.)

L. ON-GOING ACTIVITIES: SCHOOL DISTRICT DATA COLLECTION

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

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

- Committing or attempting to commit a sexual assault or committing a sexual battery (§48915, subd. (c)(4), Stats. 1996, ch. 1052, operative Jan. 1, 1997);
- Possession of an explosive at school or at a school activity off school grounds (§ 48915, subd. (c)(5), Stats., ch. 116, eff. Jan. 1, 2002);

It is reimbursable for the school district to maintain data on the following and report it to the California Department of Education:

- a. Whether the expulsion order was suspended;
- b. The type of referral made after the expulsion; and
- c. The disposition of the pupil after the end of the period of expulsion. (§ 48916.1, subd. (e), Stats. 1996, ch. 937.)

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 and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment 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 must use the J-380 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

County offices of education must use the J-580 (or subsequent replacement) nonrestrictive indirect cost rate provisionally approved by the California Department of Education.

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) Preparation for Expulsion Hearing	\$115.72
IV.D.3 (b). Conducting Expulsion Hearing	\$144.58
IV.D.3 (c) Hearing Officer or Panel's Expulsion Recommendation to the Governing Board	\$171.00
IV.D.3 (d) Record of Hearing	\$1.47
Total	\$432.77

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 chapter⁸ 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 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.

⁸ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

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 following statements of decision:

- *Pupil Suspensions from School* and *Pupil Expulsion Appeals*;
- *Pupil Expulsions from School*, as modified pursuant to the California Supreme Court decision in *San Diego Unified School District. v. Commission on State Mandates* (2004) 33 Cal.4th 859, and adopted on May 26, 2005; and
- *Pupil Expulsions II*, *Pupil Suspensions II*, and *Educational Services Plan*;

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 for the test claims. The administrative record, including the statement of decision, is on file with the Commission.