



July 7, 2016

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Ms. Jill Kanemasu
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Accounting and Reporting
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And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Proposed Statewide Cost Estimate**
Immunization Records – Pertussis, 11-TC-02 (14-PGA-01)
Health and Safety Code Section 120335(d)
Statutes 2010, Chapter 434 (AB 354)
Desert Sands Unified School District, Requester

Dear Mr. Palkowitz, Dr. Novak, and Ms. Kanemasu:

The Proposed Statewide Cost Estimate for the above-named matter is enclosed for your review.

Hearing

This matter is set for hearing on **Friday, July 22, 2016**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. This matter is proposed for the Consent Calendar. 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. If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

Special Accommodations

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

Sincerely,

Heather Halsey
Executive Director

ITEM 9
PROPOSED STATEWIDE COST ESTIMATE
\$2,642,074 for 2014-2015
(\$2,687,550 Approximate Cost for 2015-2016)

Health and Safety Code Section 120335(d)

Statutes 2010, Chapter 434 (AB 354)

Immunization Records – Pertussis

11-TC-02 (14-PGA-01)

STAFF ANALYSIS

Background and Summary of the Mandate

The *Immunization Records – Pertussis* program prohibits schools from admitting or advancing pupils into the 7th through 12th grade levels during the 2011-2012 fiscal year and, beginning in the fiscal year 2012-2013, pupils entering or advancing to the 7th grade level, unless the pupil is fully immunized against pertussis, including all pertussis boosters appropriate for the pupil’s age, or has documented a permanent medical exemption or personal belief exemption to immunization against pertussis.

On July 26, 2013, the Commission on State Mandates (Commission) adopted the Test Claim Statement of Decision, 11-TC-02, finding that the Health and Safety Code section 120335(d), as added and replaced by the test claim statute, imposes a partially reimbursable state-mandated program upon school districts; and on December 6, 2013, adopted the Parameters and Guidelines, requiring school districts to submit reimbursement claims based on actual costs incurred, and retain all documents used to support the approved reimbursable activities during the period subject to audit.

On September 25, 2015, the Commission adopted an Amendment to Parameters and Guidelines, 14-PGA-01, hereinafter referred to as the “amended Parameters and Guidelines”, to add a unit cost reasonable reimbursement methodology (RRM) of \$9.17 per eligible 7th grade entrant based on 2012-2013 data, adjusted in subsequent years by the Implicit Price Deflator¹ (IPD) for the period of reimbursement beginning July 1, 2014.² Specifically, Section V. has been amended to include the following language which replaced the former language requiring reimbursement based on a showing of actual costs incurred:

¹ Pursuant to Government Code section 17523, the Implicit Price Deflator references the “costs of goods and services to governmental agencies, as determined by the Department of Finance.”

² Exhibit A, Decision and Amendment to Parameters and Guidelines, 14-PGA-01(11-TC-02), page 25.

In lieu of filing detailed documentation of actual costs, the Commission hereby adopts a reasonable reimbursement methodology (RRM), as authorized by Government Code sections 17557(b) and 17518.5, to reimburse claimants for all direct and indirect costs of the reimbursable activities identified in Section IV. Reimbursable Activities of this document.

The RRM for the mandated activities shall be calculated by multiplying the total number of pupils entering the 7th grade by the uniform cost allowance, adjusted each year by the Implicit Price Deflator. The base uniform cost allowance is \$9.17, based on fiscal year 2012-2013 data. The base uniform cost allowance, when adjusted for inflation by the Implicit Price Deflator for the period of reimbursement beginning July 1, 2014, is \$9.47.³

Further, the amended Parameters and Guidelines deleted the activities required during fiscal year 2011-2012 only for pupils entering grades 7 through 12. Those activities have already been performed and claimed and are no longer required based on the plain language of the test claim statute. Hence, when adjusted for inflation by the IPD, the base unit cost reimbursement rate increases to \$9.47 per 7th grade entrant, beginning fiscal year 2014-2015, for reimbursement of all direct and indirect costs of the ongoing reimbursable activities, as described below under the Reimbursable Activities section.⁴

Eligible claimants were required to file reimbursement claims for costs incurred in fiscal year 2014-2015 with the State Controller's Office (Controller) by April 27, 2016, for the approved reimbursable activities based on the amended Parameters and Guidelines. Claims filed more than one year after the filing date will not be accepted.⁵

Eligible Claimants and Period of Reimbursement

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

Government Code section 17557(d)(1) states that "... A parameters and guidelines amendment submitted within 90 days of the claiming deadline for initial claims, as specified in the claiming instructions pursuant to section 17561, shall apply to all years eligible for reimbursement as defined in the original parameters and guidelines. A parameters and guidelines amendment filed more than 90 days after the claiming deadline for initial claims, as specified in the claiming instructions pursuant to section 17561, and on or before the claiming deadline following a fiscal year, shall establish reimbursement eligibility for that fiscal year."

