

**COMMISSION ON STATE MANDATES**

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March 10, 2016

Mr. Ed Hanson  
Department of Finance  
915 L Street, 7th Floor  
Sacramento, CA 95814

Ms. Kanemasu  
State Controller's Office  
Accounting and Reporting  
3301C Street, Suite 700  
Sacramento, CA 95816

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

Re: **Proposed Decision and Amendment to Parameters and Guidelines**  
*Immunization Records – Mumps, Rubella, and Hepatitis B, 98-TC-05 (14-MR-04)*  
Education Code Section 48216 et al.  
As Modified by Statutes 2010, Chapter 434 (AB 354)  
Department of Finance, Requester

Dear Mr. Hanson and Ms. Kanemasu:

The proposed decision and amendment to parameters and guidelines for the above-named matter are enclosed.

**Hearing**

This matter is set for hearing on **March 25, 2016**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

**Special Accommodations**

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

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Halsey".

Heather Halsey  
Executive Director

**ITEM 5**  
**PROPOSED DECISION**  
**AND**

**AMENDMENT TO PARAMETERS AND GUIDELINES**

Education Code Section 48216 and Health and Safety Code Sections 120325, 120335, 120340, and 120375 as amended by Statutes 1978, Chapter 325; Statutes 1979, Chapter 435; Statutes 1982, Chapter 472; Statutes 1991, Chapter 984; Statutes 1992, Chapter 1300; Statutes 1994, Chapter 1172; Statutes 1995, Chapters 291 and 415; Statutes 1996, Chapter 1023; and Statutes 1997, Chapters 855 and 882;

California Code of Regulations, Title 17, Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075 (Register 90, No. 35; Register 80, Nos. 16, 34, 40; Register 86, No. 6; Register 96, No. 13; Register 97, Nos. 21, 37, 39)

As Modified by:  
Statutes 2010, Chapter 434 (AB 354)

*Immunization Records – Mumps, Rubella, and<sup>1</sup> Hepatitis B*  
98-TC-05 (14-MR-04)

Department of Finance, Requester

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**EXECUTIVE SUMMARY**

**I. Summary of the Mandate**

This proposed amendment to parameters and guidelines is consistent with the Commission on State Mandates' (Commission's) new test claim decision, adopted March 25, 2016, finding that the state's liability pursuant to article XIII B, section 6 and Government Code Section 17514 has been modified based on the subsequent change in law.<sup>2</sup>

On June 29, 2015, the Department of Finance (Finance) filed a request for redetermination of *Immunization Records: Hepatitis B*, 98-TC-05, asserting that Statutes 2010, chapter 434, is a subsequent change in law that modifies the state's liability for the program pursuant to

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<sup>1</sup> The title of this mandate has been renamed to add mumps and rubella, which have always been a part of the reimbursable program under *Immunization Records: Hepatitis B*, 98-TC-05 mandate.

<sup>2</sup> If the Commission adopts a new test claim decision that supersedes the previously adopted test claim decision, the Commission shall adopt new parameters and guidelines or amend existing parameters and guidelines or reasonable reimbursement methodology pursuant to Government Code Sections 17557, 17557.1, and 17557.2.

Government Code section 17570. Statutes 2010, chapter 434, section 2, amended Health and Safety Code section 120335(c) to provide as follows:

Commencing July 1, 2011, notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority shall admit or advance any pupil to the seventh grade level of any private or public elementary or secondary school.

The 2010 statute did not change the requirements relating to the immunizations for mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time.

On March 25, 2016, the Commission approved the request for mandate redetermination and adopted a new test claim decision pursuant to Government Code section 17570, concluding that Statutes 2010, chapter 434 constitutes a subsequent change in law that modifies the state's liability for this program. As a result of the 2010 statute, school districts no longer incur increased costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for the reimbursable activities identified in the parameters and guidelines that relate to the hepatitis B immunization for pupils advancing to the seventh grade, *except* for the mandated activity relating to maintaining in each pupil's permanent record a copy of the documents already received verifying the immunization or exemption for the hepatitis B immunization. The Commission further found that the 2010 statute did not modify the immunization requirements for mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time and, thus, the reimbursable activities in the parameters and guidelines as they relate to those immunizations, continue to impose costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 and remain eligible for reimbursement.

