

ITEM 4
PROPOSED DECISION
AND
AMENDMENT TO PARAMETERS AND GUIDELINES

Health and Safety Code section 120335, as amended and replaced by
Statutes 2010, Chapter 434 (AB 354)

Immunization Records - Pertussis

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

Desert Sands Unified School District, Requester

TABLE OF CONTENTS

Exhibit A	
Request to Amend Parameters and Guidelines, filed April 15, 2015	1
Exhibit B	
Finance’s Comments on Request to Amend Parameters and Guidelines, June 19, 2015.....	94
Exhibit C	
Controller’s Comments on Request to Amend Parameters and Guidelines, June 19, 2015.....	96
Exhibit D	
Draft Proposed Decision, July 16, 2015	97
Exhibit E	
District's Rebuttal to Finance and Controller's Comments on Request, July 20, 2015.....	123
Exhibit F	
Controller's Comments on Draft Proposed Decision, August 4, 2015	131
Exhibit G	
District Comments, August 6, 2015.....	138
Exhibit H	
District Comments on Draft Proposed Decision, August 10, 2015	152
Exhibit I	
Supporting Documentation	161
Assembly Floor Analysis, AB 1222, May 29, 2007	

2488 Historic Decatur Road
Suite 200
San Diego, California 92106
(619) 232-3122
Fax (619) 232-3264
www.stutzartiano.com



Arthur M. Palkowitz, Esq.
apalkowitz@stutzartiano.com

RECEIVED
April 15, 2015
Commission on
State Mandates

April 15, 2015

Heather Halsey
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Case No.: Immunization Records – Pertussis (11-TC-02)
Request to Amend Parameters & Guidelines to Adopt a Reasonable
Reimbursement Methodology
Claimant: Desert Sands Unified School District

Dear Ms. Halsey:

Desert Sands Unified School District files this Request to Amend Parameters & Guidelines To Adopt A Reasonable Reimbursement Methodology, a uniform cost allowance, pursuant to Government Code sections 17557(d)(1); 17557(2)(C); 17518.5 and California Code of Regulations section 1183.17 (a)(3). The request includes proposed language for the specific sections of the existing parameters and guidelines and a narrative explaining why the amendment is required.

If you have any questions, please feel free to contact me.

Very truly yours,

STUTZ ARTIANO SHINOFF & HOLTZ
A Professional Corporation

Arthur M. Palkowitz, Esq.

AMP:llm

1 **STUTZ ARTIANO SHINOFF & HOLTZ**

2 *A Professional Corporation*
Daniel R. Shinoff, Esq. (SBN 99129)
dshinoff@sashlaw.com
3 Arthur M. Palkowitz, Esq. (SBN 106141)
apalkowitz@sashlaw.com
2488 Historic Decatur Rd., Suite 200
4 San Diego, CA 92106
Tel: 619-232-3122
5 Fax: 619-232-3264

6 Attorney for Desert Sands Unified
School District (Claimant)
7

8 **BEFORE THE COMMISSION ON STATE MANDATES**

9 **STATE OF CALIFORNIA**

10 IN RE TEST CLAIM OF:

Case No.: 11-TC-02
Immunization Records – Pertussis

11 Health and Safety Code sections 120325
and 120335, as amended and replaced by
12 Statutes 210, Chapter 434 (AB 354)

**REQUEST TO AMEND PARAMETERS
AND GUIDELINES TO ADOPT A
REASONABLE REIMBURSEMENT
METHODOLOGY**

13 Claimant:
Desert Sands Unified School District
14

15 **L INTRODUCTION**

16
17 Immunization Records Pertussis Test Claim was approved by the Commission on
18 State Mandates (“Commission”) for reimbursement of activities confirming students were
19 fully immunized against pertussis. Desert Sands Unified School District (“Claimant”)
20 requests to amend the parameters and guidelines for this mandate to establish a uniform cost
21 allowance pursuant to Government Code § 17557(d).

22 **II. TEST CLAIM PROCESS**

23 **A. Test Claim**

24 The 2010 test claim filed by Twin Rivers Unified School District (“Twin Rivers”)
25 alleged that Statutes 210, Chapter 434, AB 354 imposed a reimbursable state mandated
26 program upon school districts for the cost of district personnel from unconditionally
27 admitting or advancing students unless they are properly immunized, and that school districts
28

1 must receive documentary evidence of their pertussis immunization in order to properly
2 comply with the prohibition in section 120335(d) against admitting or advancing students to
3 the 7th through 12th grade levels, unless a pupil has been fully immunized against pertussis,
4 including all pertussis boosters appropriate for the pupil's age.

5 On July 26, 2013, the test claim was adopted by the Commission concluding that
6 Health and Safety Code § 120335(d) mandated a new and higher level of service in terms of
7 requiring districts to verify that students were fully immunized against pertussis. (Statement
8 of Decision - **Ex. A**)

9 **B. Parameters and Guidelines**

10 On December 6, 2013, the original parameters and guidelines were adopted and have
11 not been subsequently amended. (**Ex. B**) The Commission approved the test claim for the
12 following reimbursable activities:

13 A. For fiscal year 2011-2012 only, for students entering the 7th through 12th grades:

14 (1) Receive and review the following documents for all pupils entering the 7th
15 through 12th grades to determine whether to unconditionally admit or conditionally admit
16 the pupil:

17 a) A written record of the pertussis vaccination (Tdap booster) that contains
18 the name of the pupil, birth date of the pupil, the date of the pertussis vaccination, and the
19 name of the physician or agency administering the vaccine; *or*

20 b) Documentation showing a pupil's permanent medical exemption or
21 personal beliefs exemption to immunization. A permanent medical exemption shall be
22 granted upon the filing of a written statement from a licensed physician to the effect that the
23 physical condition of the pupil or medical circumstances relating to the pupil are such that
24 immunization is permanently not indicated. A personal beliefs exemption for the pertussis
25 booster shall be granted upon the filing of a letter or affidavit from the pupil's parent or
26 guardian or adult who has assumed responsibility for his or her care and custody in the case
27 of minor, or the person seeking admission if an emancipated minor, that such pertussis

1 booster immunization is contrary to his or her beliefs; *or*

2

3

c) Documentation showing a pupil is temporarily exempt from immunization

4

5 for medical reasons. Pupils who are fully immunized against pertussis based on records
6 provided by the student's physician or agency performing the immunization, or who have
7 documented a permanent medical exemption or a personal belief exemption to immunization
8 against pertussis, shall be unconditionally admitted to grades 7 through 12. Pupils who have
9 a temporary medical exemption shall be admitted to grades 7 through 12 on condition that
10 the required immunization is obtained at the termination of the exemption. (Reimbursement
11 is not required to perform activities generally required to admit students since those activities
12 are not new. Reimbursement is limited to receiving and reviewing the above documents.)

12

(2) If it is determined that a pupil seeking admission lacks documentation that he or
13 she has been fully immunized against pertussis, and does not have a permanent medical
14 exemption or a personal belief exemption to the pertussis immunization, advise the pupil, or
15 the parent or guardian, to contact a physician or agency that provides immunizations.

16

(3) For any already admitted pupil found not to have received all immunizations for
17 pertussis which are required before admission or advancement to grades 7 through 12, or
18 who is found not to have complied with requirements for conditional admission, notify that
19 pupil's parents or guardians of the requirement to exclude the pupil from school if written
20 evidence of the required immunization for pertussis, or lawful exemption therefrom, is not
21 obtained within ten school days.

22

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

27

B. Beginning July 1, 2012, only for students entering the 7th grade:

28

1 (1) Receive and review the following documents for all pupils entering the 7th grade
2 to determine whether to unconditionally admit or conditionally admit the pupil:
3

4 a) A written record of the pertussis vaccination (Tdap booster) that contains
5 the name of the pupil, birth date of the pupil, the date of the pertussis vaccination, and the
6 name of the physician or agency administering the vaccine; or

7 b) Documentation showing a pupil's permanent medical exemption or
8 personal beliefs exemption to immunization. A permanent medical exemption shall be
9 granted upon the filing of a written statement from a licensed physician to the effect that the
10 physical condition of the pupil or medical circumstances relating to the pupil are such that
11 immunization is permanently not indicated. A personal beliefs exemption for the pertussis
12 booster shall be granted upon the filing of a letter or affidavit from the pupil's parent or
13 guardian or adult who has assumed responsibility for his or her care and custody in the case
14 of minor, or the person seeking admission if an emancipated minor, that such pertussis
15 booster immunization is contrary to his or her beliefs.

16 c) Documentation showing a pupil is temporarily exempted from
17 immunization for medical reasons. Pupils who are fully immunized against pertussis based
18 on records provided by the student's physician or agency performing the immunization, or
19 who have documented a permanent medical exemption or a personal belief exemption to
20 immunization against pertussis shall be unconditionally admitted to grade 7. Pupils who
21 have a temporary medical exemption shall be admitted to grade 7 on condition that the
22 required immunization is obtained at the termination of the exemption. (Reimbursement is
23 not required to perform activities generally required to admit students since those activities
24 are not new. Reimbursement is limited to receiving and reviewing the above documents.)

25 (2) If it is determined that a pupil seeking admission lacks documentation that he or
26 she has been fully immunized against pertussis, and does not have a permanent medical
27 exemption or a personal belief exemption to the pertussis immunization, advise the pupil, or
28

1 the parent or guardian, to contact a physician or agency that provides immunizations.

2 (3) For any already admitted pupil who is later found not to have complied with
3 requirements for conditional admission, notify that pupil's parents or guardians of the
4 requirement to exclude the pupil from school if written evidence of the required
5 immunization for pertussis, or lawful exemption therefrom, is not obtained within ten school
6 days.

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

12 **C. State Controller's Claiming Instructions**

13 On March 17, 2014, the Office of the State Controller issued claiming instructions for
14 the initial reimbursement claims to be filed by July 15, 2014. (Ex. C)

15 **III. REQUEST TO AMEND THE PARAMETERS AND GUIDELINES**

16 **A. Legal Authority**

17 The Commission has the authority to "after public notice and hearing, amend, modify,
18 or supplement the parameters and guidelines" upon the claim or request of a local agency,
19 school district, or state agency. (Gov. Code § 17557(d).) Desert Sands Unified School
20 District ("District") is a school district as defined by Government Code section 17519.

21 "In adopting parameters and guidelines, the commission may adopt a reasonable
22 reimbursement methodology." (Gov. Code §17557(b).) For purposes of the subdivision, the
23 request to amend parameters or guidelines may be filed to make any of the following
24 changes to parameters and guidelines, consistent with the Statement of Decision to include a
25 reasonable reimbursement methodology for all reimbursement activities. (Gov. Code §
26 17557(d).) Attached to this request is a Statistical Analysis of Pertussis Mandate Claims
27 Report describing the source data and the statistical analysis performed in calculating a

1 proposed unit rate. (Exhibit D)

2 **B. Parameters and Guidelines**

3 The parameters and guidelines adopted on December 6, 2013, included in part the
4 following:

5 **V. CLAIM PREPARATION AND SUBMISSION**

6 Each of the following cost elements must be identified for each reimbursable activity
7 identified in Section IV, Reimbursable Activities, of this document. Each claimed
8 reimbursable cost must be supported by source documentation as described in Section IV.

9 Additionally, each reimbursement claim must be filed in a timely manner.

10 **A. Direct Cost Reporting**

11 Direct costs are those costs incurred specifically for the reimbursable activities. The
12 following direct costs are eligible for reimbursement.

13 1. Salaries and Benefits

14 Report each employee implementing the reimbursable activities by name, job
15 classification, and productive hourly rate (total wages and related benefits divided by
16 productive hours). Describe the specific reimbursable activities performed and the hours
17 devoted to each reimbursable activity performed.

18 2. Materials and Supplies

19 Report the cost of materials and supplies that have been consumed or expended for
20 the purpose of the reimbursable activities. Purchases shall be claimed at the actual price
21 after deducting discounts, rebates, and allowances received by the claimant. Supplies that
22 are withdrawn from inventory shall be charged on an appropriate and recognized method of
23 costing, consistently applied.

