

ITEM 12
PROPOSED STATEWIDE COST ESTIMATE
\$446,799

(Estimated Costs for Fiscal Year 2015-2016 of \$235,542)

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)

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

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

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Enrollment by Grade

COMMISSION ON STATE MANDATES

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March 30, 2016

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

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

Re: **Decision**
Mandate Redetermination Request, 14-MR-04
Second Hearing: New Test Claim Decision
Immunization Records: Hepatitis B (98-TC-05)
Education Code Section 48216 et al.
As Alleged to be Modified by Statutes 2010, Chapter 434 (AB 354)
Department of Finance, Requester

Dear Mr. Hanson:

On March 25, 2016, the Commission on State Mandates adopted a new test claim decision that supersedes the previously adopted test claim decision on the above-entitled matter.

Sincerely,

Heather Halsey
Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE MANDATE REDETERMINATION:
SECOND HEARING: NEW TEST CLAIM
DECISION 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 Alleged to be Modified By:
Statutes 2010, Chapter 434 (AB 354);

Filed on June 29, 2015,

By the Department of Finance, Requester

Case No.: 14-MR-04

*Immunization Records – Hepatitis B
(98-TC-05)*

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)

(Served March 30, 2016)

DECISION

The Commission on State Mandates (Commission) heard and decided this mandate redetermination during a regularly scheduled hearing on March 25, 2016. Rebecca Hamilton appeared for the Department of Finance.

Government Code section 17570 and section 1190 et seq. of the Commission’s regulations establish the mandate redetermination process. 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 1181.1 et seq., and related case law.

The Commission adopted the proposed decision as its new test claim decision to supersede the previous test claim decision by a vote of 6 to 0 as follows:

Member	Vote
Ken Alex, Director of the Office of Planning and Research	Yes
John Chiang, State Treasurer, Vice Chairperson	Yes
Richard Chivaro, Representative of the State Controller	Yes
Sarah Olsen, Public Member	Yes
Eraina Ortega, Representative of the Director of the Department of Finance, Chairperson	Yes
Carmen Ramirez, City Council Member	Yes
Don Saylor, County Supervisor	Absent

Summary of Findings

The Commission finds that the state’s liability pursuant to article XIII B, section 6(a) of the California Constitution, for proof of immunization against hepatitis B for students entering into the seventh grade under the *Immunization Records – Hepatitis B*, 98-TC-05 mandate has been modified based on a subsequent change in law, and that a new test claim decision must be adopted to supersede the previously adopted test claim decision. 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.

Based on the analysis herein, the Commission concludes that 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 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 finds that the following activities have not been modified by Statutes 2010, chapter 434, continue to impose costs mandated by the state, and remain reimbursable:

- 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.

COMMISSION FINDINGS

I. Chronology

08/24/2000 The Commission adopted the Test Claim Statement of Decision.¹

¹ Exhibit B, Test Claim Statement of Decision, *Immunization Records – Hepatitis B*, 98-TC-05.

07/31/2003	The Commission adopted the Parameters and Guidelines. ²
07/01/2011	Statutes 2010, chapter 434 became operative and effective.
06/29/2015	The Department of Finance (Finance) filed the Request for Mandate Redetermination on <i>Immunization Records – Hepatitis B</i> , 98-TC-05. ³
08/04/2015	The State Controller’s Office (Controller) filed comments on the request for redetermination. ⁴
10/19/2015	Commission staff issued the Draft Proposed Decision, First Hearing. ⁵
10/29/2015	The Controller filed comments on the Draft Proposed Decision, First Hearing. ⁶
01/22/2016	The Commission adopted the Decision for the First Hearing, finding that Finance made an adequate showing that the state’s liability may be modified by a subsequent change in law, and directed staff to notice the second hearing. ⁷
01/26/2016	Commission staff issued the Draft Proposed Decision for the Second Hearing and the Draft Expedited Amendment to Parameters and Guidelines. ⁸
02/11/2016	The Controller filed comments on the Draft Proposed Decision for the Second Hearing and Draft Expedited Amendment to Parameters and Guidelines, recommending no changes. ⁹

II. Background

On August 24, 2000, the Commission adopted the Statement of Decision for the *Immunization Records: Hepatitis B*, 98-TC-05 test claim. The test claim involved various requirements imposed on school districts relating to the immunization requirements for mumps, rubella, and hepatitis B for pupils entering or advancing in school. On July 31, 2003, the Commission adopted parameters and guidelines, which specifically identify the activities mandated by the state that were eligible for reimbursement for all required immunizations. The Commission

² Exhibit C, Parameters and Guidelines, *Immunization Records – Hepatitis B*, 98-TC-05.

³ Exhibit A, Request for Mandate Redetermination.

⁴ Exhibit D, Controller’s Comments on Request for Mandate Redetermination.

⁵ Exhibit E, Draft Proposed Decision, First Hearing.

⁶ Exhibit F, Controller’s Comments on Draft Proposed Decision, First Hearing.

⁷ Exhibit G, Decision for the First Hearing, Draft Proposed Decision for the Second Hearing, and Draft Expedited Amendment to Parameters and Guidelines.

⁸ Exhibit G, Decision for the First Hearing, Draft Proposed Decision for the Second Hearing, and Draft Expedited Amendment to Parameters and Guidelines.

⁹ Exhibit H, Controller’s Comments on Draft Proposed Decision for the Second Hearing and Draft Expedited Amendment to Parameters and Guidelines.

found that Education Code section 48216 and Health and Safety Code sections 120325, 120335, 120340, and 120375, as amended by the test claim statutes, and California Code of Regulations, Title 17, sections 6020 through 6075 (Register 90, No. 35; Register 80, Nos. 16, 34, 40; Register 86, No. 6; Register 96, No. 13; and Register 97, Nos. 21, 37, 39), imposed a reimbursable state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for the following activities:

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(b), 120375(a); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)
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(b), 120375(a); Cal. Code Regs., tit. 17, §§ 6020, 6065(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(c); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)

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

1. Conditionally admit any pupil 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(a); Cal. Code Regs., tit. 17, § 6070(e).)

D. 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(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(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(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(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)

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

1. 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(b), 120375(a); Cal. Code Regs., tit. 17, § 6070.)
2. 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.)
3. 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.)
4. 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.)¹⁰

III. Positions of the Parties, Interested Parties, and Interested Persons

A. **Department of Finance, Requester**

Finance asserts that the enactment of Statutes 2010, chapter 434, constitutes a subsequent change in law that modifies the state's liability for the *Immunization Records – Hepatitis B* program, 98-TC-05 as follows:

Effective July 1, 2011, Chapter 434, Statutes 2010 (AB 354) (as attached), amended Health and Safety Code section 120335 by eliminating the condition that schools could not admit or advance a student to the seventh grade unless the student had been fully immunized against hepatitis B. Since the statute has been amended, no reimbursement for the specified activity is required pursuant to Article XIII B, section 6 of the California Constitution and Government Code section 17514 as of July 1, 2013.¹¹

B. **State Controller**

The Controller states that it “concur[s] with the Department of Finance's request to adopt a new test claim decision and to amend the parameters and guidelines for the *Immunization Records: Hepatitis B* program.”¹² On February 11, 2016, the Controller filed comments on the draft

¹⁰ Exhibits B and C, Test Claim Statement of Decision and Parameters and Guidelines, *Immunization Records – Hepatitis B*, 98-TC-05.

¹¹ Exhibit A, Request for Mandate Redetermination, page 1.