Accordingly, the Commission concluded that the following activities are no longer eligible for reimbursement, pursuant to Government Code section 17570(f), beginning July 1, 2013:

- The activity identified in Section IV.B of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, to request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999. (Health & Saf. Code, §§ 120325, 120335(c); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)
- The following activities identified in Section IV. C through E of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05 as they relate to the hepatitis B immunization for pupils advancing into the seventh grade:
  - Conditionally admit any pupil who has not been fully immunized by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)
  - Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070(e).)

- Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216(b); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
- Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(c).)
- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)
- Record each pupil's immunization for, or exemption on an immunization record. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Document additional vaccine doses on the pupil's immunization record as they are administered. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Collect data and prepare reports annually on immunization status for the Department of Health Services. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)
- Prepare follow-up or additional reports upon request by county health departments and the state. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)

The Commission further concluded that the following activities have not been modified by Statutes 2010, chapter 434, continue to impose costs mandated by the state, and remain eligible for reimbursement:

- The activity identified in Section IV.E.1 of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, to maintain in each pupil's permanent record a copy of the document verifying the immunization or exemption from the hepatitis B immunization formerly required by section 120335 for pupil's advancing into the seventh grade.
- The reimbursable activity identified in Section IV.A, and all reimbursable activities identified in Sections C through E of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05 as they relate to the immunizations requirements for mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time.

## **II. Procedural History**

On June 29, 2015, Finance filed a request for redetermination of *Immunization Records: Hepatitis B*, 98-TC-05. On January 22, 2016, the Commission adopted the first hearing decision on this mandate redetermination, finding that Finance made an adequate showing that the request identified a subsequent change in law, as defined, that may modify the state's liability for this program such that Finance had a substantial possibility of prevailing at this second hearing. On January 26, 2016, Commission staff issued the draft proposed decision for the second hearing and the draft expedited amendment to parameters and guidelines. On February 11, 2016, the State Controller's Office (Controller) filed comments on the draft proposed decision for the second hearing and draft amendment to parameters and guidelines, recommending no changes. No comments have been filed by claimants on this matter. On March 25, 2016, the Commission adopted the proposed decision for the second hearing as its new test claim decision.

## **III. Discussion**

The proposed amendment to parameters and guidelines ends reimbursement beginning July 1, 2013, for the reimbursable activities that relate to the hepatitis B immunization for pupils advancing to the seventh grade, *except* for the mandated activity to maintain in each pupil's permanent record a copy of the documents already received verifying the immunization or exemption for the hepatitis B immunization. The proposed amendment to parameters and guidelines also makes other clarifying changes in accordance with the Government Code and the Commission's regulations, and renames the title of this mandated program to add mumps and rubella, which have always been a part of the reimbursable program under *Immunization Records: Hepatitis B*, 98-TC-05 mandate.

## **IV. Staff Recommendation**

Staff recommends that the Commission adopt this proposed decision and amendment to parameters and guidelines, ending reimbursement for the activities related to the hepatitis B immunization beginning July 1, 2013, in accordance to article XIII B, section 6(a) of California Constitution and Government Code section 17514.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical changes to the proposed decision following the hearing.

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES  
AMENDMENT FOR:

Education Code Section 48216 and Health and Safety Code Sections 120325, 120335, 120340, and 120375 as amended by Statutes 1978, Chapter 325; Statutes 1979, Chapter 435; Statutes 1982, Chapter 472; Statutes 1991, Chapter 984; Statutes 1992, Chapter 1300; Statutes 1994, Chapter 1172; Statutes 1995, Chapters 291 and 415; Statutes 1996, Chapter 1023; and Statutes 1997, Chapters 855 and 882;

California Code of Regulations, Title 17, Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075 (Register 90, No. 35; Register 80, Nos. 16, 34, 40; Register 86, No. 6; Register 96, No. 13; Register 97, Nos. 21, 37, 39)

As Modified By: Statutes 2010, Chapter 434 (AB 354);

Filed on June 29, 2015

By the Department of Finance, Requester

Case No.: 98-TC-05 (14-MR-04)

*Immunization Records – Mumps, Rubella, and Hepatitis B*

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

*(Adopted March 25, 2016)*

**DECISION**

The Commission on State Mandates (Commission) heard and decided this parameters and guidelines amendment during a regularly scheduled hearing on March 25, 2016. [Witness list will be included in the adopted decision.]