24 3. Contracted Services

25 Report the name of the contractor and services performed to implement the
26 reimbursable activities. Attach a copy of the contract to the claim. If the contractor bills for
27

1 time and materials, report the number of hours spent on the activities and all costs charged. If
2 the contract is a fixed price, report the dates when services were performed and itemize all
3 costs for those services. If the contract services are also used for purposes other than the
4 reimbursable activities, only the pro-rata portion of the services used to implement the
5 reimbursable activities can be claimed. Submit contract consultant and attorney invoices with
6 the claim and a description of the contract scope of services.

7
8 4. Fixed Assets

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

14 B. Indirect Cost Rates

15 Indirect costs are costs that have been incurred for common or joint purposes. These
16 costs benefit more than one cost objective and cannot be readily identified with a particular
17 final cost objective without effort disproportionate to the results achieved. After direct costs
18 have been determined and assigned to other activities, as appropriate, indirect costs are those
19 remaining to be allocated to benefited cost objectives. A cost may not be allocated as an
20 indirect cost if any other cost incurred for the same purpose, in like circumstances, has been
21 claimed as a direct cost.

22 Indirect costs may include: (a) the indirect costs originating in each department or
23 agency of the governmental unit carrying out state mandated programs; and (b) the costs of
24 central governmental services distributed through the central service cost allocation plan and
25 not otherwise treated as direct costs. School districts must use the California Department of
26 Education approved indirect cost rate for the year that funds are expended.

27 VI. RECORD RETENTION

28 Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual

1 costs filed by a local agency or school district pursuant to this chapter is subject to the
2 initiation of an audit by the Controller no later than three years after the date that the actual
3 reimbursement claim is filed or last amended, whichever is later. However, if no funds are
4 appropriated or no payment is made to a claimant for the program for the fiscal year for
5 which the claim is filed, the time for the Controller to initiate an audit shall commence to run
6 from the date of initial payment of the claim. In any case, an audit shall be completed not
7 later than two years after the date that the audit is commenced. All documents used to
8 support the reimbursable activities, as described in Section IV, must be retained during the
9 period subject to audit. If an audit has been initiated by the Controller during the period
10 subject to audit, the retention period is extended until the ultimate resolution of any audit
11 findings.

12 **C. Request to Amend Parameters and Guidelines**

13 California Code of Regulations states:

14 All requests pursuant to Government Code § 17557 to amend parameters
15 and guidelines shall include the proposed language for the specific sections
16 of the existing parameters or guidelines that are to be changed, and include
a narrative explaining why the amendment is required. (CCR, Title 2, §
1183.17, (a))

17 A request to amend parameters and guidelines may be filed to make any of
18 the following changes to the parameters and guidelines:
19 Include a reasonable reimbursement methodology for all or some of the
20 reimbursable activities. (CCR § 1183.17, (a)(3))

21 Government Code section 17518.5(a) defines a reimbursement methodology (RRM)
22 as a formula for reimbursing local agencies and school districts for costs mandated by the
23 state as defined by Section 17514. Government Code section 17518.5(b) states “a reasonable
24 reimbursement methodology shall be based on cost information from a representative sample
25 of eligible claimants, information provided by association of local agencies and school
26 districts, or other projections of local costs.”
27

1 Government Code section 17518.5(d) states:

2 Whenever possible, a reasonable reimbursement methodology shall be
3 based on general allocation formulas, uniform cost allowances, and other
4 approximations of local costs mandated by the State, rather than detailed
5 documentation of actual local costs. ~~In cases where local agencies and~~
6 ~~school districts are required to incur costs to implement a mandate over a~~
7 ~~period of more than one fiscal year, the determination of a reasonable~~
8 ~~reimbursement methodology may consider local costs and state~~
9 ~~reimbursements over a period of greater than one fiscal year, but not~~
10 ~~exceeding ten years.~~

11 There is no legal distinction between the authority to adopt a reasonable
12 reimbursement methodology (“RRM”) and the authority to adopt a uniform cost allowance
13 or allocation formula, as provided for under the earlier statutes. A RRM may be based on a
14 broad range of criteria and information, and need not conform to any specific statutory
15 standards, other than balancing accuracy with simplicity, and considering variation in costs
16 among local government claimants in order to implement the mandate in a cost efficient
17 manner. Claimant has submitted documentation and argument which constitutes substantial
18 evidence to adopt an RRM for reimbursement of the mandated activities approved in the test
19 claim.

20 **C. Proposed Reasonable Reimbursement Methodology**

21 The Statistical Analysis of Pertussis Mandate Claims report presents the findings of
22 the statistical analysis of reimbursement claims submitted by school districts for the Pertussis
23 mandate contained in AB 354 (Chapter 434, Statutes of 2010). The analysis was conducted
24 to develop a recommended unit cost rate for claims made under the Reasonable
25 Reimbursement Methodology (RRM) provisions of state law. (Ex. D) The analysis was
26 based on unaudited claims data received from the State Controller’s Office for fiscal years
27 2011-12 and 2012-13, along with school district enrollment data (excluding charter schools)
28 from the State Department of Education. From these data sources, a per-student claim
29 amount was calculated for each district submitting claims during the two years.

1 Although statistical analyses was performed for both fiscal years, the discussion and
2 recommendations in the report are based on the findings for 2012-13, since the ongoing
3 portion of the mandate, which began in 2012-13, applies only to incoming 7th grade
4 students. In contrast, the 2011-12 claims were on a one-time basis, to all students entering
5 the 7th through 12th grades. (Ex. D-Appendix 1).

6 Thus, the 2012-13 claims are most directly relevant to future mandate claims under
7 the pertussis program the first year of the ongoing portion of the pertussis mandate. (For
8 2012-13 onward, the mandate applies only to 7th graders.) In 2012-13, claims filed by the
9 158 districts analyzed ranged from \$1 to over \$50 per student. However, over one-half of
10 the districts (covering nearly two-thirds of the students in districts submitting claims) were
11 clustered in a much tighter range of \$1 to \$10. The un-weighted average claim for all
12 districts was \$12.87 per student. The weighted average claim, taking into account the relative
13 number of 7th graders in each district, was \$9.64 per student. After eliminating outliers the
14 weighted average based on the remaining sample was \$9.17 per student. The median per-
15 district claim amount was \$8.88 per student.

16 It is recommended the Commission approve a unit cost rate of \$9.17 per eligible 7th
17 grade student. After adjusting for inflation, the unit cost rate for 2014-15 is \$9.47.

18 The proposed unit cost rates are derived from annual reimbursement claim cost data
19 pursuant to the Statement of Reimbursable activities in the parameters and guidelines that
20 were adopted by the Commission and are presumed to be the most cost efficient manner of
21 implementing the mandated activities for the program. The proposed uniform cost allowance
22 considers the variation in costs among the districts to implement the mandate in a cost
23 efficient manner because they are dependent on the number of students determined to be
24 immunized at each district. The number of students varies between districts and the level of
25 actual costs incurred is tied to the number of students. Thus, the proposed uniform cost
26 allowance meets all of the requirements for a reasonable reimbursement methodology that
27 balances accuracy with simplicity.

28 **D. Proposed Changes to the Parameters and Guidelines**

1 The District proposes the following changes to the language of the parameters and
2 guidelines in order to implement a reasonable reimbursement methodology.

3 **I. SUMMARY OF THE MANDATES**

4 No change.

5 **II. ELIGIBLE CLAIMANTS**

6 No change.

7 **III. PERIOD OF REIMBURSEMENT**

8 No change.

9 **IV. REIMBURSABLE ACTIVITIES**

10 No change.

11 **V. CLAIM PREPARATION AND SUBMISSION**

12 Replace existing language with the following:

13 **A. REASONABLE REIMBURSEMENT METHODOLOGY**

14 The Commission is adopting a reasonable reimbursement methodology to reimburse
15 claimants for all *direct* and *indirect* costs of the mandated activities for the immunization
16 records-pertussis program as authorized by Government Code section 17557(b) and
17 Government Code section 17518.5 in lieu of filing detailed documentation of actual costs.
18

19 1. Reasonable Reimbursement Methodology. The definition of Reimbursement
20 Methodology as stated in Government Code section 17518.5 is as follows:
21

22 2. Uniform Cost Allowance. The Reasonable Reimbursement Methodology for
23 the mandated activities shall consist of a uniform cost allowance calculated as follows.
24 Multiple the total number of students in grades seven by the relevant unit cost rate for the
25 fiscal year. The unit cost rate shall be adjusted each subsequent year by the Implicit Price
26
27

1 Deflector.

2 **VI. RECORD RETENTION**

3 No change.

4 **VII. OFFSETTING REVENUES AND REIMBURSEMENTS**

5 No change.

6 **VIII. STATE CONTROLS CLAIMING INSTRUCTIONS**

7 No change.

8 **IX. REMEDIES FOR THE COMMISSION**

9 No change.


10 **X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND**
11 **GUIDELINES**

12 No change.

13
14 **CERTIFICATION**

15
16 I declare, by my signature below, that the statements made in this document are true
17 and complete to the best of my own personal knowledge or information and belief.

18
19 Dated: April 1st, 2015

20 
21 James Novak
22 Assistant Superintendent of Business Services
23 Desert Sands Unified School District

24 Exhibit A: Immunization Records-Pertussis, 11-TC-02 Statement of Decision (adopted
25 July 26, 2013)

26 Exhibit B: Immunization Records-Pertussis, 11-TC-02 Parameters and Guidelines
(December 6, 2013)

27 Exhibit C: Office of the State Controller Claiming Instructions Immunization Records-
28 Pertussis (March 17, 2014)

1 Exhibit D: Statistical Analysis of Pertussis Mandate Claims (April 1, 2015)

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT A

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Health and Safety Code Sections 120325 and 120335, as amended and replaced by Statutes 2010, Chapter 434 (AB 354)

Filed on September 26, 2011

By the Twin Rivers Unified School District,
Claimant.

Case No.: 11-TC-02

Immunization Records - Pertussis

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

(Adopted July 26, 2013)

(Served August 5, 2013)

STATEMENT OF DECISION

The Commission on State Mandates (Commission) heard and decided this test claim during a regularly scheduled hearing on July 26, 2013. Mr. Arthur Palkowitz represented claimant, Twin Rivers Unified School District. Ms. Susan Geanacou and Ms. Laurie Carney appeared on behalf of the Department of Finance (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., and related case law.

The Commission adopted the revised final staff analysis and proposed statement of decision to partially approve the test claim at the hearing by a vote of 6 to 1.

Summary of the Findings

This test claim addresses a 2010 test claim statute that responded to a recent pertussis (whooping cough) epidemic in California.

The Commission approves this test claim with respect to Health and Safety Code section 120335(d), as added and replaced by the test claim statute. Section 120335(d) prohibits schools from admitting or advancing pupils to the 7th through 12th grade levels during the 2011-2012 fiscal year and, beginning in 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. Under prior law, immunization against pertussis was, and continues to be required prior to the *first* admission to school, typically in kindergarten.

The plain language of section 120335(d) prohibits schools from unconditionally admitting or advancing students unless they are properly immunized, and does not affirmatively identify any activities required to comply with the prohibition. However, an interpretation of the statute that finds schools are not required to act would improperly ignore the pupils' constitutional right to education and frustrate the manifest purpose of section 120335 and the statutory scheme of which it is a part. Section 120335 must be interpreted under the rules of statutory construction, which requires that the statute be construed and make sense in context with the entire statutory scheme. Using these rules, the Commission finds that school districts must receive documentary evidence of the pertussis immunization, as described below, in order to properly comply with the prohibition in section 120335(d) against admitting or advancing a student to the 7th through 12th grade levels, unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age.