¹² Exhibit D, Controller's Comments on Request for Mandate Redetermination, page 1.

proposed decision for the second hearing and draft expedited amendment to parameters and guidelines, recommending no changes.¹³

IV. Discussion

Under Government Code section 17570, upon request, the Commission may consider the adoption of a new test claim decision to supersede a prior test claim decision based on a subsequent change in law which modifies the state's liability. Government Code section 17570 provides for a two hearing process. At the first hearing, the requester must make "an adequate showing which identifies a subsequent change in law as defined by Government Code section 17570, material to the prior test claim decision, that may modify the state's liability pursuant to Article XIII B, section 6(a) of the California Constitution."¹⁴

California Code of Regulations, title 2, section 1190.5(b)(1) provides that "[i]f the Commission proceeds to the second hearing, it shall consider whether the state's liability pursuant to article XIII B, section 6(a) of the California Constitution has been modified based on the subsequent change in law alleged by the requester, thus requiring adoption of a new test claim decision to supersede the previously adopted test claim decision."¹⁵

Therefore, the issue before the Commission at this second hearing is whether the state's liability has been modified based on a subsequent change in law and, if so, whether to adopt a new test claim decision to supersede the previously adopted test claim decision, reflecting the state's modified liability.

A. Statutes 2010, Chapter 434 Constitutes a Subsequent Change in Law Within the Meaning of Government Code Section 17570 That Modifies the State's Liability for the *Immunization Records – Hepatitis B* program, Resulting in No Costs Mandated by the State for Many Activities Relating to the Hepatitis B Immunization for Pupils Advancing to the Seventh Grade.

Government Code section 17570 provides a process whereby a test claim decision may be redetermined and superseded by a new test claim decision if a subsequent change in law, as defined, has modified the state's liability for reimbursement. Pursuant to section 17570, a subsequent change in law is one that (1) requires a finding of a new cost mandated by the state under section 17514; (2) requires a new finding that a cost is not a cost mandated by the state pursuant to section 17556; or (3) is another change in mandates law.

The subsequent change in law alleged here is Statutes 2010, chapter 434. The statute 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. As described below, the Commission finds that Statutes 2010, chapter 434 constitutes a subsequent change in law within the meaning of Government Code section 17570 that modifies the state's liability for the *Immunization Records – Hepatitis B* program, resulting in no costs mandated by the state within the meaning of article XIII B, section 6 of the California

¹³ Exhibit G, Controller's Comments on Draft Proposed Decision for the Second Hearing and Draft Expedited Amendment to Parameters and Guidelines.

¹⁴ California Code of Regulations, title 2, section 1190.5(a)(1).

¹⁵ Register 2014, No. 21.

Constitution and Government Code section 17514 for many activities formerly mandated for the hepatitis B immunization for pupils advancing to the seventh grade.

1. Statutes 2010, chapter 434 constitutes a subsequent change in the law that modifies the state's liability with respect to the hepatitis B immunization for pupils advancing to the seventh grade, requiring the adoption of a new test claim decision to supersede the previously adopted test claim decision.

Before the enactment of Statutes 2010, chapter 434, Health and Safety Code section 120335(c), as last amended by Statutes 1997, chapter 882, provided that:

On and after July 1, 1999, the governing authority shall not unconditionally admit any pupil to the seventh grade level, nor unconditionally advance any pupil to the seventh grade level, of any of the institutions listed in subdivision (b) unless the pupil has been fully immunized against hepatitis B.

The Commission determined in *Immunization Records – Hepatitis B*, 98-TC-05, that Health and Safety Code section 120335(c), as amended by the 1997 statute, generally required “school districts to perform immunization record reviews for all incoming seventh graders for hepatitis B, including all students whose immunization records were checked upon entry to school, [which] increases the paperwork and staff time beyond what was required under prior immunization record requirements and thus constitute[s] a reimbursable state mandate.” The Commission further determined that Health and Safety Code section 120375 refers back to the list of immunizations in section 120335, requiring school districts to perform the following activities for each immunization required, including the hepatitis B immunization for incoming seventh graders:

- Maintain documentary proof of pupil’s immunization status in the student’s permanent record information, including adding subsequent immunizations to the file;
- File reports on state forms regarding the immunization status of entering students; and
- Prohibit further school attendance of conditionally admitted students who either fail to get their immunizations completed or fail to receive an appropriate exemption from immunizations for health or religious reasons.¹⁶

The Commission found that Education Code section 48216 requires school districts to perform the following activities for each immunization required:

- Excluding a pupil whose immunizations are not up to date;
- Notifying the parent or guardian of the pupil that they have two weeks to supply evidence either that the pupil has been properly immunized or qualifies for an exemption; and
- Referring the parents to a source of medical care to obtain the immunizations.¹⁷

¹⁶ Exhibit B, Test Claim Statement of Decision, *Immunization Records – Hepatitis B*, 98-TC-05, page 4.

¹⁷ Exhibit B, Test Claim Statement of Decision, *Immunization Records – Hepatitis B*, 98-TC-05, page 5.

The Commission also approved for reimbursement, the regulations in California Code of Regulations, title 17, sections 6020 et seq., which required school districts to perform activities relating to record keeping, reporting, conditionally admitting pupils who have not completed their immunizations, and excluding pupils if the immunization requirements had not been met.¹⁸

Consistent with the decision on the test claim, the parameters and guidelines adopted by the Commission authorize reimbursement for the following activities as they relate to the hepatitis B booster required for pupils advancing to the seventh grade:

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(c); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)

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

1. Conditionally admit any pupil 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(a); Cal. Code Regs., tit. 17, § 6070(e).)

D. 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(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(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(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(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)

¹⁸ Exhibit B, Test Claim Statement of Decision, *Immunization Records – Hepatitis B*, 98-TC-05, page 6.

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

1. 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(b), 120375(a); Cal. Code Regs., tit. 17, § 6070.)
2. 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.)
3. 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.)
4. 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.)

Operative July 1, 2011, Statutes 2010, chapter 434 amended Health and Safety Code section 120335(c), to provide that the full immunization against hepatitis B shall *not* be a condition by which a school district shall admit or advance any pupil to the seventh grade. Statutes 2010, chapter 434, therefore eliminates or removes the condition that pupils be fully immunized against hepatitis B before a school district can admit or advance a pupil into the seventh grade.

Although Statutes 2010, chapter 434, does not expressly amend the other statutes and regulations approved by the Commission in *Immunization Records – Hepatitis B*, 98-TC-05 that actually mandate the requirements to implement the program with respect to all required immunizations, including the former required hepatitis B booster, these statutes and regulations are affected by this subsequent statute and must be read consistent with the 2010 change in law. Under the rules of statutory construction, Health and Safety Code section 120335, as amended by Statutes 2010, chapter 434, must be construed in context, keeping in mind the nature and obvious purpose of the statute so as to make sense of the entire statutory and regulatory scheme.¹⁹

As construed in context and analyzed more specifically below, the Commission finds that the 2010 statute constitutes a subsequent change in law that modifies the state's liability for this program, requiring the Commission to adopt a new test claim decision to supersede the previously adopted test claim decision, reflecting the state's modified 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 to perform most of the activities identified in sections IV. B through E of the parameters and guidelines, as they relate to the hepatitis B immunization for pupils advancing to the seventh grade.

2. With the 2010 subsequent change in law, there are no costs mandated by the state to perform the mandated activities identified in Section IV. B, C, and D of the parameters

¹⁹ *Molenda v. Department of Motor Vehicles* (2009) 172 Cal.App.4th 974, 992.

and guidelines as they relate to the hepatitis B immunization for pupils advancing to the seventh grade.

Health and Safety Code section 120335 and section 6020 of the Title 17 regulations list the all the required immunizations for admission and attendance at school, which govern the scope of the mandated program and trigger the remaining requirements in the statutory and regulatory scheme that are imposed on school districts.