The requester filed the Request to Amend the Parameters and Guidelines on April 15, 2015, and before the claiming deadline of February 15, 2016, following fiscal year 2014-2015, thus,

³ Exhibit A, Decision and Amendment to Parameters and Guidelines, 14-PGA-01(11-TC-02), page 25.

⁴ Exhibit A, Decision and Amendment to Parameters and Guidelines, 14-PGA-01(11-TC-02), page 25.

⁵ Office of the State Controller, State Mandated Costs Claiming Instructions No. 2015-10, Immunization Records – Pertussis (Rev. Dec. 29, 2015).

establishing the reimbursement period beginning July 1, 2014, based on the filing date of the request.

Reimbursable Activities

The amended Parameters and Guidelines authorize the RRM for reimbursement of all direct and indirect costs for the following activities of each eligible claimant:

A. For students entering the 7th grade:

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

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

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

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

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

In addition, the following activities are specifically excluded from reimbursement: (1) reporting the immunization status of students to county health departments or the state; (2) recording and maintaining student immunization records; and (3) periodically reviewing student immunization records to ensure compliance with the test claim statute. These activities are not required to implement the test claim statute and are instead addressed by the Department of Public Health (“DPH”) regulations that were not properly pled and therefore beyond the Commission’s jurisdiction.⁶

Offsetting Revenues and Reimbursements

The amended Parameters and Guidelines provide:

Any offsets the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, service fees collected, federal funds, and other state funds, shall be identified and deducted from this claim.⁷

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

Assumptions

Staff reviewed the reimbursement claims data report compiled by the Controller on approximately 292 school districts.⁸ The unaudited reimbursement claims totaled \$2,642,074 for fiscal year 2014-2015. Based on the claiming data, staff made the following assumptions and used the following methodology to develop this Statewide Cost Estimate pursuant to the amended Parameters and Guidelines.

- *The annual amount claimed for reimbursement may increase and exceed this Statewide Cost Estimate.*

There are currently 1050 school districts in California. Of those, only 292 school districts filed reimbursement claims, totaling \$2,642,074 for fiscal year 2014-2015. If other eligible claimants file late or amended claims, the amount of reimbursement claims may exceed the Statewide Cost Estimate. Claims filed more than one year after April 27, 2016, will not be accepted. There also may be several reasons that non-

⁶ See “Reimbursable Activities” of Parameters and Guidelines, 11-TC-02 (14-PGA-01), pages 3-4.

⁷ Exhibit A, Decision and Amendment to Parameters and Guidelines, 14-PGA-01(11-TC-02), page 5.

⁸ Claims data reported as of June 15, 2016 for 2014-2015.

claiming school districts do not file reimbursement claims, including but not limited to: (1) they do not incur more than \$1,000 in increased costs for this program; or (2) they participated in the Mandate Block Grant program prior to the program's removal date, effective January 1, 2016.⁹

- *The future annual costs for this program may be higher or lower than the Statewide Cost Estimate if school districts' enrollment for pupils entering the 7th grade increases or decreases.*

The future annual costs of the program have a direct correlation to the number of pupils enrolling into the 7th grade. For example, in 2014-2015 there were 464,286 pupils entering the 7th grade according to the California Department of Education (CDE).¹⁰ However, only 278,994¹¹ pupils out of a total of 464,286 pupils entering 7th grade were included in reimbursement claims. If more districts file reimbursement claims for costs for their pupils entering the 7th grade or if the number of pupils entering the 7th grade in those districts submitting reimbursement claims increases, the future annual costs will be higher than this Statewide Cost Estimate. Furthermore, CDE reported a total of 470,753 pupils entering the 7th grade in 2015-2016.¹² That is an increase of 6,467 pupils or just under 1.4 percent statewide from the enrollment data reported by CDE for 2014-2015. Thus, assuming an even distribution of the percentage increase in entering 7th graders, and that the same districts continue to submit reimbursement claims, the number of pupils claimed for 2015-2016 may increase to 282,900 (278,994 plus 1.4 percent), increasing this Statewide Cost Estimate.