The Commission concludes that Health and Safety Code section 120335(d), as added and replaced by Statutes 2010, chapter 434 imposes the following mandated activities on school districts:

- A. For fiscal year 2011-2012 only, and for students entering the 7th through 12th grade levels:
 - (1) Unconditionally admit students 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.
 - (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
 - (3) For any student found not to have received all immunizations for pertussis which are required before admission or advancement to grades 7 through 12, or who is found not to have complied with requirements for conditional admission, notify that student'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) Exclude from further attendance any pupil 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.
- B. Beginning July 1, 2012, for students entering the 7th grade:
 - (1) Unconditionally admit students 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.
 - (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption

to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.

- (3) For any student who is found not to have complied with requirements for conditional admission, notify that student'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) Exclude from further attendance any pupil 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.

The Commission also finds that these activities are new with respect to the pertussis immunization for pupils entering the 7th through 12th grade levels, and provide a service to the public in an effort to protect public health and safety, and, thus, impose a new program or higher level of service. In addition, evidence has been submitted supporting the finding that the claimant has incurred increased costs mandated by the state. Accordingly, the Commission finds that Health and Safety Code section 120335(d), as added and replaced by the 2010 test claim statute, imposes a reimbursable state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution.

All of other code sections pled and allegations made are denied. Health and Safety Code section 120325 is a statement of legislative intent, and does not require school districts to perform any activities. In addition, the Commission does not have jurisdiction to make mandate findings on California Code of Regulations, title 17, sections 6020, 6035, 6040, 6051, 6055, 6065, 6070, and 6075 (Register 2011, No. 26, eff. 6/30/11), which were adopted by the Department of Public Health to implement the 2010 test claim statute.

COMMISSION FINDINGS

I. Chronology

- | | |
|------------|--|
| 09/26/2011 | Claimant, Twin Rivers Unified School District, filed the test claim with the Commission. |
| 10/05/2011 | Commission staff deemed the filing complete. |
| 02/13/2013 | Commission staff issued the draft staff analysis and proposed statement of decision, setting the matter for the April 19, 2013 hearing. |
| 03/06/2013 | Claimant requested an extension of time to file comments and a postponement of the hearing. |
| 03/08/2013 | Claimant's request for an extension of time and postponement of hearing was granted and this matter was set for hearing on May 24, 2013. |
| 03/28/2013 | Claimant submitted written comments on the draft staff analysis. |
| 05/08/2013 | Commission staff issued the final staff analysis and proposed statement of decision. |
| 05/15/2013 | Claimant submitted late written comments on the draft staff analysis. |

- 05/24/2013 The Commission heard and continued this matter, directing staff to draft an alternative proposed statement of decision analyzing whether the prohibition in Health and Safety Code section 120335(d) imposes any state-mandated activities on school districts.
- 05/24/2013 Commission staff issued a notice continuing the hearing to July 26, 2013 and providing a June 11, 2013 deadline to file comments regarding whether the prohibition contained in section 120335(d) imposes a reimbursable state-mandated program.
- 06/27/2013 Claimant submitted late written comments regarding whether the prohibition contained in section 120335(d) imposes a reimbursable state-mandated program.

II. Background

A. Test Claim Statute

This test claim seeks reimbursement for costs incurred by the Twin Rivers Unified School District (claimant) for activities pertaining to immunization against pertussis (whooping cough) for adolescent students. Amendments of sections 120325 and 120335 were “needed to allow [the Department of Public Health] to require pertussis booster vaccines for students prior to the start of the seventh grade.”¹ Pertussis is a highly communicable disease that lasts for many weeks and can be fatal in infants. Children, adolescents, and adults alike become susceptible and can contract pertussis when immunity from infection by the vaccine wanes. Therefore, a booster shot against pertussis is recommended in early adolescence to reduce pertussis infection rates.² After the test claim statute was enacted, DPH adopted emergency regulations relating to pertussis vaccination and reported the following information in its statement of reasons:

California is in the midst of a pertussis epidemic. In 2010, there were 10 infant deaths and more than 9,000 cases of pertussis reported to the Department; the most cases reported in one year in California since 1947. The infants who died were too young to begin their immunizations and were most likely infected by adolescents and adults with pertussis disease. Routine childhood immunization against pertussis does not provide lasting immunity. The first pertussis-containing vaccines for adolescents and adults were licensed in 2005 as a combination tetanus toxoid, reduced diphtheria toxoid, and acellular pertussis vaccine (Tdap). Tdap vaccine is recommended by ACIP, AAP, and AAFP to protect adolescents and adults against pertussis. Based on recent survey data, many adolescents have not received a recommended pertussis booster. The 7th through 12th grade pupils are at highest risk of waning pertussis immunity and without intervention will continue to prolong the pertussis epidemic.³

¹ Exhibit 1E, Assembly Third Reading Bill Analysis, Assembly Bill 354, as amended April 28, 2009, p. 2.

² *Id.* at pp. 2-3.

³ Exhibit 1B, DPH Initial Statement of Reasons for “School Immunization Requirements: Grades 7 through 12” dated May 19, 2011, pages 2 and 3 (internal citations omitted).

i. Health and Safety Code Section 120325

Health and Safety Code section 120325 was originally enacted in 1977 and contains the Legislature’s statement of intent regarding Health and Safety Code sections 120325 through 120375. Section 120325 states that sections 120325 through 120375 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 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.⁴

The test claim statute did not alter the childhood diseases included in section 120325 or the Legislature’s statement of intent contained in section 120325. The code section was amended, however, to add the American Academy of Family Physicians to the list of entities whose recommendations the Department of Public Health must consider when determining whether to update the list of required vaccinations contained in sections 120325 through 120375.

ii. Health and Safety Code Section 120335

Health and Safety Code section 120335 incorporates the list of childhood diseases contained in section 120325 and prohibits school districts from admitting students unless they are fully immunized.⁵ The test claim statute did not alter the childhood diseases listed in section 120335. However, with respect to pertussis immunization, the test claim statute added subdivision (d) to section 120335, which prohibited school districts, during the period from July 1, 2011 until June 30, 2012, from admitting or advancing any student to the 7th through 12th grade levels unless the pupil was fully immunized, with appropriate boosters for the pupil’s age. Subdivision (d) states:

Commencing July 1, 2011, the governing authority shall not unconditionally admit or advance any pupil to the 7th through 12th grade levels, inclusive, of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil’s age.

⁴ Health and Safety Code section 120325(b)(c)(d).

⁵ Health and Safety Code section 120335(b).

Section 3 of the bill then replaced section 120335 with a new code section, effective July 1, 2012, to prohibit school districts from admitting or advancing any pupil to the 7th grade unless the pupil is fully immunized against pertussis, including all age appropriate boosters. Section 120335 (d), as of July 1, 2012, states:

The governing authority shall not unconditionally admit or advance any pupil to the 7th grade level of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age.

~~Claimant has alleged that Health and Safety Code sections 120325 and 120335 have caused it to incur reimbursable costs to notify parents of the pertussis vaccination requirements for students entering the 7th through 12th grades, train staff, , and review and keep immunization records.~~

B. Prior Law and Prior Related Test Claim Decisions

1. Prior Law

Under the law immediately prior to the enactment of the test claim statute, Health and Safety Code section 120335(b) prohibited the “governing authority”⁶ of schools from unconditionally admitting a pupil to “...any public or private elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center unless prior to his or her first admission to the institution he or she has been fully immunized.” In determining whether a student is fully immunized, section 120335(b) further required that the following diseases be documented: diphtheria, hepatitis B, haemophilus influenza type b, measles, mumps, pertussis, poliomyelitis, rubella, tetanus, and varicella.

The immunizing agents and age appropriate immunization requirements for each disease are specified by DPH, in consultation with the California Department of Education (CDE), pursuant to Health and Safety Code sections 120330 and 120335, and California Code of Regulations, title 17, sections 6020 *et seq.* (DPH regulations). These regulations lay out the process by which school districts are required to receive documentation that the student was fully immunized. Health and Safety Code section 120345 and section 6065 of the Title 17 regulations, for example, require that a written record be given to the person immunized by the physician or agency performing the immunization that includes the child's name, birthdate, type of vaccine administered, the date the vaccine was administered, and the name of the physician or agency administering the vaccine. Under existing regulations, school districts are also required to record each student's immunization information on a form supplied by DPH, which becomes part of each student's mandatory pupil record. Pursuant to Health and Safety Code section 120375 and section 6070 of the Title 17 regulations, each student's immunization record shall contain the child's name, birthdate, date of unconditional or conditional admission, type of vaccine administered, the date the vaccine was administered, date and type of exemption, if any.

⁶ Health and Safety Code section 120335(a) defines “governing authority” as “the governing board of each school district or the authority of each other private or public institution responsible for the operation and control of the institution or the principal or administrator of each school or institution.”

The immunizations required by Health and Safety Code sections 120325 et seq. may be obtained from any private or public source desired as long as the immunization is administered and records are made in accordance with regulations of DPH.⁷ In addition, pursuant to Health and Safety Code section 120365 and section 6051 of the Title 17 regulations, a parent or guardian may exercise the right to refuse required immunizations by asserting either a medical or personal belief exemption, which allows the student to be admitted unconditionally. A permanent medical exemption shall be granted upon the filing with the school 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.⁸ A personal beliefs exemption 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 a minor, or the person seeking admission if an emancipated minor, that such immunization is contrary to his or her beliefs.⁹

Any student who lacked documentation of all immunizations required by prior law, and did not have a permanent medical exemption or personal beliefs exemption to immunization, could be admitted *conditionally* under specified circumstances pursuant to section 6035 of the Title 17 regulations; for example if the student had a temporary medical exemption or was in the process of receiving doses of the required vaccines. However, schools are required to prohibit from further attendance any student admitted conditionally who fails to obtain the required immunizations within the 10 school days time limit set forth in the Title 17 regulations and is not otherwise exempted from immunization requirements.¹⁰ These requirements remain in the law.

2. Prior Test Claim SB 90-120: Immunization Records

Under test claim SB 90-120 regarding immunizations, Statutes of 1977, Chapter 1176, which added former Health and Safety Code section 3380, now renumbered as Health and Safety Code section 120325, required that persons under 18 years of age were immunized against poliomyelitis, measles, diphtheria, pertussis, and tetanus prior to unconditional first admission to a public or private elementary or secondary school, child care center, day nursery, nursery school, or development center. Regulations adopted to implement this act required school districts to maintain records of immunization of all school age children and to report periodically to the state on the immunization status of all new entrants into the schools. The Board of Control, as predecessor to the Commission, found that these requirements constituted a reimbursable state mandate, finding prior law did not require school districts to engage in record keeping, record review, parent notification, or reporting activities related to the specified pupil immunizations.

⁷ Health and Safety Code section 120345.

⁸ California Code of Regulations, title 17, section 6051(a); Health and Safety Code section 120370.

⁹ *Id.* at section 6051(b).

¹⁰ Health and Safety Code section 120375; California Code of Regulations, title 17, section 6055.

3. Prior Test Claim 98-TC-05: Immunization Records – Hepatitis B

A second test claim, 98-TC-05, regarding immunizations for Hepatitis B, sought reimbursement for costs incurred as a result of amendments to Health and Safety Code section 120335 and legislation amending other statutes and regulations adopted by DPH relating to monitoring, record keeping, reporting, and parent notification requirements, and enforcement of pupil immunization requirements for Hepatitis B.¹¹ The Commission found that, as amended, Health and Safety Code section 120335 and other related legislation and regulations imposed new requirements regarding immunizations for Hepatitis B, documentation and reporting of immunizations, mandatory pupil exclusion and parent notification requirements. The Commission found that these activities were not contained in prior law and thus constituted a new program or higher level of service and a reimbursable state mandate.