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., title 2, California Code of Regulations 1190 et seq., and related case law.

The Commission [adopted/modified] the proposed decision and amendment to the parameters and guidelines by a vote of [vote count will be included in the adopted decision], as follows:

<b>Member</b>	<b>Vote</b>
Ken Alex, Director of the Office of Planning and Research	
Richard Chivaro, Representative of the State Controller	
Mark Hariri, Representative of the State Treasurer, Vice Chairperson	
Sarah Olsen, Public Member	
Eraina Ortega, Representative of the Director of the Department of Finance, Chairperson	
Carmen Ramirez, City Council Member	
Don Saylor, County Supervisor	

### **I. Summary of the Mandate**

This amendment to parameters and guidelines is consistent with the Commission’s new test claim decision adopted March 25, 2016, finding that the state’s liability pursuant to article XIII B, section 6(a) of the California Constitution for the *Immunization Records – Hepatitis B* program was modified based upon a subsequent change in law.<sup>3</sup> Specifically, Statutes 2010, chapter 434 amended Health and Safety Code section 120335(c) to eliminate the condition that pupils be fully immunized against hepatitis B before a school district can advance a pupil into the seventh grade. Therefore, the following activities do not impose costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, and are no longer eligible for reimbursement, pursuant to Government Code section 17570(f), beginning July 1, 2013:

- The activity identified in Section IV.B of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, to request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999. (Health & Saf. Code, §§ 120325, 120335(c); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)
- The following activities identified in Section IV. C through E of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05 as they relate to the hepatitis B immunization for pupils advancing into the seventh grade:
  - Conditionally admit any pupil who has not been fully immunized by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)

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<sup>3</sup> Pursuant to Government Code section 17570(i), “[i]f the Commission adopts a new test claim decision that supersedes the previously adopted test claim decision, the Commission shall adopt new parameters and guidelines or amend existing parameters and guidelines or reasonable reimbursement methodology pursuant to sections 17557, 17557.1, and 17557.2.”

- Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070(e).)
- Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216(b); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
- Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(c).)
- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)
- Record each pupil's immunization for, or exemption on an immunization record. (Health & Saf. Code, §§ 120325, 120335(b), 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Document additional vaccine doses on the pupil's immunization record as they are administered. (Health & Saf. Code, §§ 120325, 120375(a); Cal. Code Regs., tit. 17, § 6070.)
- Collect data and prepare reports annually on immunization status for the Department of Health Services. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)
- Prepare follow-up or additional reports upon request by county health departments and the state. (Health & Saf. Code, §§ 120325, 120375(c); Cal. Code Regs., tit. 17, § 6075.)

The Commission further concluded that the following activities have not been modified by Statutes 2010, chapter 434, continue to impose costs mandated by the state, and remain eligible for reimbursement:

- The activity identified in Section IV.E.1 of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, to *maintain in each pupil's permanent record* a copy of the document verifying the immunization or exemption from the hepatitis B immunization formerly required by section 120335 for pupil's advancing into the seventh grade.
- The reimbursable activity identified in Section IV.A, and all reimbursable activities identified in Sections C through E of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05 as they relate to the immunizations requirements for



mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time.

## **II. Procedural History**

On January 22, 2016, the Commission adopted the decision at the first hearing on redetermination, finding an adequate showing had been made, and directed staff to proceed to the second hearing.<sup>4</sup> On January 26, 2016, Commission staff issued the draft proposed decision for the second hearing and the draft expedited amendment to the parameters and guidelines.<sup>5</sup> On February 11, 2016 the State Controller (Controller) filed comments on the draft proposed decision for the second hearing and the draft expedited amendment to parameters and guidelines, recommending no changes.<sup>6</sup> No comments have been filed by claimants on the draft expedited amendment to parameters and guidelines. On March 25, 2016, the Commission adopted the proposed decision for the second hearing as its new test claim decision.<sup>7</sup>