- *The future annual costs for this program may be higher or lower than this Statewide Cost Estimate depending on the IPD.*

The RRM is based on inflation and can go up or down if the IPD increases or decreases, and this has a direct impact on the reimbursable costs of the program. The Department of Finance projects the IPD to increase by 0.3 percent in 2015-2016.¹³ If the IPD increases in subsequent years and the number of pupils entering the 7th grade remains constant or increases, then the future annual costs for the program would be higher than the Statewide Cost Estimate. Furthermore, it is assumed that the RRM will increase to \$9.50 (\$9.47 plus 0.3 percent) in 2015-2016, thus increasing the Statewide Cost Estimate.

⁹ Statutes 2015, chapter 35 (AB 731) deletes *Immunization Records - Pertussis* from the Mandate Block Grant as of January 1, 2016.

¹⁰ Exhibit D, California Department of Education, Statewide Enrollment by Grade-Enrollment by Grade for 2014-2015.

¹¹ Based on the claims data report as of June 15, 2016, the total cost of the program in 2014-2015 is \$2,642,074. If those costs are divided by the RRM of \$9.47, then the estimated number of pupils claimed is 278,994.

¹² Exhibit D, California Department of Education, Statewide Enrollment by Grade-Enrollment by Grade for 2015-2016.

¹³ Exhibit D, National Deflators (2009=100), May Revision Forecast, April 2016, updated May 13, 2016, http://dof.ca.gov/HTML/FS_DATA/LatestEconData/FS_Price.htm. (Accessed June 10, 2016.)

- *The total amount of reimbursement for this program may be lower than the Statewide Cost Estimate based on the Controller’s audit findings.*

The Controller may conduct audits to verify the application of the RRM and reduce any reimbursement claim for this program based on its audit findings. To the extent that a claimant has applied the RRM inconsistently with the amended Parameters and Guidelines, the Controller may reduce the amount claimed.

Methodology

The Statewide Cost Estimate for fiscal year 2014-2015 was developed by totaling the costs of the reimbursement claims submitted by the 292 school districts which equals \$2,642,074 for 278,994 pupils (\$2,642,074 divided by \$9.47 RRM).

The Statewide Cost Estimate for fiscal year 2015-2016 was developed by assuming that only the same 292 school districts file reimbursement claims, with a projected 1.4 percent increase in 7th grade pupil enrollment (resulting in 282,900 pupils) and a 0.3 percent increase in IPD (resulting in a \$9.50 RRM), and is \$2,687,550.

Following is a breakdown of estimated total costs for the 2014-2015 and 2015-2016 fiscal years:

Fiscal Year	Number of Claims Filed	Total Cost
2014 – 2015	292 (278,994 pupils)	\$2,642,074
2015 – 2016 (estimated)	292 (282,900 pupils)	\$2,687,550

Draft Proposed Statewide Cost Estimate

On June 14, 2016, Commission staff issued the Draft Proposed Statewide Cost Estimate.¹⁴ On June 23, 2016, the Controller filed comments reporting an increase in the total claims filed to 292 and total cost of claims to \$2,642,074 for fiscal year 2014-2015 due to late and amended claims.¹⁵ In accordance, the Statewide Cost Estimate has been updated to reflect those increases and their related assumptions.

Staff Recommendation

Staff recommends that the Commission adopt this proposed Statewide Cost Estimate of \$2,642,074 for fiscal year 2014-2015 and \$2,687,550 for fiscal year 2015-2016.

¹⁴ Exhibit B, Draft Proposed Statewide Cost Estimate.

¹⁵ Exhibit C, State Controller’s Comments.

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 July 7, 2016 I served the:

Proposed Statewide Cost Estimate
Immunization Records – Pertussis, 11-TC-02 (14-PGA-01)
Health and Safety Code Section 120335(d)
Statutes 2010, Chapter 434 (AB 354)
Desert Sands Unified School District, Requester

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on July 7, 2016 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 6/22/16

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

Matter: Immunization Records - Pertussis

Requester: Desert Sands Unified School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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

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