Health and Safety Code section 120325 contains the Legislature’s statement of intent regarding Health and Safety Code sections 120325 through 120375 for all required immunizations for admission and attendance at school. Section 120325 states that these statutes were enacted to provide “[a] means for the eventual achievement of total immunization of appropriate age groups against the following childhood diseases: [diphtheria, hepatitis B, haemophilus influenza type b, measles, mumps, pertussis (whooping cough), poliomyelitis, rubella, tetanus, and varicella (chickenpox)].” The Legislature also intended the law to provide that:

- Persons required to be immunized be allowed to obtain immunization from whatever medical source they desire, subject only to the condition that the immunization be performed in accordance with the regulations of the Department of Public Health (DPH) and that a record of the immunization is made in accordance with the regulations;
- Exemptions from immunization be available for medical reasons or because of personal beliefs; and that
- Adequate records of immunization be kept so that health departments, schools, and other institutions, parents and guardians, and the persons immunized will be able to ascertain that a child is fully or only partially immunized, and that appropriate public agencies will be able to ascertain the immunization needs of groups of children in schools.²⁰

The Legislature enacted Health and Safety Code section 120330 to direct DPH in consultation with the California Department of Education (CDE) to adopt and enforce regulations necessary to carry out the statutory scheme on immunizations. Section 6065(a) of the Title 17 regulations provides that there shall be a written record given to the pupil immunized or to his or her parent or guardian by the physician or agency performing the immunization. Section 6065(b) further requires the parent or guardian to show the written record to the school “at the time of the pupil’s admission and at subsequent times when required by the governing authority to determine the pupil’s immunization status.”

Since former Health and Safety Code section 120335(c), required proof of *full* hepatitis B immunization (i.e. three shots) as a condition for advancing into the seventh grade, the Commission determined that school districts are mandated by these statutes and regulations 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.”²¹ This activity is included in Section IV. B of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05.

²⁰ Health and Safety Code section 120325(b)(c)(d).

²¹ Exhibit C, Parameters and Guidelines, *Immunization Records – Hepatitis B*, 98-TC-05.

Operative July 1, 2011, 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 admit or advance a pupil into the seventh grade. To implement this change, DPH adopted emergency regulations to amend section 6020 of the regulations, which also removes hepatitis B for pupils advancing to the seventh grade from the table of required immunizations.²² Although Finance did not plead the changes in regulation which were adopted as emergency regulations, those regulations may be properly considered as DPH's interpretation of what is required by section 120335(c) as that statute was amended in 2010. An agency's interpretation of the meaning and legal effect of a statute it is required to implement is entitled to consideration and respect by the courts.²³

With this subsequent change in law, the requirement 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," school districts no longer incur costs mandated by the state for this activity.

The same analysis applies to the reimbursable activities identified in Section IV. C of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, which authorize reimbursement for the following activities that govern the conditional admission of a pupil who has not been fully immunized, and the related parent notification requirements of the date by which a pupil must complete all required immunizations:

- Conditionally admit any pupil 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.)
- 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).)

The Commission determined that these activities were mandated by Health and Safety Code section 120340 for all required immunizations, which provides that "a person who has not been fully immunized against one or more of the diseases listed in Section 120335 may be admitted by the governing authority on condition that within time periods designated by regulation of the department he or she presents evidence that he or she has been fully immunized against all of these diseases. Section 6035 of the regulations then addresses the conditional admission of a pupil. That section states in relevant part that "any pupil seeking admission to a given public . . . elementary or secondary school, . . . who lacks documentation of having received all the required vaccine doses . . . as specified in Table 1, Section 6020, and has not obtained a permanent medical exemption or a personal beliefs exemption to immunization in accordance with Section 6051, may be admitted conditionally" under specified circumstances. Section 6035 further requires the school to notify "the pupil's parent or guardian . . . of the date by which the pupil must complete all the required immunizations." Health and Safety Code section 120375(a) and section 6070(e) of the regulations then require the school to review the immunization record of

²² Register 2011, No. 26, effective June 30, 2011.

²³ *Yamaha Corp. of America v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 7; *Carson Citizens for Reform v. Kawagoe* (2009) 178 Cal.App.4th 357, 368-369.

each pupil admitted conditionally every thirty days until that pupil has received all the immunizations required by Health and Safety Code section 120355. With the 2010 subsequent change in law amending Health and Safety Code section 120355(c) to remove the condition that pupils advancing into seventh grade provide proof of full immunization against hepatitis B (i.e. all three shots), school districts will no longer incur costs mandated by the state for the activities required by sections 120340 and 120375 of the Health and Safety Code and sections 6035 and 6070(e) of the regulations with regard to Hepatitis B for pupils advancing to seventh grade.

Similarly, Section IV. D of the parameters and guidelines *Immunization Records – Hepatitis B*, 98-TC-05 lists the following mandated activities relating to mandatory pupil exclusions and parent notification requirements:

- 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.)

Education Code section 48216, cited in the bulleted activities above, governs the process to exclude pupils from school who have not been fully immunized and, as determined by the Commission, mandates school districts to perform the following activities for all required immunizations:

- (a) The county office of education or the governing board of the school district of attendance shall exclude any pupil who has not been immunized properly pursuant to Chapter 1 (commencing with Section 120325) of Part 2 of Division 105 of the Health and Safety Code.
- (b) The governing board of the district shall notify the parent or guardian of the pupil that they have two weeks to supply evidence either that the pupil has been properly immunized, or that the pupil is exempted from the immunization requirement pursuant to Section 120365 or 120370 of the Health and Safety Code.
- (c) The governing board of the district, in the notice, shall refer the parent or guardian of the pupil to the pupil's usual source of medical care to obtain the immunization, or if no usual source exists, either refer the parent or guardian to the county health department, or notify the parent or guardian that the immunizations will be administered at a school of the district.

Health and Safety Code section 120375(b) and sections 6040 and 6055 of the regulations also require a school district to prohibit from further attendance any pupil admitted conditionally who fails to timely obtain the required immunizations required by section 120335. Section 6065(c) then states that “when such written records [of immunization] are not available, the pupil shall not be admitted and the parent or guardian shall be referred to a physician or nurse for review of his or her immunization history and provision of immunizations as needed.”

With the 2010 subsequent change in law amending Health and Safety Code section 120355(c) to remove the condition that pupils advancing into seventh grade be immunized with a hepatitis B booster, school districts will no longer incur costs mandated by the state for the activities required by Education Code section 48216, Health and Safety Code section 120375, and sections 6040, 6055, and 6065 of the regulations for this particular immunization as a condition of advancement to the seventh grade.

Accordingly, the Commission finds that with the 2010 subsequent change in law, there are no costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 to perform the mandated activities identified in Section IV. B, C, and D of the parameters and guidelines as they relate to the hepatitis B immunization *for pupils advancing to the seventh grade only*.

3. With the 2010 subsequent change in law, there are no costs mandated by the state to perform the activities required to document and report each pupil’s immunization identified in Section IV. E of the parameters and guidelines as they relate to the hepatitis B immunization for pupils advancing to the seventh grade. However, costs incurred to maintain records, which have already been received, of the hepatitis B immunization for pupils advancing into seventh grade in each pupil’s permanent file continue to be mandated by the state and have not been modified by the 2010 statute.

Section IV. E of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05 identifies the following mandated activities for all required immunizations:

- 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(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.)

These bulleted activities are mandated by Health and Safety Code sections 120325(d) and 120375(a), which requires school districts to record all immunizations required by section

120335 for each pupil in the pupil's permanent enrollment and scholarship record. Section 120375(c) and section 6075 of the regulations further require school districts to file written reports to DPH on the immunization status of pupils on an annual basis or as needed during an epidemic.

With the 2010 subsequent change in law amending Health and Safety Code section 120355(c) to remove the condition that pupils advancing into seventh grade be immunized with a hepatitis B booster, school districts will no longer incur costs mandated by the state to record and file reports on this immunization.