## **III. Discussion**

The proposed amendment to parameters and guidelines ends reimbursement beginning July 1, 2013, for the reimbursable activities that relate to the hepatitis B immunization for pupils advancing to the seventh grade, *except* for the mandated activity to maintain in each pupil's permanent record a copy of the documents already received verifying the immunization or exemption for the hepatitis B immunization. The proposed amendment to parameters and guidelines also makes other clarifying changes in accordance with the Government Code and the Commission's regulations, and renames the title of this mandated program to add mumps and rubella, which have always been a part of the reimbursable program under *Immunization Records: Hepatitis B*, 98-TC-05 mandate.<sup>8</sup>

Government Code section 17570(f) provides that a request for adoption of a new test claim decision shall "be filed on or before June 30 following a fiscal year in order to establish eligibility for reimbursement or loss of reimbursement for that fiscal year." The Department of Finance (Finance) filed the request on June 29, 2015, establishing eligibility beginning July 1, 2013. Therefore, the Commission finds that the approved activities relating to the hepatitis B immunization in the prior test claim decision are no longer reimbursable as of July 1, 2013.

The Commission further finds the amendment to parameters and guidelines is supported by the findings adopted by the Commission in its new test claim decision for this program on March 25, 2016.

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<sup>4</sup> Exhibit A, Decision for the First Hearing, adopted January 22, 2016.

<sup>5</sup> Exhibit B, Draft Proposed Decision for the Second Hearing, issued January 26, 2016; and Exhibit C, Draft Expedited Amendment to Parameters and Guidelines, issued January 26, 2016.

<sup>6</sup> Exhibit D, Office of the State Controller, Comments on the Draft Proposed Decision for the Second Hearing and Draft Expedited Parameters and Guidelines, February 11, 2016.

<sup>7</sup> See Item 3, March 25, 2016 Commission Hearing.

<sup>8</sup> California Code of Regulations, title 2, section 1183.7.

#### **IV. Conclusion**

Based on the foregoing, the Commission hereby adopts the proposed decision and amendment to parameters and guidelines.

Amended: March 25, 2016

Adopted: July 31, 2003

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## **AMENDMENT TO** **PARAMETERS AND GUIDELINES**

Education Code Section 48216 and Health and Safety Code Sections 120325, 120335, 120340, and 120375 as added or amended by Statutes 1978, Chapter 325; Statutes 1979, Chapter 435; Statutes 1982, Chapter 472; Statutes 1991, Chapter 984; Statutes 1992, Chapter 1300; Statutes 1994, Chapter 1172; Statutes 1995, Chapters 291 and 415; Statutes 1996, Chapter 1023; and Statutes 1997, Chapters 855 and 882;

California Code of Regulations, Title 17, Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075 (Register 90, No. 35; Register 80, Nos. 16, 34, 40; Register 86, No. 6; Register 96, No. 13; Register 97, Nos. 21, 37, 39)

### *Immunization Records – Mumps, Rubella, and<sup>1</sup> Hepatitis B* 98-TC-05 (14-MR-04)

As Modified by: Statutes 2010, Chapter 434 (AB 354)

This amendment is effective beginning July 1, 2013

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

~~Statutes 1977, chapter 1176, required persons under 18 years of age to be immunized against poliomyelitis (polio); measles; and diphtheria, pertussis, and tetanus (DPT) prior to unconditional first admission to a public or private elementary or secondary school, child care center, day nursery, nursery school, or development center. The law required school districts to maintain records of immunization of all school-age children and report periodically to the state on the immunization status of all new entrants into the schools. On June 20, 1979, the Board of Control (predecessor to the Commission) adopted the Statement of Decision for the *Immunization Records* test claim, finding that Statutes 1977, chapter 1176 imposed a reimbursable state-mandated program. On July 28, 1988, the Commission determined that costs incurred for compliance with Statutes 1977, chapter 1176 would be reimbursed through the State Mandates Apportionment System (SMAS), which was enacted by the Legislature to allow certain ongoing state-mandated programs to be funded automatically through the State Budget process, without the need for local governments to file annual claims for those costs with the State Controller.~~

On August 24, 2000, the Commission on State Mandates (Commission) adopted the Statement of Decision for the *Immunization Records: Hepatitis B* test claim, finding that the test claim statutes

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<sup>1</sup> The title of this mandate has been renamed to add mumps and rubella, which have always been a part of the reimbursable program under Immunization Records: *Hepatitis B*, 98-TC-05 mandate.