III. Position of Claimant and Interested Parties

A. Claimant's Position

Claimant alleges that the test claim statute constitutes a reimbursable state-mandated program or higher level of service within an existing program. Specifically, claimant requests reimbursement for the following activities, which it alleges must be done to comply with Health and Safety Code sections 120325 and 120335:

- (1) Informing parents/students of the immunization requirements regarding pertussis; developing procedures; training staff; obtaining, reviewing, and maintaining student immunization records; and contacting parents and legal guardians for non-compliance;
- (2) Periodically reporting to the state on the immunization status of all entrants into schools;
- (3) Requesting and reviewing lawful exemption or proof of immunization against pertussis from each pupil seeking admission to the school in the state for the first time;
- (4) Recording and maintaining in each pupil's permanent record the pupil's immunization or exemption from immunization against pertussis;
- (5) Requesting and reviewing lawful exemption or proof of immunization against pertussis from each pupil advancing to the seventh grade;
- (6) Periodically reviewing each pupil's immunization record until the pupil is fully immunized against pertussis;
- (7) Documenting vaccine doses on each pupil's immunization record as immunizations are administered;
- (8) Notifying parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunizations are not timely presented;

¹¹ Test claim 98-TC-05 arose from amendments and additions to Education Code section 48216, Health and Safety Code sections 120325, 120335, 120340, and 120375, and California Code of Regulations, Title 17 sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075.

- (9) Referring the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations;
- (10) Excluding pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification; and
- (11) Collecting data and preparing reports annually on immunization status for the Department of Health Services, and preparing follow-up or additional reports upon request by county health departments and the state.

In comments submitted in response to the draft staff analysis, claimant objected to the conclusion that the DPH regulations implementing the test claim statute were not properly pled. Although claimant's comments admit that the activities listed above are set forth in the DPH regulations rather than the test claim statute, claimant asserts that the Commission has jurisdiction over the DPH regulations because the test claim noted that the Commission previously issued a decision regarding test claim 98-TC-05, which addressed, among other things, prior versions of the DPH regulations. Claimant further argues that the Commission has jurisdiction over the DPH regulations because the test claim statute specifically stated that DPH is authorized to adopt emergency regulations implementing the test claim statute. Although claimant did not discuss this emergency authorization to adopt regulations in the test claim, claimant believes that including a copy of the test claim statute which includes this emergency authorization is sufficient to meet the Commission's pleading requirements. Claimant further argues that it was not required to specifically cite to any regulations which claimant intended to plead as part of a test claim, nor was it required to attach copies of such regulations to the test claim.

The claimant alternatively requests that its test claim be amended to include the DPH regulations (Cal. Code Regs., tit. 17, §§ 6020, 6035, 6040, 6051, 6055, 6065, 6070, and 6075; Register 2011, No. 26, eff. 6/30/11) as part of the claim. Pursuant to Government Code section 17554, the claimant further requests that the Commission waive any "procedural requirement" allowing the proposed amendment to be timely filed as part of the original test claim filing.¹²

Claimant alleges that the activities listed above caused the claimant to incur \$25,000 in costs during the 2011-2012 fiscal year and will cause the claimant to incur \$25,000 in costs for each year thereafter. Claimant also alleges that the statewide cost estimate to all affected school districts to implement the test claim statutes will be \$6,000,000 per year.

B. Position of State Agencies and Interested Parties

No comments have been submitted on this matter by any state agencies or interested parties. Finance supports a decision denying the test claim on the ground that the test claim statute does not impose a state-mandated program on school districts and that the Commission does not have

¹² Government Code section 17554 states: "With the agreement of all parties to the claim, the commission may waive the application of any procedural requirement imposed by this chapter or pursuant to section 17553. The authority granted by this section includes the consolidation of claims and the shortening of time periods."

jurisdiction to make findings on the Title 17 regulations adopted by the Department of Public Health in 2011 to implement the test claim statute.¹³

IV. Discussion

Article XIII B, section 6 of the California Constitution provides in relevant part the following:

Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such programs or increased level of service, except that the Legislature *may, but need not*, provide a subvention of funds for the following mandates:

- (1) Legislative mandates requested by the local agency affected.
- (2) Legislation defining a new crime or changing an existing definition of a crime.
- (3) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975.

The purpose of article XIII B, section 6 is to “preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are ‘ill equipped’ to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose.”¹⁴ Thus, the subvention requirement of section 6 is “directed to state-mandated increases in the services provided by [local government] ...”¹⁵

Reimbursement under article XIII B, section 6 is required when the following elements are met:

1. A state statute or executive order requires or “mandates” local agencies or school districts to perform an activity.¹⁶
2. The mandated activity either:
 - a. Carries out the governmental function of providing a service to the public; or
 - b. Imposes unique requirements on local agencies or school districts and does not apply generally to all residents and entities in the state.¹⁷
3. The mandated activity is new when compared with the legal requirements in effect immediately before the enactment of the test claim statute or executive order and it increases the level of service provided to the public.¹⁸

¹³ Hearing before the Commission on State Mandates, Reporter's Transcript of Proceedings, May 24, 2013, page 52, testimony of Susan Geanacou, Department of Finance.

¹⁴ *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.

¹⁵ *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

¹⁶ *San Diego Unified School Dist. v. Commission on State Mandates (San Diego Unified School Dist.)* (2004) 33 Cal.4th 859, 874.

¹⁷ *Id.* at 874-875 (reaffirming the test set out in *County of Los Angeles, supra*, 43 Cal.3d 46, 56.)

4. The mandated activity results in the local agency or school district incurring increased costs, within the meaning of section 17514. Increased costs, however, are not reimbursable if an exception identified in Government Code section 17556 applies to the activity.¹⁹

The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law.²⁰ The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6.²¹ In making its decisions, the Commission must strictly construe article XIII B, section 6, and not apply it as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”²²

A. The Commission Does Not Have Jurisdiction to Determine if the Title 17 Regulations Adopted by DPH to Implement the 2010 Test Claim Statute Require Reimbursement under Article XIII B, Section 6.

As noted in legislative history of the 2010 test claim statute, the activities identified by the claimant are addressed by DPH regulations that exist to implement and interpret Health and Safety Code sections 120325 through 120375. In 2011, DPH adopted emergency regulations implementing the test claim statute at issue here.²³ These regulations became effective on June 30, 2011, three months before the filing of this test claim, but have not been pled by the claimant.

The Commission does not have jurisdiction to determine if statutes and executive orders require reimbursement under the Constitution unless those statutes or executive orders are pled in a test claim. Government Code section 17521 defines test claim to mean “the first claim filed with the commission alleging that *a particular statute or executive order* imposes costs mandated by the state...” An executive order is defined to include regulations.²⁴ Government Code section 17553(b)(1) further requires that all test claims contain at least “a written narrative that *identifies the specific sections of statutes or executive orders* and the effective date *and register number of regulations* alleged to contain a mandate...” In addition, the statutes and executive orders pled for any given test claim are required to be listed in box 4 of the test claim form and are then

¹⁸ *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 874-875, 878; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835.

¹⁹ *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (Cal. Ct. App. 1st Dist. 2000) 84 Cal.App.4th 1265, 1284; Government Code sections 17514 and 17556.

²⁰ *County of San Diego*, *supra*, 15 Cal.4th 68, 109.

²¹ *Kinlaw v. State of California* (1991) 53 Cal.3d 482, 487.

²² *County of Sonoma*, *supra*, 84 Cal.App.4th 1265, 1280 [citing *City of San Jose*, *supra*].

²³ California Code of Regulations, Title 17 sections 6020, 6035, 6040, 6051, 6055, 6065, 6070, and 6075. (Register 2011, No. 26, eff. 6/30/11). (See also, DPH’s Initial Statement of Reasons, dated May 19, 2011.)

²⁴ Government Code section 17516.

included in the caption on page one of the Notice of Complete Test Claim Filing, draft staff analysis, final staff analysis and Statement of Decision, as well as on the notice and agenda. Statutes and executive orders not included in box 4 are not pled.²⁵ The DPH regulations are not included in box 4 and are not discussed in the written narrative of the test claim. Although claimant cites to prior test claims to support reimbursement for the regulations at issue here, prior Commission decisions are not controlling and did not include findings on the 2011 regulations at issue here. In addition, unlike this claim, the prior test claim on *Hepatitis B* (98-TC-05) properly pled the regulations that implemented the school immunization program for hepatitis B.

In addition, the claimant can no longer amend the test claim to add the DPH regulations.

Pursuant to Government Code section 17557(e), a test claim may not be amended once it has been set for hearing and this matter was set for hearing when the draft analysis was issued on February 13, 2013.²⁶ Moreover, the DPH regulations at issue became effective on June 30, 2011, more than 12 months from the date of the claimant's March 28, 2013 comments on the draft analysis that requested the amendment. Allowing claimant to add the DPH regulations to the test claim now would improperly allow claimant to circumvent the 1-year statute of limitations for filing test claims.²⁷ These time limits in the Government Code establish the Commission's jurisdiction over test claim amendments, which cannot be waived by an agreement of the parties as suggested by the claimant. Government Code section 17554 allows all parties to a claim to waive *procedural* requirements, including procedural requirements relating to consolidating existing claims or for shortening time periods established in the law. However, section 17554 cannot be used to waive *jurisdictional* requirements.²⁸

Based on the foregoing, the Commission finds that it does not have jurisdiction to determine whether the DPH regulations require reimbursement under article XIII B, section 6.

B. Health and Safety Code Section 120325 Does Not Impose any State-Mandated Activities on School Districts.

Health and Safety Code section 120325 contains the Legislative intent with respect to childhood immunizations. The claimant pled section 120325 in its test claim and appears to suggest, although not directly, that section 120325 directs school districts to engage in a reimbursable

²⁵ Sections 1183, subdivision (d) and 1183.02, subdivision (c) of the Commission's regulations; and, Commission on State Mandates Test Claim Form adopted pursuant to Government Code section 17553, box 4.

²⁶ Government Code section 17557(e) states: "A test claim shall be submitted on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year. The claimant may thereafter amend the test claim at any time, but before the test claim is set for a hearing, without affecting the original filing date as long as the amendment substantially relates to the original test claim."

²⁷ Government Code section 17551(c); California Code of Regulations, title 2, section 1183(c) [which requires "any test claim or amendment filed with the commission must be filed not later than 12 months following the effective date of a statute or executive order"].

²⁸ *Harrington v. Superior Court* (1924) 194 Cal. 185, 188; *Western States Petroleum Ass'n v. Department of Health Services* (2002) 99 Cal.App.4th 999, 1006.

state-mandated program or higher level of service relating to immunization against pertussis.²⁹ However, claimant's written narrative and supporting declaration of Robert Roach, Mandate Analyst for the claimant, fail to specify what, if anything, section 120325 directs school districts to do.

The Commission finds that the plain language of section 120325 does not impose any specific activities on schools regarding immunizations against pertussis. Accordingly, Health and Safety Code section 120325, as amended by Statutes 2010, chapter 434, does not impose a state-mandated program on school districts within the meaning of article XIII B, section 6

C. Health and Safety Code Section 120335 Imposes a Reimbursable State-Mandated Program on School Districts

In 2010, the test claim statute added subdivision (d) to section 120335 for fiscal year 2011-2012 to state the following:

Commencing July 1, 2011, the governing authority shall not unconditionally admit or advance any pupil to the 7th through 12th grade levels, inclusive, of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age. [Emphasis added.]

Statutes of 2010, Chapter 434, section 3 then repealed and replaced section 120335(d) with a new section 120335(d), which became operative July 1, 2012 and which states the following:

The governing authority shall not unconditionally admit or advance any pupil to the 7th grade level of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age. [Emphasis added.]

The claimant contends that section 120335(d) requires school districts to perform a number of tasks including the following:

- (1) Informing parents/students of the immunization requirements regarding pertussis; developing procedures; training staff; obtaining, reviewing, and maintaining student immunization records; and contacting parents and legal guardians for non-compliance;
- (2) Periodically reporting to the state on the immunization status of all entrants into schools;
- (3) Requesting and reviewing lawful exemption or proof of immunization against pertussis from each pupil seeking admission to the school in the state for the first time;
- (4) Recording and maintaining in each pupil's permanent record the pupil's immunization or exemption from immunization against pertussis;

²⁹ Exhibit 1A, test claim, dated September 26, 2011, section 4 ("TEST CLAIM STATUTES OR EXECUTIVE ORDERS CITED"), p. 1, and section 5, p. 6.