However, the activity identified in Section IV.E.1 of the parameters and guidelines, to *maintain in each pupil's permanent record* a copy of the document verifying the immunization or exemption for the hepatitis B immunization formerly required by section 120335 for pupil's advancing into the seventh grade, is still mandated by the state and has not been changed by the 2010 subsequent change in law. Section 437(b) of CDE's Title 5 regulations defines "mandatory permanent pupil records" as those records required to be "preserved in perpetuity by all California schools." Thus, the costs incurred to maintain the records already received under former Health and Safety Code section 120335 are still mandated by the state and eligible for reimbursement.

4. All reimbursable activities identified in the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05 as they relate to the required immunizations for mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time have *not* been modified by Statutes 2010, chapter 434, and, thus, remain eligible for reimbursement.

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 these immunizations continue to be listed in the table of required immunizations in section 6020 of the Title 17 regulations. Thus, all reimbursable activities identified in Section IV.A, C through E of the parameters and guidelines for *Immunization Records – Hepatitis B*, 98-TC-05, as they relate to the immunization requirements for mumps, rubella, and hepatitis B for pupils seeking admission into school for the first time, 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, thus, remain eligible for reimbursement.

B. The Period of Reimbursement for the Loss of Reimbursement Begins July 1, 2013.

According to Government Code section 17570, a redetermination request "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." This redetermination request was filed on June 29, 2015, establishing the loss of reimbursement as described above beginning July 1, 2013.

V. Conclusion

Based on the foregoing, the Commission partially approves the request for redetermination and concludes that 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 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 finds that the following activities have not been modified by Statutes 2010, chapter 434, continue to impose costs mandated by the state, and remain reimbursable:

- 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 for 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.

COMMISSION ON STATE MANDATES

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RE: **Decision**

Mandate Redetermination Request, 14-MR-04

Second Hearing: New Test Claim Decision

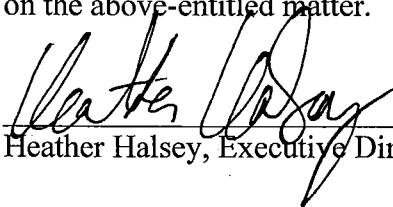
Immunization Records: Hepatitis B (98-TC-05)

Education Code Section 48216 et al.

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

Department of Finance, Requester

On March 25, 2016, the foregoing decision of the Commission on State Mandates was adopted on the above-entitled matter.



Heather Halsey, Executive Director

Dated: March 30, 2016

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 30, 2016, I served the:

Decision

Mandate Redetermination Request, 14-MR-04

Second Hearing: New Test Claim Decision

Immunization Records: Hepatitis B (98-TC-05)

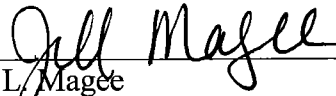
Education Code Section 48216 et al.

As Alleged to be 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 30, 2016 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/24/16

Claim Number: 14-MR-04

Matter: Immunization Records: Hepatitis B (98-TC-05)

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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March 30, 2016

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

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

Re: **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:

On March 25, 2016, the Commission on State Mandates adopted the decision and amendment to parameters and guidelines for the above-named program.

Sincerely,

Heather Halsey
Executive Director

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)

(Served March 30, 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. Rebecca Hamilton appeared for the Department of Finance.

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

The Commission adopted the proposed decision and amendment to the parameters and guidelines by a vote of 6 to 0, as follows:

Member	Vote
Ken Alex, Director of the Office of Planning and Research	Yes
John Chiang, State Treasurer, Vice Chairperson	Yes
Richard Chivaro, Representative of the State Controller	Yes
Sarah Olsen, Public Member	Yes
Eraina Ortega, Representative of the Director of the Department of Finance, Chairperson	Yes
Carmen Ramirez, City Council Member	Yes
Don Saylor, County Supervisor	Absent

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.¹ 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.)

¹ 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.² 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.³ 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.⁴ 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.⁵

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.⁶

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.

² Exhibit A, Decision for the First Hearing, adopted January 22, 2016.

³ 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.

⁴ 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.

⁵ See Item 3, March 25, 2016 Commission Hearing.

⁶ 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.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES
AMENDMENT FOR:

Education Code Section 48216
Health and Safety Code Sections 120325,
120335, 120340, and 120375

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;
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*

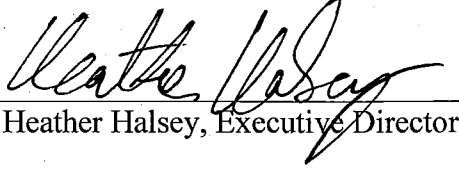
DECISION PURSUANT TO
GOVERNMENT CODE SECTION 17500,
ET SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7.

(Adopted March 25, 2016)

(Served March 30, 2016)

PARAMETERS AND GUIDELINES

The Commission on State Mandates adopted the attached amended parameters and guidelines on March 25, 2016.


Heather Halsey, Executive Director

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, and¹ 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

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 and regulations imposed a new program or higher level of service on 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.

¹ 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.

- 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.

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. 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
 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(b), 120375-(a); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)²

² 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(b), 120375(a); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)

B. Conditional Admission of Pupils and Parent Notification Requirements

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(a); Cal. Code Regs., tit. 17, § 6070(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.)

C. Mandatory Pupil Exclusion and Parent Notification Requirements

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(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(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(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(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)

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.)

D. Documentation and Reporting Requirements for Immunizations

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(b), 120375(a); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6070.)

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*.

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).)
3. Document additional vaccine doses on the pupil’s immunization record as they are administered.³ ***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(a); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6070.)
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(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(c); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6075.)

V. CLAIM PREPARATION AND SUBMISSION

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

³ 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.

1998-1999	5.87
1999-2000	6.14
2000-2001	6.38
2001-2002	6.48
2002-2003 (estimated)	6.59

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.

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.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter⁴ 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.

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

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(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute or executive order creating the mandate and the parameters and guidelines adopted by the Commission.

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

IX. REMEDIES BEFORE THE COMMISSION

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

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557(a), and California Code of Regulations, title 2, section 1183.17.

X. INCLUSION IN STATE MANDATES APPORTIONMENT SYSTEM

Finance, the 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.⁵

⁵ See Government Code section 17615 et seq. and California Code of Regulations, title 2, section 1186.1 et seq.

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.

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 30, 2016, I served the:

Decision and Amendment to Parameters and Guidelines

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

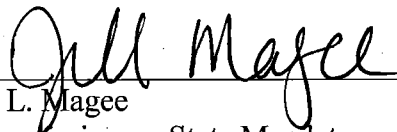
Education Code Section 48216 et al.

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 30, 2016 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/24/16

Claim Number: 14-MR-04

Matter: Immunization Records: Hepatitis B (98-TC-05)

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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December 6, 2016

Mr. Ed Hanson
Department of Finance
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Sacramento, CA 95814

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

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

Re: **Draft Proposed Statewide Cost Estimate, Schedule for Comments,
and Notice of Hearing**
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 Draft Proposed Statewide Cost Estimate for the above-named matter is enclosed for your review.

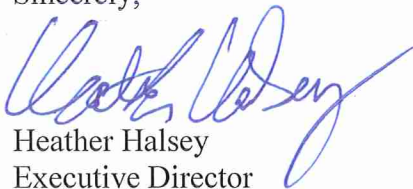
Written Comments

Written comments on this matter may be filed by **December 16, 2016**.

Hearing

This matter is set for hearing on **Friday, January 27, 2017**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. This matter is proposed for the Consent Calendar. Please let us know in advance if you oppose having this item placed on consent and wish to testify at the hearing or have a representative testify on your behalf, and if other witnesses will appear.