~~and regulations Statutes 1978, chapter 325; Statutes 1979, chapter 435; Statutes 1982, chapter 472; Statutes 1991, chapter 984; Statutes 1992, chapter 1300; Statutes 1994, chapter 1172; Statutes 1995, chapters 291 and 415; Statutes 1996, chapter 1023; Statutes 1997, chapters 855 and 882; and California Code of Regulations, title 17, sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075; imposed a new program or higher level of service within an existing program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and costs mandated by the state pursuant to Government Code section 17514 for the following activities:~~

- Request and review lawful exemption or proof of immunization against mumps, rubella and hepatitis B from each pupil seeking admission to school in the state for the first time.
- Record each pupil's immunization for, or exemption from, mumps, rubella, and hepatitis B on an immunization record and maintain the form in the pupil's permanent record.
- Request and review lawful exemption or proof of immunization against hepatitis B from each pupil advancing to the seventh grade.
- Conditionally admit any pupil who has not been fully immunized for mumps, rubella and hepatitis B.
- Periodically review the pupil's immunization record until the pupil is fully immunized.
- Document vaccine doses on the pupil's immunization record as they are administered.
- Notify parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunizations are not timely presented.
- Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations.
- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification.
- Collect data and prepare reports annually on immunization status for the Department of Health Services, and prepare follow-up or additional reports upon request by county health departments and the state.

On June 29, 2015, the Department of Finance (Finance) filed a request for redetermination of the test claim decision pursuant to Government Code section 17570. On March 25, 2016, the Commission adopted a new test claim decision, finding that Statutes 2010, chapter 434 amended Health and Safety Code section 120335(c) to eliminate the condition that pupils be fully immunized against hepatitis B before a school district can advance a pupil into the seventh grade. These parameters and guidelines have been amended in accordance with that decision.

## **II. ELIGIBLE CLAIMANTS**

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

### III. PERIOD OF REIMBURSEMENT

Government Code section 17570(f) provides that a request for adoption of a new test claim decision (mandate redetermination) shall be filed on or before June 30 following a fiscal year in order to establish eligibility for reimbursement or loss of reimbursement for that fiscal year. The request for mandate redetermination was filed on June 29, 2015, establishing eligibility for reimbursement or loss of reimbursement based on a new test claim decision on or after July 1, 2013.

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

1. Reimbursement based on the uniform cost allowance provided for in these parameters and guidelines applies to costs incurred for all activities identified in Section IV., except the activity in Section IV.D.2.
2. Reimbursement for the activity identified in Section IV.D.2. shall be claimed based on actual costs incurred for one fiscal year.
3. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions.
4. Pursuant to Government Code section 17560(a), a school district may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs incurred for that fiscal year.
5. If revised claiming instructions are issued by the State Controller pursuant to Government Code section 17558(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(b).)
6. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
7. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

~~Government Code section 17557, prior to its amendment by Statutes 1998, chapter 681 (effective September 22, 1998), provided that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year.~~

~~The test claim for *Immunization Records: Hepatitis B* was submitted on August 17, 1998. Therefore all mandated costs incurred on or after July 1, 1997 for compliance with Statutes 1978, chapter 325, Statutes 1979, chapter 435, Statutes 1982, chapter 472, Statutes 1991, chapter 984, Statutes 1992, chapter 1300, Statutes 1994, chapter 1172, Statutes 1995, chapters 291 and 415, and Statutes 1996, chapter 1023 are eligible for reimbursement.~~

~~Statutes 1997, chapter 855 had a delayed operative date of July 1, 1998. Therefore, costs incurred on or after July 1, 1998, for compliance with Statutes 1997, chapter 855, are eligible for reimbursement.~~

~~Statutes 1997, chapter 882 was operative January 1, 1998. However, no activity was required until on or after July 1, 1999. Therefore, costs incurred on or after July 1, 1999, for compliance with Statutes 1997, chapter 882, are eligible for reimbursement.~~

~~Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Government Code section 17561, subdivision (d)(1), all claims for reimbursement of initial years' costs shall be submitted within 120 days of the issuance of the State Controller's claiming instructions.~~

~~If the total costs for a given fiscal year do not exceed \$1000, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.~~

#### **IV. REIMBURSABLE ACTIVITIES**

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities and shall be claimed in accordance with Section V. Claim Preparation and Submission. ~~and shall be claimed based on the uniform cost allowance adopted by the Commission.~~ 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, district attendance and enrollment data.