- (5) Requesting and reviewing lawful exemption or proof of immunization against pertussis from each pupil advancing to the seventh grade;
- (6) Periodically reviewing each pupil's immunization record until the pupil is fully immunized against pertussis;
- (7) Documenting vaccine doses on each pupil's immunization record as immunizations are administered;
- (8) Notifying parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunizations are not timely presented;

- (9) Referring the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations;
- (10) Excluding pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification; and
- (11) Collecting data and preparing reports annually on immunization status for the Department of Health Services, and preparing follow-up or additional reports upon request by county health departments and the state.

The plain language of section 120335(d) prohibits schools from unconditionally admitting or advancing students unless they are properly immunized, and does not affirmatively identify any activities required to comply with the prohibition. However, an interpretation of the statute that finds schools are not required to act would improperly ignore the pupils' constitutional right to education and frustrate the manifest purpose of section 120335 and the statutory scheme of which it is a part. Section 120335 must be interpreted under the rules of statutory construction. Under these rules, the meaning of a statute may not be determined from a single word or sentence. The words must be construed in context, keeping in mind the nature and obvious purpose of the statute where they appear so as to make sense of the entire statutory scheme.³⁰ In addition, the courts presume that every word, phrase, and provision of a statute was intended to have meaning and perform a useful function.³¹ Using these rules the Commission finds that Health and Safety Code section 120335(d), as added and replaced in 2010, imposes state-mandated duties on school districts.

In California, the right to public education for all pupils is a fundamental right fully protected by the California Constitution.³² The Education Code requires compulsory education, whereby all children between the ages of six and eighteen are required to be enrolled and attend full-time day school or continuation school or classes in the district where the parent or guardian resides for the full length of the school day established by law.³³ Thus, under these provisions, school districts are required to admit all students residing in their district.

³⁰ *Molenda v. Department of Motor Vehicles* (2009) 172 Cal.App.4th 974, 992.

³¹ *Clements v. T.R. Bechtel Co.* (1954) 43 Cal.2d 227, 233.

³² California Constitution, article IX, section 5; *Serrano v. Priest* (1971) 5 Cal.3d 889, 604-610.

³³ Education Code section 48200.

For public health and safety purposes, Health and Safety Code section 120335 was originally enacted in 1977 to provide an exception to the unconditional admission of a student who is not fully immunized against the list of childhood diseases identified.³⁴ As originally enacted, subdivision (b) provided that the governing authority of a school “shall not unconditionally admit any person as a pupil” to the school unless, prior to the pupil’s first admission to that school [typically in kindergarten], the pupil was fully immunized from the list of diseases and “for which immunization shall be documented.” Thus, prior law, in subdivision (b), requires immunization documentation for the school to initially admit the student.

Subdivision (d), relating to the pertussis immunization for students enrolling or advancing into the 7th through 12th grades, was added in 2010 to address a pertussis epidemic. As described in the background, it was believed that pupils in the 7th through 12th grades were at the highest risk of waning pertussis immunity and without intervention, would continue to prolong the epidemic. Subdivision (d) as amended by test claim statute, provides that the school “shall not unconditionally admit or advance any pupil [in these grades]. . . unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil’s age.” Subdivision (d), however, does not expressly require school districts to receive documentation showing that the pupil received all appropriate pertussis immunizations. Nevertheless, when read in the context of the statutory scheme, the Legislature enacted the 2010 test claim statute intending to require that documentation be presented to the school for all required immunizations, including the pertussis immunization required before a pupil’s advancement to grades 7 through 12.

Health and Safety Code section 120355 provides that “any person or organization administering immunizations shall furnish each person immunized, or his or her parent or guardian, with a *written record of immunization* given in a form prescribed by the department.” Several other code sections, which also are part of the statutory scheme on immunizations, cross reference and affect the meaning and implementation of section 120355. Section 120340 states 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.” Health and Safety Code section 120365 also incorporates section 120335 by reference to address exemptions to the immunization requirements based on a letter or affidavit filed with the school. That statute addresses the personal belief exemption and states in relevant part the following:

Immunization of a person shall not be required for admission to a school or other institution listed in Section 120355 if the parent or guardian or adult who has assumed responsibility for his or her care and custody in the case of a minor, or the person seeking admission if an emancipated minor, *files with the governing authority a letter or affidavit stating that the immunization is contrary to his or her beliefs. . . .*

³⁴ Health and Safety Code section 120335 derives from former section 3381, added by Statutes 1977, chapter 1176.

Section 120370 refers to a physical or medical exemption and provides that “if the parent or guardian files with the governing authority a *written statement* by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe, ... that person shall be exempt from the requirements of Chapter 1, (commencing with Section 120325. . .”

Health and Safety Code section 120375 then requires, in pertinent part, that the governing authority or each school “shall require documentary proof of each entrant’s immunization status,” and that “the immunization record of each new entrant admitted conditionally shall be reviewed periodically by the governing authority to ensure that within the time periods designated by regulation of the department he or she has been fully immunized against all diseases listed in Section 120335, and immunization received subsequent to entry shall be added to the pupil’s immunization record.”

These statutes refer to documents, records, statements, letters and affidavits filed with the district with respect to a student’s immunization records. Sections 120340, 120355, 120365, 120370, and 120375 were enacted in 1995, and incorporated section 120335 by reference at the time when immunizations were required when a pupil first enrolled in school. However, the statutory scheme can be interpreted based on changes made by the 2010 test claim statute and as the statute currently reads. Under the rules of statutory construction, laws referred to in a statute that have been amended over time, may be interpreted in their contemporary form as long as there is no time restriction or limitation provided in the original statutes.³⁵ Thus, in this case, it may be presumed that the Legislature, when it enacted the test claim statute, intended school districts to receive and review all immunization records of a pupil, including those records relating to the pertussis immunization, or letters or affidavits in support of an exemption from the immunization requirements. When read with the statutory scheme, school districts must receive documentary evidence of the pertussis immunization in order to properly comply with the prohibition in section 120335(d) from admitting or advancing a student to the 7th through 12th grade levels, unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil’s age. This interpretation is consistent with the regulations adopted by DPH in 2011.³⁶

As noted above, these regulations have not been pled by the claimant and the Commission does not have jurisdiction to make mandate findings on these regulations. However, the regulations may properly be considered as DPH’s interpretation of what is required by section 120335 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.³⁷

³⁵ *In re Jovan B.* (1993) 6 Cal.4th 801, 816.

³⁶ California Code of Regulations, Title 17 sections 6020, 6035, 6040, 6051, 6055, 6065, 6070, and 6075. (Register 2011, No. 26, eff. 6/30/11). (See also, DPH’s Initial Statement of Reasons, dated May 19, 2011.)

³⁷ *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.

In particular, the portion of the regulations addressing the documentary evidence required is relevant to the issue of what is required to comply with the statutory prohibition against admitting or advancing unimmunized students. Under the regulations, a written record is required to be given to the person immunized by the physician or agency performing the immunization that includes the child's name, birthdate, type of vaccine administered, the date the vaccine was administered, and the name of the physician or agency administering the vaccine pursuant to Title 17, section 6065. Section 6070 of the Title 17 regulations requires school districts to record each student's immunization information on a form supplied by DPH, which becomes part of each student's mandatory pupil record. Each student's immunization record shall contain the child's name, birthdate, date of unconditional or conditional admission, type of vaccine administered, the date the vaccine was administered, date and type of exemption, if any. In addition, pursuant to section 6051 of the Title 17 regulations, a parent or guardian may exercise the right to refuse required immunizations by asserting either a medical or personal belief exemption, which allows the student to be admitted unconditionally. A permanent medical exemption shall be granted upon the filing with the school 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.³⁸ A personal beliefs exemption 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 a minor, or the person seeking admission if an emancipated minor, that such immunization is contrary to his or her beliefs.³⁹ Any student who lacks documentation of all immunizations required by law, including the pertussis immunization and boosters, and does not have a permanent medical or personal beliefs exemption to the immunization, can be admitted *conditionally* under specified circumstances pursuant to section 6035 of the Title 17 regulations; for example if the student had a temporary medical exemption or was in the process of receiving doses of the required vaccine. However, schools are required to prohibit from further attendance any student admitted conditionally who fails to obtain the required immunizations within the 10 school days time limit set forth in the Title 17 regulations and is not otherwise exempted from immunization requirements, after notice to the parent or guardian.⁴⁰

Based on the above analysis, the Commission finds that Health and Safety Code section 120335(d), as added and replaced by the 2010 test claim statute, imposes a state-mandated program on school districts within the meaning of article XIII B, section 6 as follows.

- A. For fiscal year 2011-2012, only for students entering the 7th through 12th grades:
 - (1) Unconditionally admit students who are fully immunized against pertussis based on records provided by the student's physician or agency performing the immunization,

³⁸ California Code of Regulations, title 17, section 6051(a).

³⁹ California Code of Regulations, title 17, section 6051(b).

⁴⁰ California Code of Regulations, title 17, sections 6040 and 6055. The due process clause of the U.S. and California Constitutions also require that notice be provided before a child is denied a fundamental right, including the right to receive a public education. (*Abella v. Riverside Unified School Dist.* (1976) 65 Cal.App.3d 153, 168-169.)

or who have documented a permanent medical exemption or a personal belief exemption to immunization against pertussis.

- (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
- (3) For any student found not to have received all immunizations for pertussis which are required before admission or advancement to grades 7 through 12, or who is found not to have complied with requirements for conditional admission, notify that student'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) Exclude from further attendance any pupil 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.

B. Beginning July 1, 2012, only for students entering the 7th grade:

- (1) Unconditionally admit students 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.
- (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
- (3) For any student who is found not to have complied with requirements for conditional admission, notify that student'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) Exclude from further attendance any pupil 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.

These requirements are new and provide a service to the public by protecting the health and safety of the public and the students attending California schools. Thus, the requirements of Health and Safety Code section 120335(d), as added and replaced in 2010, constitute a new program or higher level of service within the meaning of article XIII B, section 6.

The Commission also finds that the test claim statute imposes costs mandated by the state. Government Code section 17514 defines costs mandated by the state as "any increased cost which a local agency or school district is required to incur after July 1, 1980, as a result of a

statute...which mandates a new program or higher level of service...” Government Code section 17564 requires that reimbursement claims must exceed \$1,000 to be eligible for reimbursement.

Claimant filed a declaration from Robert Roach, Mandated Cost Analyst for the Twin Rivers School District, asserting that claimant has incurred increased costs in connection with the test claim statute. Claimant estimates costs of “approximately \$25,000” during the 2011-2012 school year to implement all duties that claimant alleges are mandated by the state and \$25,000 in costs for each year thereafter.

Government Code section 17556(e) provides that the Commission shall not find costs mandated by the state if the statute, executive order, or an appropriation in a Budget Act or other bill that includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate. Here, there is no evidence that any funds, in an amount sufficient to cover the costs of the mandated activities, have been specifically appropriated for the cost of the state-mandated activities found in this test claim.

Based on the above discussion, the Commission finds that Health and Safety Code section 120335(d), as added and replaced in 2010, imposes a reimbursable state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code sections 17514.

V. Conclusion

Based on the foregoing, the Commission concludes that Health and Safety Code section 120335(d), as added and replaced by Statutes 2010, chapter 434 imposes 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 as follows.

- A. For fiscal year 2011-2012, only for students entering the 7th through 12th grades:
 - (1) Unconditionally admit students 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.
 - (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
 - (3) For any student found not to have received all immunizations for pertussis which are required before admission or advancement to grades 7 through 12, or who is found not to have complied with requirements for conditional admission, notify that student’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) Exclude from further attendance any pupil 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.