Sincerely,


Heather Halsey
Executive Director

ITEM ____

DRAFT PROPOSED STATEWIDE COST ESTIMATE

\$446,799¹

(Estimated Costs for 2015-2016 of \$235,542)

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)

As Modified by:

Statutes 2010, Chapter 434 (AB 354)

Immunization Records – Mumps, Rubella, and Hepatitis B

98-TC-05 (14-MR-04)

The Commission on State Mandates (Commission) adopted this Statewide Cost Estimate by a vote of [vote count will be included in the adopted Statewide Cost Estimate] during a regularly scheduled hearing on January 27, 2017 as follows:

Member	Vote
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	

¹ Total for initial claiming period of fiscal years 2013-2014 and 2014-2015.

STAFF ANALYSIS

Background and Summary of the Mandate

On August 24, 2000, the Commission adopted the Statement of Decision for the *Immunization Records: Hepatitis B*, 98-TC-05, finding that the test claim statutes and regulations imposed a new program or higher level of service on 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 reimbursing activities related to pupil immunization record requirements.

On June 29, 2015, the Department of Finance filed a request for redetermination of the Test Claim Decision pursuant to Government Code section 17570. On March 25, 2016, the Commission adopted the new Test Claim Decision finding that the state's liability pursuant to article XIII B, section 6(a) of the California Constitution, for the *Immunization Records – Hepatitis B*, 98-TC-05 mandate had been modified based on a subsequent change in law. 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.² However, as discussed below, some reimbursable activities remain.

An Amendment to Parameters and Guidelines, *Immunization Records – Mumps, Rubella, and Hepatitis B*,³ 98-TC-05 (14-MR-04), was adopted in accordance with the new Test Claim Decision on March 25, 2016. The State Controller's Office (Controller) issued new claiming instructions No. 2016-04 requiring eligible claimants that previously submitted claims for *Immunization Records: Hepatitis B*, 98-TC-05, Program 230 for fiscal years 2013-2014 and 2014-2015, to file amended claims using the new forms for *Immunization Records – Mumps, Rubella, and Hepatitis B*, 98-TC-05 (14-MR-04), Program 368. The amended claims were required to be filed with the Controller by October 26, 2016. Claims filed more than one year after the filing date will not be accepted.

Eligible Claimants and Period of Reimbursement

Any school district, as defined 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.

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 beginning July 1, 2013.

² Exhibit A, New Test Claim Decision, *Immunization Records – Hepatitis B*, 98-TC-05 (14-MR-04).

³ The title of this mandate was renamed to add mumps and rubella when the Amendment to Parameters and Guidelines were adopted. These immunizations have always been a part of the reimbursable program under *Immunization Records: Hepatitis B*, 98-TC-05.

Reimbursable Activities

The Parameters and Guidelines authorize reimbursement for the following activities beginning July 1, 2013:

A. Proof of Immunizations for New Entrants: Kindergarteners and/or Out-of-State Transfers

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(b), 120375 (a); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)⁴
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(b), 120375(a); Cal. Code Regs., tit. 17, §§ 6020, 6065(b).)

B. Conditional Admission of Pupils and Parent Notification Requirements

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(a); Cal. Code Regs., tit. 17, § 6070(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.)

C. Mandatory Pupil Exclusion and Parent Notification Requirements

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(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(c); Health & Saf. Code, § 120325; Cal. Code Regs., tit. 17, § 6065(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(a); Health & Saf. Code, §§ 120325, 120375(b); Cal. Code Regs., tit. 17, § 6055.)

⁴ 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, since in California, one vaccine is given for measles, mumps, and rubella (MMR), and measles is part of the original Parameters and Guidelines for *Immunization Records* SB 90-120.

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.)

D. Documentation and Reporting Requirements for Immunizations

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(b), 120375(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).)
3. Document additional vaccine doses on the pupil's immunization record as they are administered.⁵ ***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(a); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6070.)
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(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(c); Health & Saf. Code, § 120335(c), as amended by Stats. 2010, chapter 434; Cal. Code Regs., tit. 17, § 6075.)

Claims May Be Submitted Using a Combination of a Uniform Cost Allowance Authorized in the Parameters and Guidelines and Actual Costs for Activity D.2 Only.⁶

The Parameters and Guidelines provide for claiming reimbursement for the state-mandated costs as follows:

1. **Uniform Cost Allowance for All Activities Identified under the Reimbursable Activities, Section IV. for New Entrants, *Except for the Activity Identified in Section IV D.2 [of the Amendment to Parameters and Guidelines].***

⁵ 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.

⁶ Note that there was a separate Uniform Cost Allowance in the prior Parameters and Guidelines for the activities relating to students advancing to seventh grade which is deleted since those activities are no longer mandated.

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.

Fiscal Year	Uniform Cost Allowance
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

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.

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 [Pursuant to the Amendment of Parameters and Guidelines]

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.⁷

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

⁷ Exhibit B, Amendment to Parameters and Guidelines, adopted March 25, 2016.

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 that are incurred for a common or joint purpose, benefiting program, and are not directly assignable to costs a particular department or program without efforts is proportionate 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.

Offsetting Revenues and Reimbursements

The Amendment to Parameters and Guidelines⁸ provides:

Any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, service fees collected, federal funds and other state funds shall be identified and deducted from this claim.

To the extent that the claimant has used fees or any funds provided by the state or federal government, as opposed to proceeds of local taxes, to pay for the cost of the program, those costs are not reimbursable.

Statewide Cost Estimate

Staff reviewed unaudited reimbursement claims submitted by 73 school districts and data compiled by the Controller totaling \$446,799 for July 1, 2013 through June 30, 2015.⁹ Based on the claims data, staff made the following assumptions and used the following methodology to develop the Statewide Cost Estimate for this program.

The annual statewide cost of this program has decreased due to a subsequent change in law that modified the state's liability.

After the adoption of the New Test Claim Decision and the filing of amended claims for 2013-2014 and 2014-2015, the program's annual statewide cost decreased by 12.2 and 26.2 percent, respectively, for fiscal years 2013-2014 and 2014-2015, due to a subsequent change in law that eliminated the condition that pupils be fully immunized against hepatitis B before a school district can advance a pupil into the seventh grade, thus modifying the state's liability. The total statewide cost for the two-year initial claiming period is \$446,799, a decrease of \$107,976 from the claims submitted for Program 230 prior to the mandate redetermination.¹⁰

Fiscal Year	Program 230 Costs Claimed¹¹	Program 368 Costs Claimed	Difference in Program Costs Claimed
2013-2014	277,246	243,333	(33,913)
2014-2015	277,529	203,466	(74,063)
Total	554,775	446,799	(107,976)

Assumptions

- *The total cost of this program may be higher or lower than this Statewide Cost Estimate.*

There are currently 1050 school districts in California. Of those, only 73 school districts filed reimbursement claims, totaling \$446,799 for the initial reimbursement period since

⁸ Exhibit B, Amendment to Parameters and Guidelines, adopted March 25, 2016.

⁹ Claims data reported as of November 18, 2016.

¹⁰ The difference in program costs is based on claiming data totaling \$446,799 and the net balance of the Controller's State-Mandated Program Cost Report (AB 3000) totaling \$554,775.

¹¹ Exhibit D, State Controller's State-Mandated Program Cost Report (AB 3000), as of September 30, 2016, pages 24 and 26.

the mandate redetermination. If other eligible claimants file late or amended claims, the amount of reimbursement claims may exceed this Statewide Cost Estimate. Late initial claims may be filed until one year after the filing deadline.

There also may be several reasons that non-claiming districts did not file reimbursement claims, including but not limited to: (1) they did not incur costs of more than \$1,000, or (2) they participated in the Mandate Block Grant. The Mandate Block Grant funding has been authorized for Immunization Records – Hepatitis B, Program 230, pursuant to Statutes 2014, chapter 32.¹²

- *The future annual costs are dependent upon the number of new entrants and out-of-state transfers, and the uniform cost allowance.*

Assuming for fiscal year 2015-2016 that the total number of new entrants and out-of-state transfers total 24,161, based on the average numbers of new entrants and out-of-state transfers reported for 2013-2014 and 2014-2015, and the uniform cost allowance is \$9.41, the Statewide Cost Estimate would be \$227,355 for 2015-2016, not inclusive of the actual costs of activity in Section IV.D.2 of the Amendment of Parameters and Guidelines. Thus, the future annual costs will increase or decrease proportionately based on the growth or reduction in the number of “new entrants” and “out-of-state transfers,” and uniform cost allowance, adjusted by the implicit price deflator, to claim costs of the approved reimbursable activities.