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

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant, the following activities are eligible for reimbursement:

A. Proof of Immunizations for New Entrants: Kindergarteners and/or Out-of-State Transfers  
*(Reimbursement period begins: July 1, 1997.)*

1. Request and review lawful exemption from, or proof of, immunization against mumps and rubella from each pupil seeking admission to school in the state for the first time. (Health & Saf. Code, §§ 120325, 120335, ~~subd. (b)~~, 120375, ~~subd. (a)~~; Cal. Code Regs., tit. 17, §§ 6020, 6065, ~~subd. (b)~~.)<sup>2</sup>

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<sup>2</sup> The addition of mumps and rubella to the list of diseases an entering student must be immunized against prior to first admission into a school should create *no incremental workload*,

2. Request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil entering specified institutions in the state for the first time at the kindergarten level after August 1, 1997. (Health & Saf. Code, §§ 120325, 120335, ~~subd. (b)~~, 120375, ~~subd. (a)~~; Cal. Code Regs., tit. 17, §§ 6020, 6065, ~~subd. (b)~~.)

~~B. Proof of Hepatitis B Immunizations for Students Entering Seventh Grade on or after July 1, 1999 (Reimbursement Period begins: July 1, 1999.)~~

- ~~1. Request and review lawful exemption from, or proof of, immunization against hepatitis B from each pupil advancing to the seventh grade on or after July 1, 1999. (Health & Saf. Code, §§ 120325, 120335, ~~subd. (c)~~; Cal. Code Regs., tit. 17, §§ 6020, 6065, ~~subd. (b)~~.)~~

~~CB. Conditional Admission of Pupils and Parent Notification Requirements (Reimbursement Period begins: July 1, 1997.)~~

1. Conditionally admit any pupil seeking admission to school in the state for the first time who has not been fully immunized for mumps, rubella, and hepatitis B by notifying parents or guardians of the date by which the pupil must complete the required immunizations. (Health & Saf. Code, §§ 120325, 120340; Cal. Code Regs., tit. 17, § 6035.)
2. Review the immunization record of each pupil admitted conditionally every thirty days until the pupil has been fully immunized. (Health & Saf. Code, §§ 120325, 120375, ~~subd. (a)~~; Cal. Code Regs., tit. 17, § 6070, ~~subd. (e)~~.)

*Reimbursement is not required for these activities as they relate to the formerly required hepatitis B immunization for pupils advancing to the seventh grade. (Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434.)*

~~DC. Mandatory Pupil Exclusion and Parent Notification Requirements (Reimbursement Period begins: July 1, 1998.)~~

1. Notify parents or guardians of the requirement to exclude the pupil from school if written evidence either that the pupil has been properly immunized or qualified for an exemption is not presented within 10 school days after notification. (Ed. Code, § 48216, ~~subd. (b)~~; Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6040.)
2. Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations, or notify them that the immunizations will be administered at a school of the district. (Ed. Code, § 48216, ~~subd. (c)~~; Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065, ~~subd. (c)~~.)
3. Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification. (Ed. Code, § 48216, ~~subd. (a)~~; Health & Saf. Code, §§ 120325, 120375, ~~subd. (b)~~; Cal. Code Regs., tit. 17, § 6055.)

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since in California, one vaccine is given for measles, mumps, and rubella (MMR), and measles is part of the original *Immunization Records Parameters and Guidelines*.

Reimbursement is not required for these activities as they relate to the formerly required hepatitis B immunization for pupils advancing to the seventh grade. (Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434.)

ED. Documentation and Reporting Requirements for Immunizations  
(Reimbursement Period begins: July 1, 1997.)