B. Beginning July 1, 2012, only for students entering the 7th grade:

- (1) Unconditionally admit students 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.
- (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
- (3) For any student who is found not to have complied with requirements for conditional admission, notify that student'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) Exclude from further attendance any pupil 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.

All other code sections pled and allegations made do not result in a reimbursable state-mandated program and are, therefore, denied.

COMMISSION ON STATE MANDATES

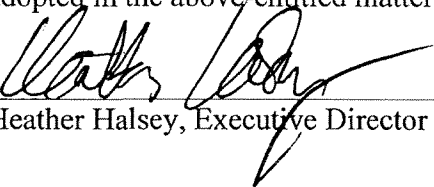
980 NINTH STREET, SUITE 300
SACRAMENTO, CA 95814
PHONE: (916) 323-3562
FAX: (916) 445-0278
E-mail: csminfo@csm.ca.gov



RE: Adopted Statement of Decision

Immunization Records - Pertussis, 11-TC-02
Health & Safety Code Sections 120325 and 120335
Statutes 2010, Chapter 434 (AB 354)
Twin Rivers Unified School District, Claimant

On July 26, 2013, the foregoing statement of decision of the Commission on State Mandates was adopted in the above-entitled matter.



Heather Halsey, Executive Director

Dated: August 5, 2013

EXHIBIT B

PARAMETERS AND GUIDELINES

Health and Safety Code Section 120335

Statutes 2010, Chapter 434 (AB 354)

Immunization Records – Pertussis

11-TC-02

Period of reimbursement begins July 1, 2011

I. SUMMARY OF THE MANDATE

On July 26, 2013, the Commission on State Mandates (Commission) adopted a statement of decision finding that 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 within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission approved this test claim for the following reimbursable activities:

- A. For fiscal year 2011-2012, only for students entering the 7th through 12th grades:
- (1) Unconditionally admit students 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.
 - (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
 - (3) For any student found not to have received all immunizations for pertussis which are required before admission or advancement to grades 7 through 12, or who is found not to have complied with requirements for conditional admission, notify that student'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) Exclude from further attendance any pupil 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.
- B. Beginning July 1, 2012, only for students entering the 7th grade:
- (1) Unconditionally admit students 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.

- (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
- (3) For any student who is found not to have complied with requirements for conditional admission, notify that student'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) Exclude from further attendance any pupil 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.

The Commission also found that these provisions require school districts to receive and review the pertussis immunization records of a pupil, or letters or affidavits in support of an exemption from the immunization requirements.

II. ELIGIBLE CLAIMANTS

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

III. PERIOD OF REIMBURSEMENT

Government Code section 17557(e), states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimant, Twin Rivers Unified School District, filed the test claim on September 26, 2011, establishing eligibility for reimbursement for the 2010-2011 fiscal year. However, Health and Safety Code section 120335(d) did not become operative until July 1, 2011. Therefore, costs incurred for the activities in these parameters and guidelines are eligible for reimbursement beginning July 1, 2011.

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

1. Actual costs for one fiscal year shall be included in each claim.
2. 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.
3. 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 actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a school district filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Government Code section 17560(b).)
5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).

6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable to and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

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

The claimant 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 that incurs increased costs, the following activities are reimbursable:

A. For fiscal year 2011-2012 only, for students entering the 7th through 12th grades:

- (1) Receive and review the following documents for all pupils entering the 7th through 12th grades 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; *or*
 - 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 grades 7 through 12. Pupils who have a temporary medical exemption shall be admitted to grades 7 through 12 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 found not to have received all immunizations for pertussis which are required before admission or advancement to grades 7 through 12, or who is 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.

B. Beginning July 1, 2012, only 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; (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.¹

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

¹ Test Claim Statement of Decision, at pp. 11-12.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. Attach a copy of the contract to the claim. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the dates when services were performed and itemize all costs for those services. 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.

B. Indirect Cost Rates

Indirect costs are costs that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort 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.

School districts must use the California Department of Education 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 chapter² 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. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUES AND REIMBURSEMENTS

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.

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 test claim decision 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(d), and California Code of Regulations, title 2, section 1183.2.

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

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The statements of decision adopted for the test claim and parameters and guidelines 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.

EXHIBIT C

OFFICE OF THE STATE CONTROLLER
STATE MANDATED COSTS CLAIMING INSTRUCTIONS NO. 2014-02
IMMUNIZATION RECORDS - PERTUSSIS

MARCH 17, 2014

In accordance with Government Code (GC) sections 17560 and 17561, eligible claimants may submit claims to the State Controller's Office (SCO) for reimbursement of costs incurred for state-mandated cost programs. This document contains claiming instructions and forms that eligible claimants must use for filing claims for the Immunization Records – Pertussis (IRP) program. The Parameters and Guidelines (P's & G's) are included as an integral part of the claiming instructions.

On July 26, 2013 the Commission on State Mandates (Commission) adopted a Statement of Decision finding that the test claim regulations impose a partially reimbursable state-mandated program upon school districts within the meaning of Article XIII B, section 6 of the California Constitution and GC section 17514.

Exception

There will be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

Eligible Claimants

With the exception of community colleges, any school district, as defined in GC section 17519, that incurs increased costs as a result of this mandate is eligible to claim for reimbursement. Charter schools are not eligible to claim reimbursement.

Reimbursement Claim Deadline

Initial reimbursement claims must be filed within 120 days from the issuance date of the claiming instructions. Costs incurred for compliance with this mandate are reimbursable for fiscal years **2011-12** through **2012-13** and must be filed with the SCO by **July 15, 2014**. **Claims filed more than one year after the filing date will not be accepted.**

Penalty

- **Initial Claims**

When filed within one year of the initial filing deadline, claims are assessed a late penalty of 10% of the total amount of the initial claim without limitation pursuant to GC section 17561, subdivision (d)(3).

- **Annual Reimbursement Claim**

When filed within one year of the annual filing deadline, claims are assessed a late penalty of 10% of the claim amount; \$10,000 maximum penalty, pursuant to GC section 17568.

Minimum Claim Cost

GC section 17564, subdivision (a), provides that no claim may be filed pursuant to Sections 17551 and 17561, unless such a claim exceeds one thousand dollars (**\$1,000**), provided that a county superintendent of schools may submit a combined claim on behalf of school districts within their county if the combined claim exceeds **\$1,000**, even if the individual school district's claim does not each exceed **\$1,000**. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement will be allowed except as otherwise allowed by GC section 17564. The county superintendent of schools will determine if the submission of the combined claim is economically feasible and be responsible for disbursing the funds to each school district. These combined claims may be filed only when the county superintendent of schools is the fiscal agent for the districts. A combined claim must show the individual claim costs for each eligible school district. All subsequent claims based upon the same mandate will only be filed in the combined form unless a school district provides a written notice of its intent to file a separate claim to the county superintendent of schools and to the SCO at least 180 days prior to the deadline for filing the claim.

Reimbursement of Claims

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. These 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 created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating: "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5.

Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, these documents cannot be substituted for source documents.

Audit of Costs

All claims submitted to the SCO are subject to review to determine if costs are related to the mandate, are reasonable and not excessive, and if the claim was prepared in accordance with the SCO's claiming instructions and the P's & G's adopted by the CSM. If any adjustments are made to a claim, the claimant will be notified of the amount adjusted, and the reason for the adjustment.

On-site audits will be conducted by the SCO as deemed necessary. Pursuant to GC section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a claimant is subject to audit by the SCO no later than three years after the date the actual reimbursement claim was filed or last amended, whichever is later. However, if no funds were appropriated or no payment was

made to a claimant for the program for the fiscal year for which the claim was filed, the time for the SCO to initiate an audit will commence to run from the date of initial payment of the claim.

All documents used to support the reimbursable activities must be retained during the period subject to audit. If an audit has been initiated by the SCO during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings. Supporting documents must be made available to the SCO on request.

Record Retention

All documentation to support actual costs claimed must be retained for a period of three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated or no payment was made at the time the claim was filed, the time for the Controller to initiate an audit will be from the date of initial payment of the claim. Therefore, all documentation to support actual costs claimed must be retained for the same period, and must be made available to the SCO on request.

Claim Submission

Submit a signed original Form FAM-27 and one copy with required documents. **Please sign the Form FAM-27 in blue ink and attach the copy to the top of the claim package.**

Mandated costs claiming instructions and forms are available online at the SCO's website: www.sco.ca.gov/ard_mancost.html.

Use the following mailing addresses:

If delivered by
U.S. Postal Service:

Office of the State Controller
Attn: Local Reimbursements Section
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250

If delivered by
other delivery services:

Office of the State Controller
Attn: Local Reimbursements Section
Division of Accounting and Reporting
3301 C Street, Suite 700
Sacramento, CA 95816

If you have any questions, you may e-mail LRS DAR@sco.ca.gov or call the Local Reimbursements Section at (916) 324-5729.

PARAMETERS AND GUIDELINES

Health and Safety Code Section 120335

Statutes 2010, Chapter 434 (AB 354)

Immunization Records – Pertussis

11-TC-02

Period of reimbursement begins July 1, 2011

I. SUMMARY OF THE MANDATE

On July 26, 2013, the Commission on State Mandates (Commission) adopted a statement of decision finding that 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 within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission approved this test claim for the following reimbursable activities:

- A. For fiscal year 2011-2012, only for students entering the 7th through 12th grades:
 - (1) Unconditionally admit students 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.
 - (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
 - (3) For any student found not to have received all immunizations for pertussis which are required before admission or advancement to grades 7 through 12, or who is found not to have complied with requirements for conditional admission, notify that student'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) Exclude from further attendance any pupil 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.
- B. Beginning July 1, 2012, only for students entering the 7th grade:
 - (1) Unconditionally admit students 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.

- (2) Conditionally admit students that have not been fully immunized against pertussis and have not obtained a permanent medical exemption or a personal belief exemption to immunization if that pupil has a temporary medical exemption or is in the process of receiving doses of the required vaccines.
- (3) For any student who is found not to have complied with requirements for conditional admission, notify that student'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) Exclude from further attendance any pupil 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.

The Commission also found that these provisions require school districts to receive and review the pertussis immunization records of a pupil, or letters or affidavits in support of an exemption from the immunization requirements.

II. ELIGIBLE CLAIMANTS

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

III. PERIOD OF REIMBURSEMENT

Government Code section 17557(e), states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimant, Twin Rivers Unified School District, filed the test claim on September 26, 2011, establishing eligibility for reimbursement for the 2010-2011 fiscal year. However, Health and Safety Code section 120335(d) did not become operative until July 1, 2011. Therefore, costs incurred for the activities in these parameters and guidelines are eligible for reimbursement beginning July 1, 2011.

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

1. Actual costs for one fiscal year shall be included in each claim.
2. 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.
3. 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 actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a school district filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Government Code section 17560(b).)
5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).

6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable to and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

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

The claimant 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 that incurs increased costs, the following activities are reimbursable:

- A. For fiscal year 2011-2012 only, for students entering the 7th through 12th grades:
 - (1) Receive and review the following documents for all pupils entering the 7th through 12th grades 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; *or*
 - 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 grades 7 through 12. Pupils who have a temporary medical exemption shall be admitted to grades 7 through 12 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 found not to have received all immunizations for pertussis which are required before admission or advancement to grades 7 through 12, or who is 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.

B. Beginning July 1, 2012, only 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; (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.¹

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

¹ Test Claim Statement of Decision, at pp. 11-12.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. Attach a copy of the contract to the claim. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the dates when services were performed and itemize all costs for those services. 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.

B. Indirect Cost Rates

Indirect costs are costs that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort 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.

School districts must use the California Department of Education 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 chapter² 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. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUES AND REIMBURSEMENTS

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.

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 test claim decision 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(d), and California Code of Regulations, title 2, section 1183.2.

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

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The statements of decision adopted for the test claim and parameters and guidelines 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.