- *The total amount of reimbursement for this program may be lower than this Statewide Cost Estimate based on audit exceptions.*

The Controller may conduct audits and reduce any claim it deems to be excessive or unreasonable. Therefore, costs may be lower than the Statewide Cost Estimate based on the Controller’s audit findings.

Methodology

The Statewide Cost Estimate for the period July 1, 2013 through June 30, 2015 is based on 73 unaudited reimbursement claims, totaling \$446,799.

Fiscal Year	Number of Claims	Total Costs of Claims¹³
2013-2014	42	243,333
2014-2015	31	203,466
Total	73	446,799

The Statewide Cost Estimate for fiscal year 2015-2016 is approximately \$235,542. This projection was developed by averaging the number of new entrants and out-of-state transfers based on fiscal years 2013-2014 and 2014-2015 claims (24,161) and increasing the “new entrant” average by 3.6 percent for 2014-2015, which is the statewide average increase in

¹² A school district or county office of education that receives block grant funding is not eligible to submit claims to the Controller for reimbursement pursuant to Government Code section 17560 for any costs of any state mandates included in the statutes and executive orders identified in Government Code section 17581.6(e).

¹³ Claims data report as of November 18, 2016.

kindergarten enrollment reported by California Department of Education.¹⁴ 24,161 plus 870 equals 25,031 “new entrants/transfers.” By then multiplying that number by the estimated uniform cost allowance (\$9.41) for 2015-2016, and adding an average (\$532) in actual costs for activity D.2, the total estimate is \$235,542. If the number of entrants and out-of-state transfers and the actual costs remain constant, the future costs of the program will be based on the uniform cost allowance plus the implicit price deflator in subsequent fiscal years. Likewise, if the number of entrants and out-of-state transfers increases or decreases in future years, the annual state-wide cost will increase or decrease accordingly.

Fiscal Year	Uniform Cost Allowance	New Entrants and Out-of-State Transfers¹⁵	Actual Costs Claimed for Activity D.2¹⁶
2013-2014	\$9.17	26,472	\$585
2014-2015	\$9.29	21,850 ¹⁷	\$479
2015-2016 (estimated)	\$9.41	24,161 (average)	\$532 (average)

Fiscal Year	Kindergarten Statewide Enrollment	Percentage Increase
2013-2014	506, 831	NA
2014-2015	511,985	1.02%
2015-2016	530,531	3.6%

Staff Recommendation

Staff recommends the Commission adopt the Proposed Statewide Cost Estimate of \$446,799 for costs incurred in complying with the *Immunization Records – Mumps, Rubella, and Hepatitis B* program for fiscal years 2013-2014 and 2014-2015 and an estimated cost of \$235,542 for fiscal year 2015-2016.

¹⁴ Exhibit D, California Department of Education, Enrollment by Grade for 2014-15, Statewide Enrollment by Grade, and California Department of Education, Enrollment by Grade for 2015-16, Statewide Enrollment by Grade. Note that this number does not include out-of-state transfer students, since no data could be found to project that number.

¹⁵ Program 368 reimbursement claims received as of November 29, 2016.

¹⁶ Program 368 reimbursement claims received as of November 29, 2016.

¹⁷ Although this represents a slight increase in enrollment, costs for 2014-2015 went down because nine fewer school districts submitted claims presumably because of participation in the block grant.

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 December 6, 2016, I served the:

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

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

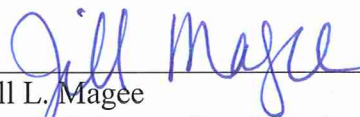
Education Code Section 48216 et al.

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 December 6, 2016 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 9/14/16

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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RECEIVED
December 16, 2016
Commission on
State Mandates

BETTY T. YEE
California State Controller
Division of Accounting and Reporting

December 16, 2016

Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Draft Proposed Statewide Cost Estimate, Schedule for Comments,
and Notice of Hearing
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 Ms. Halsey:

The State Controller's Office reviewed the draft proposed statewide cost estimate for the Immunization Records – Mumps, Rubella, and Hepatitis B Program. Below are our comments and recommendations. Proposed additions are underlined and deletions are indicated with a strikethrough.

Statewide Cost Estimate

Page 7

After the adoption of the New Test Claim Decision and the filing of amended claims for 2013-14 and 2014-15, the program's annual statewide cost decreased by ~~12.2~~ 25.4 and ~~26.2~~ 27 percent, respectively, for fiscal years 2013-14 and 2014-15, due to a subsequent change in law that eliminated the condition that pupils be fully immunized against hepatitis B before a school district can advance a pupil into the seventh grade, thus modifying the state's liability. The total statewide cost for the two-year initial claiming period is \$446,799, a decrease of ~~\$107,976~~ \$158,027 from the claims submitted for Program 230 prior to the mandated redetermination.

Fiscal Year	Program 230 Costs Claimed	Program 368 Costs Claimed	Difference in Programs Costs Claimed
2013-2014	277,246 <u>326,297</u>	243,333	(33,913) <u>(82,964)</u>
2014-2015	277,529 <u>278,529</u>	203,466	(74,063) <u>(75,063)</u>
Total	554,775 <u>604,826</u>	446,799	(107,976) <u>(158,027)</u>

Footnote 10

Page 7

The difference in program costs is based on claiming data totaling \$446,799 and the ~~net balance~~ program costs of the Controller's State-Mandated Program Cost Report (AB 3000) totaling ~~\$554,775~~ \$604,826.

COMMENT: We recommend using the Program Costs rather than the Net Balances for Program 230, fiscal years 2013-14 and 2014-15, as stated in the State-Mandated Program Cost Report (AB 3000), as of September 30, 2016. As a result, please also revise the program's annual statewide cost decrease percentages for fiscal years 2013-14 and 2014-15.

If you have any questions regarding the information above, please contact Lacey Baysinger by telephone at (916) 324-7876, or by email at LBaysinger@sco.ca.gov.

Sincerely,



JAY LAL, Section Manager
Local Reimbursements Section

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 December 16, 2016, I served the:

SCO Comments on the Draft Proposed Statewide Cost Estimate

Mandate Redetermination Request, 14-MR-04

Second Hearing: New Test Claim Decision

Immunization Records: Hepatitis B (98-TC-05)

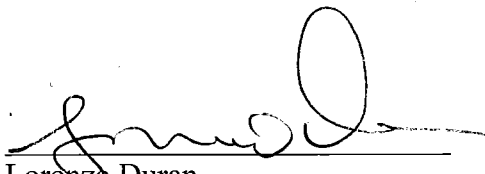
Education Code Section 48216 et al.

As Alleged to be 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 December 16, 2016 at Sacramento, California.