1. For pupils seeking admission to school in the state for the first time, Record each pupil's immunization for, or exemption from mumps, rubella, and hepatitis B on an immunization record and maintain the document in each pupil's permanent record. (Health & Saf. Code, §§ 120325, 120335, subd. (b), 120375, subd. (a); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6070.)
2. Maintain records, which have already been received, relating to the hepatitis B immunization or lawful exemption for pupils advancing into seventh grade, formerly required by Health and Safety Code section 120335(c), in each pupil's permanent file. (Health & Saf. Code, §§ 120335(c), as amended by Stats. 2010, ch. 434, and 120375(a).)
- 2.3. Document additional vaccine doses on the pupil's immunization record as they are administered.<sup>3</sup> Reimbursement is not required for this activity as it relates to the formerly required hepatitis B immunization for pupils advancing to the seventh grade. (Health & Saf. Code, §§ 120325, 120375, subd. (a); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6070.)
- 3.4. Collect data and prepare reports annually on immunization status for the Department of Health Services. Reimbursement is not required for these activities as they relate to the formerly required hepatitis B immunization for pupils advancing to the seventh grade. (Health & Saf. Code, §§ 120325, 120375, subd. (c); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6075.)
5. Prepare follow-up or additional reports upon request by county health departments and the state. Reimbursement is not required for this activity as it relates to the formerly required hepatitis B immunization for pupils advancing to the seventh grade (Health & Saf. Code, §§ 120325, 120375, subd. (c); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6075.)

**V. CLAIM PREPARATION AND SUBMISSION**

~~Actual costs shall be claimed based on the uniform cost allowances adopted by the Commission pursuant to Government Code section 17557. The uniform cost allowances shall be adjusted each subsequent year by the Implicit Price Deflator referenced in Government Code section 17523.~~

~~The uniform cost allowances cover all the direct and indirect costs of performing the activities described in section IV. Direct costs are those costs incurred specifically for the reimbursable activities. Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program~~

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<sup>3</sup> This activity is only for *documenting* additional vaccine doses on the pupil's immunization record. The test claim legislation does not mandate school districts to administer vaccines.



without efforts disproportionate to the result achieved. Indirect costs may include both (1) overhead costs of the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

**1. Uniform Cost Allowance for All Activities Identified in Section IV. for New Entrants, Except for the Activity Identified in Section IV.D.2.**

Actual costs for performing the activities described in Section IV for “new entrants” shall be claimed based on the uniform cost allowance adopted by the Commission pursuant to Government Code section 17557. The uniform cost allowance shall be adjusted each subsequent year by the Implicit Price Deflator referenced in Government Code section 17523.

The uniform cost allowance covers all the direct and indirect costs of performing the activities described in section IV for “new entrants.” Direct costs are those costs incurred specifically for the reimbursable activities. Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both (1) overhead costs of the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

<u>Fiscal Year</u>	<u>Uniform Cost Allowance</u>
1997-1998	\$ 2.12
1998-1999	5.87
1999-2000	6.14
2000-2001	6.38
2001-2002	6.48
2002-2003 (estimated)	6.59

~~Activities that are reimbursable under~~ The uniform cost allowance for “New Entrants” provides reimbursement for all activities in Section IV., except for the activity identified in Section IV.D.2. are as follows:

- ~~• Section IV. A, C, and E — new activities for the hepatitis B immunization.~~
- ~~• Section IV. D — new activities for the DPT, polio, MMR, and hepatitis B immunizations.~~

Reimbursement is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of “New Entrants.” A “New Entrant” includes kindergarteners and out-of-state transfers.

**2. Actual Cost Claiming Applicable to the Reimbursable Activity in Section IV.D.2.**

Reimbursement to maintain records, which have already been received, relating to the hepatitis B immunization or lawful exemption for pupils advancing into seventh grade, formerly required by Health and Safety Code section 120335(c), in each pupil's permanent file, as provided in Section IV.D.2. of these parameters and guidelines shall be claimed as follows:

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. 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 services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and attorney invoices with the claim and a description of the contract scope of services.

4. Fixed Assets

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

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination, 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 cost element A.1., Salaries and Benefits, for each applicable reimbursable activity.

B. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting program, and are not directly assignable to a particular department or program without efforts disproportionate to the results achieved. After direct costs have been determined and assigned to other activities, as appropriate, indirect costs are those remaining to be allocated to benefited cost objectives. A cost may not be allocated as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been claimed as a direct cost.