IMMUNIZATION RECORDS - PERTUSSIS CLAIM FOR PAYMENT		For State Controller Use Only	PROGRAM
		(19) Program Number 00357 (20) Date Filed (21) LRS Input	357
(01) Claimant Identification Number		Reimbursement Claim Data	
(02) Claimant Name		(22) FORM 1, (04) A. 1. (e)	
County of Location		(23) FORM 1, (04) A. 2. (e)	
Street Address or P.O. Box		Suite	
		(24) FORM 1, (04) A. 3. (e)	
City		State	
		Zip Code	
		(25) FORM 1, (04) A. 4. (e)	
		Type of Claim	
(03)	(09) Reimbursement	<input type="checkbox"/>	(26) FORM 1, (04) B. 1. (e)
(04)	(10) Combined	<input type="checkbox"/>	(27) FORM 1, (04) B. 2. (e)
(05)	(11) Amended	<input type="checkbox"/>	(28) FORM 1, (04) B. 3. (e)
			(29) FORM 1, (04) B. 4. (e)
Fiscal Year of Cost	(06)	(12)	(30) FORM 1, (06)
Total Claimed Amount	(07)	(13)	(31) FORM 1, (07)
Less: 10% Late Penalty (refer to attached Instructions)		(14)	(32) FORM 1, (09)
Less: Prior Claim Payment Received		(15)	(33) FORM 1, (10)
Net Claimed Amount		(16)	(34)
Due from State	(08)	(17)	(35)
Due to State		(18)	(36)
(37) CERTIFICATION OF CLAIM			
<p>In accordance with the provisions of Government Code Sections 17560 and 17561, I certify that I am the officer authorized by the school district or county office of education to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Article 4, Chapter 1 of Division 4 of Title 1 of the Government Code.</p> <p>I further certify that there was no application other than from the claimant, nor any grant(s) or payment(s) received, for reimbursement of costs claimed herein; claimed costs are for a new program or increased level of services of an existing program; and claimed amounts do not include charter school costs, either directly or through a third party. All offsetting revenues and reimbursements set forth in the parameters and guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.</p> <p>The amount for this reimbursement is hereby claimed from the State for payment of actual costs set forth on the attached statements.</p> <p>I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p>			
Signature of Authorized Officer		Date Signed	_____
_____		Telephone Number	_____
_____		E-mail Address	_____
Type or Print Name and Title of Authorized Signatory			
(38) Name of Agency Contact Person for Claim		Telephone Number	_____
_____		E-mail Address	_____
Name of Consulting Firm / Claim Preparer		Telephone Number	_____
_____		E-mail Address	_____

PROGRAM 357	IMMUNIZATION RECORDS - PERTUSSIS CLAIM FOR PAYMENT INSTRUCTIONS	FORM FAM-27
------------------------------	--	------------------------------

- (01) Enter the claimant identification number assigned by the State Controller's Office.
- (02) Enter claimant official name, county of location, street or postal office box address, city, State, and zip code.
- (03) to (08) Leave blank.
- (09) If filing a reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) If filing a combined reimbursement claim on behalf of districts within the county, enter an "X" in the box on line (10) Combined.
- (11) If filing an amended reimbursement claim, enter an "X" in the box on line (11) Amended.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate Form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim as shown on Form 1 line (11). The total claimed amount must exceed \$1,000; minimum claim must be \$1,001.
- (14) Initial claims must be filed as specified in the claiming instructions. Annual reimbursement claims must be filed by **February 15**, or otherwise specified in the claiming instructions, of the following fiscal year in which costs were incurred or the claims must be reduced by a late penalty. Enter zero if the claim was filed on time. Otherwise, enter the penalty amount as a result of the calculation formula as follows:
 - Late Initial Claims: Form FAM-27 line (13) multiplied by 10%, without limitation; or
 - Late Annual Reimbursement Claims: Form FAM-27, line (13) multiplied by 10%, late penalty not to exceed \$10,000.
- (15) Enter the amount of payment, if any, received for the claim. If no payment was received, enter zero.
- (16) Enter the net claimed amount by subtracting the sum of lines (14) and (15) from line (13).
- (17) If line (16), Net Claimed Amount, is positive, enter that amount on line (17), Due from State.
- (18) If line (16), Net Claimed Amount, is negative, enter that amount on line (18), Due to State.
- (19) to (21) Leave blank.
- (22) to (36) Bring forward the cost information as specified on the left-hand column of lines (22) through (36) for the reimbursement claim, e.g., Form 1, (04) A.1. (e), means the information is located on Form 1, line (04) A.1., column (e). Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, i.e., no cents. Indirect costs percentage should be shown as a whole number and without the percent symbol, i.e., 7.548% should be shown as 8. **Completion of this data block will expedite the process.**
- (37) Read the statement of Certification of Claim. The claim must be dated, signed by the agency's authorized officer, and must type or print name, title, date signed, telephone number and e-mail address. **Claims cannot be paid unless accompanied by an original signed certification. (Please sign the Form FAM-27 in blue ink and attach the copy of the claim package.)**
- (38) Enter the name, telephone number, and e-mail address of the agency contact person for the claim. If claim was prepared by a consultant, type or print the name of the consulting firm, the claim preparer, telephone number, and e-mail address.

SUBMIT A SIGNED ORIGINAL FORM FAM-27 AND ONE COPY WITH ALL OTHER FORMS TO:

Address, if delivered by U.S. Postal Service:

OFFICE OF THE STATE CONTROLLER
 ATTN: Local Reimbursements Section
 Division of Accounting and Reporting
 P.O. Box 942850
 Sacramento, CA 94250

Address, if delivered by other delivery service:

OFFICE OF THE STATE CONTROLLER
 ATTN: Local Reimbursements Section
 Division of Accounting and Reporting
 3301 C Street, Suite 700
 Sacramento, CA 95816

PROGRAM 357	IMMUNIZATION RECORDS - PERTUSSIS CLAIM SUMMARY	FORM 1			
(01) Claimant	(02) _____	Fiscal Year 20 ____ /20 ____			
(03) Leave Blank.					
Direct Costs	Object Accounts				
(04) Reimbursable Activities	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contract Services	(d) Fixed Assets	(e) Total
A. Students entering the 7th through 12th grades. <i>(Reimbursable for fiscal year 2011-12 only)</i>					
1. Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil.					
2. Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation.					
3. Notify already admitted pupils' parent/guardian of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis or lawful exemption if not obtained within 10 school days.					
4. Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.					
B. Students entering the 7th grade only. <i>(Reimbursement begins fiscal year 2012-13)</i>					
1. Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil.					
2. Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation.					
3. Notify already admitted pupils' parent/guardian, who is later found not to have complied with a conditional admission, of the requirement to exclude pupil from school if immunization evidence or lawful exemption is not obtained within 10 school days					
4. Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.					
(05) Total Direct Costs					
Indirect Costs					
(06) Indirect Cost Rate	[Refer to Claim Summary Instructions]				%
(07) Total Indirect Costs	[Line (05)(e) - line (05)(d) - \$ <input type="text"/>] x line (06)				
(08) Total Direct and Indirect Costs	[Line (05)(e) + line (07)]				
Cost Reduction					
(09) Less: Offsetting Revenues					
(10) Less: Other Reimbursements					
(11) Total Claimed Amount	[Line (08) - {line (09) + line (10)}]				

PROGRAM 357	IMMUNIZATION RECORDS - PERTUSSIS CLAIM SUMMARY INSTRUCTIONS	FORM 1
------------------------------	--	-------------------------

- (01) Enter the name of the claimant.
- (02) Enter the fiscal year in which costs were incurred.
- (03) Leave blank.

- (04) For each reimbursable activity, enter the total from Form 2, line (05), columns (d) through (g) to Form 1, block (04), columns (a) through (e) in the appropriate row. Total each row.
- (05) Total columns (a) through (e).
- (06) Enter the indirect cost rate from the California Department of Education approved indirect cost rate for the year that funds are expended.
- (07) From the Total Direct Costs, line (05)(e), deduct Total Fixed Assets, line (05)(d) and any other item excluded from indirect cost distribution base in accordance with California School Accounting Manual (CSAM) Procedure 915. Enter zero if there are no exclusions. Multiply the result by the Indirect Cost Rate, line (06).
- (08) Enter the sum of Total Direct Costs, line (05)(e), and Total Indirect Costs, line (07).
- (09) If applicable, enter any revenue received by the claimant for this mandate from any state or federal source.
- (10) If applicable, enter the amount of other reimbursements received from any source including, but not limited to, service fees collected, federal funds, and other state funds that reimbursed any portion of the mandated cost program. Submit a schedule detailing the reimbursement sources and amounts.
- (11) From Total Direct and Indirect Costs, line (08), subtract the sum of Offsetting Revenues, line (09), and Other Reimbursements, line (10). Enter the remainder on this line and carry the amount forward to Form FAM-27, line (13) for the Reimbursement Claim.

PROGRAM 357	IMMUNIZATION RECORDS – PERTUSSIS ACTIVITY COST DETAIL	FORM 2
------------------------------	--	-------------------------

(01) Claimant	(02)	Fiscal Year 20__ / 20__
---------------	------	----------------------------

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

<p>A. Students entering the 7th through 12th grades <i>(Reimbursable for fiscal year 2011-12 only)</i></p> <p><input type="checkbox"/> 1. Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil.</p> <p><input type="checkbox"/> 2. Advise the pupil, or the parent /guardian, to contact a physician or agency that provides immunizations if lacking documentation.</p> <p><input type="checkbox"/> 3. Notify already admitted pupils' parent/guardian of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis or lawful exemption if not obtained within 10 school days.</p> <p><input type="checkbox"/> 4. Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.</p>	<p>B. Student entering the 7th grade only <i>(Reimbursement begins fiscal year 2012-13)</i></p> <p><input type="checkbox"/> 1. Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil.</p> <p><input type="checkbox"/> 2. Advise the pupil, or the parent /guardian, to contact a physician or agency that provides immunizations if lacking documentation.</p> <p><input type="checkbox"/> 3. Notify already admitted pupils' parent/guardian, who is later found not to have complied with a conditional admission, of the requirement to exclude pupil from school if immunization evidence or lawful exemption is not obtained within 10 school days</p> <p><input type="checkbox"/> 4. Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.</p>
--	--

(04) Description of Expenses			Object Accounts			
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets

(05) Total <input type="checkbox"/> Subtotal <input type="checkbox"/> Page: ___ of ___					
--	--	--	--	--	--

PROGRAM 357	IMMUNIZATION RECORDS - PERTUSSIS ACTIVITY COST DETAIL INSTRUCTIONS	FORM 2
---	---	--

- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Check the box which indicates the activity being claimed. Check only one box per form. A separate Form 2 must be prepared for each applicable activity.
- (04) The following table identifies the type of information required to support reimbursable costs. To detail costs for the activity box checked in block (03), enter the employee names, position titles, a brief description of the activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, and travel expenses. **The descriptions required in column (4)(a) must be of sufficient detail to explain the cost of activities or items being claimed.** For audit purposes, all supporting documents must be retained by the claimant for a period of not less than three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated or no payment was made at the time the claim was filed, the time for the Controller to initiate an audit will be from the date of initial payment of the claim. Such documents must be made available to the SCO on request.

Object/ Sub object Accounts	Columns							Submit supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	
Salaries and Benefits	Employee Name and Title	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked				
	Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries				
Materials and Supplies	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Used			
Contract Services	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Cost = Hourly Rate x Hours Worked or Total Contract Cost		Copy of Contract and Invoices
Fixed Assets	Description of Equipment Purchased	Unit Cost	Usage				Cost = Unit Cost x Usage	

- (05) Total line (04), columns (d) through (g) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed to detail the activity costs, number each page. Enter totals from line (05), columns (d) through (g) to Form 1, block (04), columns (a) through (d) in the appropriate row.