Lorenzo Duran

Commission on State Mandates

980 Ninth Street, Suite 300

Sacramento, CA 95814

(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 9/14/16

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

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

Requester: Department of Finance

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October 31, 2016

The Honorable Mark Leno, Chairman
Senate Committee on Budget and Fiscal Review
Joint Legislative Budget Committee
State Capitol, Room 5019
Sacramento, CA 95814

The Honorable Phil Ting, Chairman
Assembly Committee on Budget
State Capitol, Room 6026
Sacramento, CA 95814

**SUBJECT: State-Mandated Program Cost Report
Pursuant to Government Code Section 17562(b)(1)**

Dear Chairman Leno and Chairman Ting:

Pursuant to the statute referenced above, this report summarizes mandate payments by fiscal year (FY) and reports the deficiencies and surpluses. The report consists of:

1. State-Mandated Program Appropriations and Payments (Schedules A and A1)
2. FY 2014-15 and Prior Years' State-Mandated Program Claims Data, including Net Deficiencies and Surpluses (Schedules B through B3)
3. Outstanding Incorrect Reduction Claims Filed with the Commission on State Mandates (Schedule C)

As reflected on Schedule B, as of September 30, 2016, the amount owed to local agencies, school districts, and community college districts is \$3.5 billion (\$1.0 billion, \$2.2 billion, and \$0.3 billion, respectively).

Chapters 23 and 29, Statutes of 2016, include a one-time appropriation of \$1.4 billion from the General Fund to be paid by the California Department of Education and the Chancellor's Office. Of this, \$1.2 billion is for school districts and \$0.1 billion is for community college districts. The remaining \$0.1 billion is for charter schools (which cannot file mandate claims). The statutes require the State Controller's Office to apply amounts received by each school district or community college district against any balances of unpaid claims for reimbursement of State-mandated local program costs and interest. As of September 30, 2016, these payments and offsets have not taken place and are not reflected in this report.

Accrued interest due to local agencies, school districts, and community college districts as of June 30, 2016, at the Pooled Money Investment Account rates, is estimated to be \$62.5 million (\$19.6 million, \$41.4 million, and \$1.5 million, respectively). The accrued interest is not reflected in the enclosed report. Pursuant to Government Code section 17561.5, interest begins to accrue as of the 366th day after adoption of the statewide cost estimate for the initial claims. For subsequent claims, interest begins to accrue on August 16th following the filing deadline. The interest on unpaid claims will continue to accrue until the claims are fully paid.

Pending litigation on topics listed below may have a significant impact on accounts payable once final legal decisions are rendered:

- 2010-11 Budget Trailer Bills; Mandates Process for K-12 Schools; and Redetermination Process
- Minimum Conditions for State Aid
- Sexually Violent Predators
- Municipal Storm Water and Urban Runoff Discharges

Outstanding Incorrect Reduction Claims (Schedule C) may also impact accounts payable as these reductions totaling \$36.6 million are already included but may be added back to the outstanding balance.

In addition to the State-Mandated Program Cost Report, a disk containing an electronic version is enclosed. If you have any questions, please contact Jay Lal, Manager of the Local Reimbursements Section of my Division of Accounting and Reporting at jlal@sco.ca.gov or (916) 324-0256.

Sincerely,

Original signed by

BETTY T. YEE

Enclosures

cc: Carolyn Chu, Senior Fiscal and Policy Analyst, Legislative Analyst's Office
Michael Cohen, Director, Department of Finance
Peggy Collins, Principal Consultant, Joint Legislative Budget Committee
Heather Halsey, Executive Director, Commission on State Mandates

**STATE-MANDATED PROGRAM
COST REPORT
(AB 3000)**

As of September 30, 2016



Prepared by

**Division of Accounting and Reporting
Local Reimbursements Section**

Note: This report provides information on State-Mandated Program costs for local agencies, school and community college districts pursuant to Government Code section 17562 (b)(1).

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Schedule B:
Summary of State-Mandated Programs for
Fiscal Year 2014-15 and Prior Years:
Claims Received/Adjusted,
Payments, Receivables, and
Net Deficiencies and Surpluses

Schedule B2: School Districts

Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments and Offsets	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2014-15	Academic Performance Index	Ch. 3/99	305	\$ 1,182	\$ 1,000	\$ 182	\$ -	\$ -	\$ -	\$ 182
2014-15	AIDS Instruction and AIDS Prevention Instruction	Ch. 818/91	250	\$ 70,758	\$ 1,000	\$ 69,758	\$ -	\$ -	\$ -	\$ 69,758
2014-15	Caregiver Affidavits to Establish Residence for School Attendance	Ch. 98/94	172	\$ 51,776	\$ 1,000	\$ 50,776	\$ -	\$ -	\$ -	\$ 50,776
2014-15	Charter Schools I, II, III	Ch. 781/92	278	\$ 80,581	\$ 1,000	\$ 79,581	\$ -	\$ -	\$ -	\$ 79,581
2014-15	Charter Schools IV	Ch. 1058/02	337	\$ 5,156	\$ 1,000	\$ 4,156	\$ -	\$ -	\$ -	\$ 4,156
2014-15	Child Abuse and Neglect Reporting	Ch. 640/87	309	\$ 1,367	\$ 1,000	\$ 367	\$ -	\$ -	\$ -	\$ 367
2014-15	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 1,012,760	\$ 1,000	\$ 1,011,760	\$ -	\$ -	\$ -	\$ 1,011,760
2014-15	Comprehensive School Safety Plans I and II	Ch. 736/97	313	\$ 192,966	\$ 1,000	\$ 191,966	\$ -	\$ -	\$ -	\$ 191,966
2014-15	Consolidated Suspensions, Expulsions, and Expulsion Appeals	Ch. 972/95 Ch. 974/95	330	\$ 163,009	\$ 1,000	\$ 162,009	\$ -	\$ -	\$ -	\$ 162,009
2014-15	Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools	Ch. 448/75	272	\$ 219,338	\$ 1,000	\$ 218,338	\$ -	\$ -	\$ -	\$ 218,338
2014-15	Consolidation of Law Enforcement Agency Notifications (LEAN) and Missing Children Reports (MCR)	Ch. 1117/89	276	\$ 84,258	\$ 1,000	\$ 83,258	\$ -	\$ -	\$ -	\$ 83,258
2014-15	Consolidation of Notification to Teachers: Pupils Subject to Suspension or Expulsion and Pupil Discipline Records, Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 1306/89	292	\$ 571,714	\$ 1,000	\$ 570,714	\$ -	\$ -	\$ -	\$ 570,714
2014-15	County Office of Education Fiscal Accountability Reporting	Ch. 917/87	209	\$ 93,729	\$ 1,000	\$ 92,729	\$ -	\$ -	\$ -	\$ 92,729
2014-15	Criminal Background Checks I	Ch. 588/97	183	\$ 53,366	\$ 1,000	\$ 52,366	\$ -	\$ -	\$ -	\$ 52,366
2014-15	Criminal Background Checks II	Ch. 594/98	251	\$ 12,287	\$ 1,000	\$ 11,287	\$ -	\$ -	\$ -	\$ 11,287
2014-15	Expulsion of Pupils: Transcript Cost for Appeals	Ch. 1253/75	91	\$ 2,373	\$ 1,000	\$ 1,373	\$ -	\$ -	\$ -	\$ 1,373
2014-15	Financial and Compliance Audits	Ch. 36/77	192	\$ 30,144	\$ 1,000	\$ 29,144	\$ -	\$ -	\$ -	\$ 29,144
2014-15	Graduation Requirements (On or after 1/1/2005)	Ch. 498/83	297	\$ 16,764,340	\$ 1,000	\$ 16,763,340	\$ -	\$ -	\$ -	\$ 16,763,340
2014-15	Habitual Truants	Ch. 1184/75	166	\$ 1,058,395	\$ 1,000	\$ 1,057,395	\$ -	\$ -	\$ -	\$ 1,057,395
2014-15	High School Exit Examination	Ch. 1/99	268	\$ 621,912	\$ 1,000	\$ 620,912	\$ -	\$ -	\$ -	\$ 620,912
2014-15	Immunization Records	Ch. 1176/77	32	\$ 235,950	\$ 1,000	\$ 234,950	\$ -	\$ -	\$ -	\$ 234,950
2014-15	Immunization Records - Hepatitis B	Ch. 325/78	230	\$ 278,529	\$ 1,000	\$ 277,529	\$ -	\$ -	\$ -	\$ 277,529
2014-15	Immunization Records - Pertussis	Ch. 434/10	357	\$ 2,640,513	\$ 1,000	\$ 2,639,513	\$ -	\$ -	\$ -	\$ 2,639,513
2014-15	Interdistrict Attendance Permits	Ch. 172/86	148	\$ 8,713	\$ 1,000	\$ 7,713	\$ -	\$ -	\$ -	\$ 7,713

Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments and Offsets	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2013-14	Consolidation of Law Enforcement Agency Notifications (LEAN) and Missing Children Reports (MCR)	Ch. 1117/89	276	\$ 98,097	\$ 1,939	\$ 96,158	\$ -	\$ -	\$ -	\$ 96,158
2013-14	Consolidation of Notification to Teachers: Pupils Subject to Suspension or Expulsion and Pupil Discipline Records, Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 1306/89	292	\$ 605,343	\$ 24,688	\$ 580,655	\$ -	\$ -	\$ -	\$ 580,655
2013-14	County Office of Education Fiscal Accountability Reporting	Ch. 917/87	209	\$ 100,210	\$ 1,000	\$ 99,210	\$ -	\$ -	\$ -	\$ 99,210
2013-14	Criminal Background Checks I	Ch. 588/97	183	\$ 24,654	\$ 1,000	\$ 23,654	\$ -	\$ -	\$ -	\$ 23,654
2013-14	Criminal Background Checks II	Ch. 594/98	251	\$ 33,464	\$ 4,987	\$ 28,477	\$ -	\$ -	\$ -	\$ 28,477
2013-14	Developer Fees	Ch. 955/77	333	\$ 10,006	\$ 1,000	\$ 9,006	\$ -	\$ -	\$ -	\$ 9,006
2013-14	Expulsion of Pupils: Transcript Cost for Appeals	Ch. 1253/75	91	\$ 2,373	\$ 1,000	\$ 1,373	\$ -	\$ -	\$ -	\$ 1,373
2013-14	Financial and Compliance Audits	Ch. 36/77	192	\$ 38,653	\$ 1,000	\$ 37,653	\$ -	\$ -	\$ -	\$ 37,653
2013-14	Graduation Requirements (On or after 1/1/2005)	Ch. 498/83	297	\$ 18,978,442	\$ 1,000	\$ 18,977,442	\$ -	\$ -	\$ -	\$ 18,977,442
2013-14	Habitual Truants	Ch. 1184/75	166	\$ 665,217	\$ 16,834	\$ 648,383	\$ -	\$ -	\$ -	\$ 648,383
2013-14	High School Exit Examination	Ch. 1/99	268	\$ 564,080	\$ 1,000	\$ 563,080	\$ -	\$ -	\$ -	\$ 563,080
2013-14	Immunization Records	Ch. 1176/77	32	\$ 276,808	\$ 26,190	\$ 250,618	\$ -	\$ -	\$ -	\$ 250,618
2013-14	Immunization Records - Hepatitis B	Ch. 325/78	230	\$ 326,297	\$ 49,051	\$ 277,246	\$ -	\$ -	\$ -	\$ 277,246
2013-14	Immunization Records - Pertussis	Ch. 434/10	357	\$ 1,204,591	\$ 232,970	\$ 971,621	\$ -	\$ -	\$ -	\$ 971,621
2013-14	Interdistrict Attendance Permits	Ch. 172/86	148	\$ 5,963	\$ 2,158	\$ 3,805	\$ -	\$ -	\$ -	\$ 3,805
2013-14	Intradistrict Attendance	Ch. 161/93	153	\$ 140,532	\$ 5,355	\$ 135,177	\$ -	\$ -	\$ -	\$ 135,177
2013-14	Juvenile Court Notices II	Ch. 1423/84	155	\$ 247,195	\$ 1,000	\$ 246,195	\$ -	\$ -	\$ -	\$ 246,195
2013-14	Notification of Truancy	Ch. 498/83	48	\$ 1,846,288	\$ 87,862	\$ 1,758,426	\$ -	\$ -	\$ -	\$ 1,758,426
2013-14	Parental Involvement Programs	Ch. 1400/90	350	\$ 139,137	\$ 22,270	\$ 116,867	\$ -	\$ -	\$ -	\$ 116,867
2013-14	Physical Performance Tests	Ch. 975/95	173	\$ 76,582	\$ 11,716	\$ 64,866	\$ -	\$ -	\$ -	\$ 64,866
2013-14	Public Contracts (K-14)	Ch. 1073/85	335	\$ 2,455	\$ 1,000	\$ 1,455	\$ -	\$ -	\$ -	\$ 1,455
2013-14	Pupil Health Screenings	Ch. 1208/76	261	\$ 44,962	\$ 7,740	\$ 37,222	\$ -	\$ -	\$ -	\$ 37,222
2013-14	Pupil Promotion and Retention	Ch. 100/81	244	\$ 133,508	\$ 7,607	\$ 125,901	\$ -	\$ -	\$ -	\$ 125,901
2013-14	Pupil Safety Notices	Ch. 498/83	280	\$ 7,615	\$ 1,000	\$ 6,615	\$ -	\$ -	\$ -	\$ 6,615
2013-14	Race to the Top	Title 5	362	\$ 55,547	\$ 1,000	\$ 54,547	\$ -	\$ -	\$ -	\$ 54,547
2013-14	School Accountability Report Cards	Ch. 1463/89	171	\$ 160,850	\$ 21,085	\$ 139,765	\$ -	\$ -	\$ -	\$ 139,765
2013-14	School District Fiscal Accountability Reporting and Employee Benefits Disclosure	Ch. 100/81	258	\$ 478,898	\$ 31,272	\$ 447,626	\$ -	\$ -	\$ -	\$ 447,626
2013-14	School District Reorganization	Ch. 1192/80	228	\$ 51,918	\$ 1,000	\$ 50,918	\$ -	\$ -	\$ -	\$ 50,918
2013-14	Student Records	Ch. 593/89	308	\$ 1,359	\$ 1,000	\$ 359	\$ -	\$ -	\$ -	\$ 359



Enrollment by Grade for 2014-15 Statewide Enrollment by Grade

Report:

Year:

Gender:

Type:

Report Total

Level	Code	K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Ungr Elem	Grade 9	Grade 10	Grade 11	Grade 12	Ungr Sec	Total Enroll	Adults in K-12 Program
State	00	511,985	464,323	469,713	485,624	475,192	472,156	469,413	464,286	467,038	435	495,004	480,753	477,097	496,901	5,600	6,235,520	1,357

[Download Data](#) Download a semicolon-delimited file of this data to your computer. You will need to select "Save" after selecting the "Download Data" button. Once the file is saved to your computer it may be imported into another software for analysis.

Gender: All, Type: Primary Enrollment

Report generated: 12/1/2016 2:03 PM
Data as of: 2015-03-13

Source: California Longitudinal Pupil Achievement Data System (CALPADS)

[Web Policy](#)



Enrollment by Grade for 2015-16

Statewide Enrollment by Grade

Report:

Year:

Gender:

Type:

Report Total

Level	Code	K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Ungr Elem	Grade 9	Grade 10	Grade 11	Grade 12	Ungr Sec	Total Enroll	Adults in K-12 Program
State	00	530,531	444,573	463,881	470,157	485,885	476,427	471,467	470,753	465,322	416	487,202	488,004	472,968	492,835	6,316	6,226,737	1,196

[Download Data](#) Download a semicolon-delimited file of this data to your computer. You will need to select "Save" after selecting the "Download Data" button. Once the file is saved to your computer it may be imported into another software for analysis.

Gender: All, Type: Primary Enrollment

Report generated: 12/1/2016 2:02 PM
Source: California Longitudinal Pupil Achievement Data System (CALPADS)

[Web Policy](#)