Indirect costs may include: (a) the indirect costs originating in each department or agency of the governmental unit carrying out state mandated programs; and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

Claimants must use the CDE approved indirect cost rate for the year that funds are expended.

B. Uniform Cost Allowance for Seventh Grade Pupils (for Fiscal Year 1999-2000 through 2003-2004):

<b>Fiscal Year</b>	<b>Uniform Cost Allowance</b>
1999-2000	\$ 3.23
2000-2001	3.36
2001-2002	3.41
2002-2003 (estimated)	3.47

Activities that are reimbursable under the uniform cost allowance for “Seventh Grade Pupils” are as follows:

- ~~Section IV. B, C, D, and E — new activities for the hepatitis B immunization.~~

~~Reimbursement is determined by multiplying the uniform cost allowance for the appropriate fiscal year by the number of “Seventh Grade Pupils.” A “Seventh Grade Pupil” is any pupil advancing to the seventh grade, other than “New Entrants.”~~

~~Note: Beginning with the 2004-2005 school year, the uniform cost allowance should be calculated as follows:~~

$$\text{Uniform Cost Allowance} = [\text{cost per activity per immunization}] \times 5,$$

where the “cost per activity per immunization” is calculated as  
 $[\text{the current fiscal year SMAS Rate for } \textit{Immunization Records}] \div 15,$   
 and 5 equals the number of activities required for seventh grade pupils.<sup>4</sup>

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<sup>4</sup> ~~Kindergarteners beginning in the 1997-1998 school year will become seventh graders by the 2004-2005 school year and their immunization records would have already been reviewed for hepatitis B.~~

~~The Commission has not identified any circumstances that would cause an eligible claimant to incur additional costs to perform the reimbursable activities listed in section IV. of these parameters and guidelines, which have not already been incorporated in the uniform allowance. Eligible claimants incurring any such costs within the scope of the reimbursable activities may submit a request to amend the parameters and guidelines to the Commission for such costs to be approved for reimbursement, subject to the provisions of California Code of Regulations, title 2, section 1183.2.~~

## **VI. RECORD RETENTION**

Pursuant to Government Code section 17558.5, ~~subdivision (a)~~, a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter<sup>5</sup> is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

## **VII. OFFSETTING SAVINGS AND REIMBURSEMENTS**

Any offsetting savings 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 received from any source, including but not limited to, service fees collected, federal funds, and other state funds, shall be identified and deducted from this claim.

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

Pursuant to Government Code section 17558, ~~subdivision (b)~~, the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than ~~60~~ 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute 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 a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

## **IX. REMEDIES BEFORE THE COMMISSION**

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

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<sup>5</sup> This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

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~~ (a), and California Code of Regulations, title 2, section 1183.172.

#### **X. INCLUSION IN STATE MANDATES APPORTIONMENT SYSTEM**

The ~~Department of Finance, the State~~ Controller, local agencies, or school districts may request that the Commission review any mandated cost programs, for which appropriations have been made by the State to local agencies and school districts for any three consecutive years, to determine if those programs are eligible for inclusion in SMAS. The requesting agency is required to file a “request for inclusion” with the Commission. When considering the request for inclusion, the Commission must determine if the program has a history of stable costs for most claimants, if the program has been recently modified, and if inclusion would accurately reflect the costs of the program.<sup>6</sup>

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

The decisions adopted for the test claim, parameters and guidelines and amendments thereto, and the mandate redetermination are legally binding on all parties and provide the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record. The administrative record is on file with the Commission.

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<sup>6</sup> See Government Code section 17615 et seq. and California Code of Regulations, title 2, section ~~1184.5~~ 1186.1 et seq.

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On March 10, 2016, I served the:

**Proposed Decision and Amendment to Parameters and Guidelines**

*Immunization Records – Mumps, Rubella, and Hepatitis B*, 98-TC-05 (14-MR-04)

Education Code Section 48216 et al.

As Modified by Statutes 2010, Chapter 434 (AB 354)

Department of Finance, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 10, 2016 at Sacramento, California.



Jill L. Magee

Commission on State Mandates

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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 2/5/16

**Claim Number:** 98-TC-05 (14-MR-04)

**Matter:** Immunization Records - Mumps, Rubella, and Hepatitis B

**Requester:** Department of Finance

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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