EXHIBIT D

Statistical Analysis of Pertussis Mandate Claims

April 1, 2015

Prepared by:

Brad Williams

Capital Matrix Consulting

Executive Summary

This report presents the findings of our statistical analysis of reimbursement claims submitted by school districts for the Pertussis mandate contained in AB 354 (Chapter 434, Statutes of 2010). The purpose of our analysis is to develop a recommended *unit cost rate* for claims made under the Reasonable Reimbursement Methodology (RRM) provisions of state law. This report and the recommended unit rate are in compliance with Government Code Sections 17518.5 (b), (c), and (d).

- **Data sources.** Our analysis is based on unaudited claims data provided to us by the State Controller's Office for fiscal years 2011-12 and 2012-13, along with school district enrollment data (excluding charter schools, which are not eligible for mandate reimbursement) from the State Department of Education. From these data sources, we calculated a per-student claim amount for each district submitting claims during the two years.
- **Focus of our analysis.** While we conducted statistical analyses on per-student claim amounts for both fiscal years, our report focuses on the results for 2012-13, since this is the first year of the ongoing portion of the Pertussis mandate. (The 2011-12 mandate applied to all students entering the 7th through 12th grades. For 2012-13 onward, the mandate applies only to 7th graders.)
- **Findings regarding distribution of claim amounts.** The distributions in both years were skewed. In 2012-13, claims filed by the 158 districts we analyzed ranged from \$1 to over \$50 per student. However, over one-half of the districts (covering nearly two-thirds of the students in districts submitting claims) were clustered in a much tighter range of \$1 to \$10.
 - Some of the variability in district claim amounts can be attributed to variations in district size (with smaller districts having, on average, higher per-student costs than their larger counterparts) and – to a lesser extent – the percentage of claims related to follow-up activities for students that were conditionally accepted for enrollment.
 - However, these factors combined accounted for only a minority of the district-to-district variation in average claim costs. The majority of the variation appears to be due to other (unidentified) factors.
- **The average and median claim amounts in 2012-13.** We calculated that:
 - The unweighted average claim for all districts was \$12.87 per student.
 - The weighted average claim, taking into account the relative number of 7th graders in each district, was \$9.64 per student.
 - After eliminating outliers using our preferred methodology, the weighted average based on the remaining sample was \$9.17 per student.
 - The median per-district claim amount was \$8.88 per student.
- **Our recommended unit cost rate.** We recommend a unit cost rate of \$9.17 per eligible 7th grade student. This is equal to the weighted average claim after the elimination of outliers using our preferred methodology. After adjusting for inflation, the unit cost rate for 2014-15 is \$9.47.

Introduction

This report presents our statistical analysis of reimbursement claims submitted to the Controller in 2011-12 and 2012-13 for the Pertussis mandate contained in AB 354 (Chapter 434, Statutes of 2010). The purpose of this analysis is to develop a unit cost rate based on these claims, which can be used under the Reasonable Reimbursement Methodology (RRM) provisions of state law for the Pertussis mandate. Although we performed statistical analyses for both fiscal years, the discussion and recommendations in this report are based on the findings for 2012-13. This is because the ongoing portion of the mandate, which began in 2012-13, applies only to incoming 7th grade students. In contrast, the 2011-12 mandate applied, on a one-time basis, to all students entering the 7th through 12th grades. Thus, the actual experience for 2012-13 is most directly relevant to future mandate claims under the Pertussis program. As a check for reasonableness and consistency, however, we show the results of our analysis for 2011-12 in the Appendix 1 of this report.

Background

AB 354 prohibits school districts from unconditionally accepting or advancing students that have not received all appropriate Pertussis boosters. The prohibition had a one-time application to all students entering the 7th through 12 grades in 2011-12. Starting in 2012-13, the annual requirement applies only to students entering the 7th grade. On July 26, 2013, the Commission on State Mandates (COSM) approved a test claim for the following reimbursable activities:

- Receiving and reviewing immunization documents to determine whether students should be unconditionally or conditionally admitted.
- Advising pupils that were conditionally admitted of the need to contact a physician or agency providing immunizations.
- Notifying pupils not meeting the requirements (or their parents/guardians) of requirements to exclude pupils from school unless they provide evidence of immunization or lawful exemption within 10 days, and
- Notifying an attendance supervisor of pupils excluded from attendance due to failure to provide required documentation.

Reasonable Reimbursement Methodology. State law permits the COSM to modify its parameters and guidelines upon the request of a local agency, school district, or state agency. It allows these agencies to develop claims on a simplified unit cost basis, using a Reasonable Reimbursement Methodology (RRM) based on cost information from a representative sample of claimants, information provided by association of local agencies and school districts, or other projections of local costs.

Data Used In Analysis

Controller's Office claims data. For purposes of this study, we analyzed claims data provided to us by the state Controller's Office for fiscal years 2011-12 and 2012-13. The data for 2011-12 included claims for 7th through 12 grades for 232 districts, superintendents, and county offices of education, totaling \$6.9 million. The data for 2012-13 includes claims from 175 school districts, superintendents and county offices of education totaling \$1.7 million. The smaller amount of claims in 2012-13 is primarily related to the smaller number of student's for which review of immunization records is required. As noted above, only 7th grade students are affected by the mandate in 2012-13 and thereafter.

The Controller's data for both years includes the total dollar value of claims for each district, as well as a breakout of how the costs are distributed among the four reimbursable activities. However, the Controller's data does not include information regarding the specific number of students involved in each activity. Thus, the data is not amenable to creation of separate reimbursement rates for each activity.

School enrollment data. To determine the cost-per-student claim amounts, we extracted from the California Department of Education database information on enrollment by grade level for each district submitting claims under this mandate. Next, we backed out the number of students in each district that were enrolled in charter schools (which are ineligible to claim mandate reimbursements). We then divided claim amounts for each district by the number of non-charter school students in 7th through 12th grades for 2011-12, and by non-charter school students in the 7th grade for 2012-13, to arrive at an average per-student claim amount for each of the districts.

For our analysis, we excluded claims made by county offices of education and superintendents of public instruction because we were unable to ascertain how many students were covered by those claims. We also excluded one district in each year based on extreme size of the claims relative to all other districts. In both cases, the claims exceeded \$100 per student – amounts that were nearly double the second largest claim made in each year, and over ten times the overall average claim.

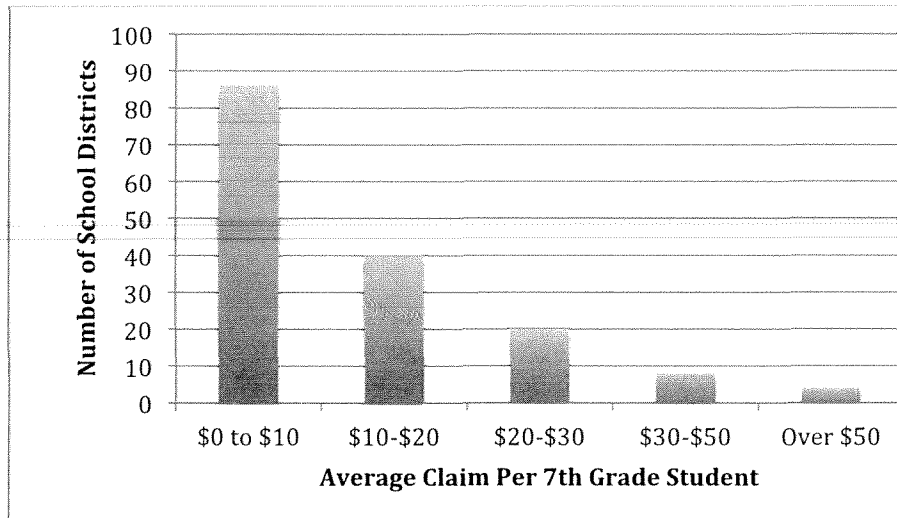
After these exclusions, the remaining dataset on which we conducted our analysis included 214 districts with claims totaling \$6.6 million in 2011-12, and 158 districts with claims totaling \$1.6 million in 2012-13. The data used in our analysis are included in Appendix 2 of the report.

Results

As noted above, our analysis in the remaining sections of this report will focus on the results for 2012-13, given the more direct applicability of this year to future claims. The results for 2011-12 are summarized in Appendix 1.

Distribution of reimbursement claims per student. Figure 1 shows the distribution of per-student claims by district in 2012-13. It shows that over one-half of the districts (which covered nearly two-thirds of the 7th grade students in districts making claims in 2012-13) submitted claims ranging from \$1 to \$10. Another one-quarter of the districts submitted claims ranging from \$10 to \$20 per student, and the remaining one-quarter submitted claims ranging from \$20 to all the way up to \$60 per student.

Figure 1
Distribution of Claim Amounts Per 7th Grade Student: 2012-13



Average and median claim amounts. Figure 2 presents our calculations of the average and median claim amounts for districts filing reimbursement claims in 2012-13. It shows:

- The unweighted average cost per 7th grade student – that is, the “average of averages” for all districts, irrespective of each district’s size – was \$12.87. The average variation around this unweighted mean was \$13 on the high side and \$5 dollars on the low side.
- The unweighted average for middle-sized districts (those with enrollment between the 40th and 60th percentile of all districts submitting claims) was \$9.99.
- The median – that is, the level at which half the districts reported higher and the other half reported lower claims per student – was \$8.88. ¹
- The weighted average for all claiming districts – which takes into account the relative size (as measured by the number of 7th graders) of each district – was \$9.64.

¹ The higher average relative to the median is a manifestation of the skewed nature of the distributions, where there are relatively few districts at the top end with extremely high claims that raise the average more than the median (which is largely unaffected by outliers). Another indication of the skewed distribution is found by looking at the average variation around the high side and low side of the mean, which, as discussed in the text, was \$13 on the high side and only \$5 on the low side.

Figure 2
Average and Median Claim Amounts:
(District Costs Per 7th Grader)

	2012-13
Unweighted Average:	
– All districts	\$12.87
– Mid-sized districts	\$9.99
Median	\$8.88
Weighted average	\$9.64

Unweighted versus weighted average. These are two distinct, though related, statistical concepts. The unweighted average represents the expected size of a claim drawn from a randomly selected district – regardless of the district’s size. In this calculation, each district is given equal weight, whether it contains 100 or 1,000 7th grade students.

The weighted average reflects the expected size a claim associated with a randomly selected student in districts submitting claims in 2012-13. In the weighted calculation, the number of students in each district matters. In the above example, the district with 1,000 students would have 10 times the weight of the smaller, 100-student district under the weighted average formula. As such, the overall average is more heavily influenced by the results for larger districts.

The heavy influence of results for larger districts in the weighted average is important in the case of the Pertussis mandate, because larger districts tend to have lower per-student claim amounts than their small- and medium-sized counterparts. As shown in Figure 3, the average claim for the top 25 percent of districts (also referred to as the top quartile) is \$8.62 per student, or less than half of the \$18.94 per-student average for the bottom 25 percent of districts. In the unweighted calculation, the top and bottom quartiles are weighted equally – at 25 percent each. However, in the weighted average calculation the top 25 percent of districts have 63.9 percent of the total students, and therefore are weighted 63.9 percent in the calculation. In contrast, the bottom 25 percent of districts would account for only 3.1 percent of the weighted average calculation.² Thus, the comparatively low per-student costs in large districts holds down the weighted average relative to the unweighted one.

² The inverse relationship between district size and average cost per student likely reflects economies of scale in larger districts, which enable them to spread some centralized costs (such as updating and mailing notices) over a larger number of students. Regardless of the cause, the below-average claim costs in larger districts hold down the weighted cost relative to the unweighted counterpart.

Figure 3
Per-Student Claims Costs by District Size

Size of District	2012-13	
	Claim Cost per 7 th Grader	Share of Total 7 th Graders in Claiming Districts
Smallest 25%	\$18.94	3.1%
25 to 50 percentile	\$14.17	9.6%
50 to 75 percentile	\$10.21	23.4%
75 to 100 percentile	\$8.36	63.9%

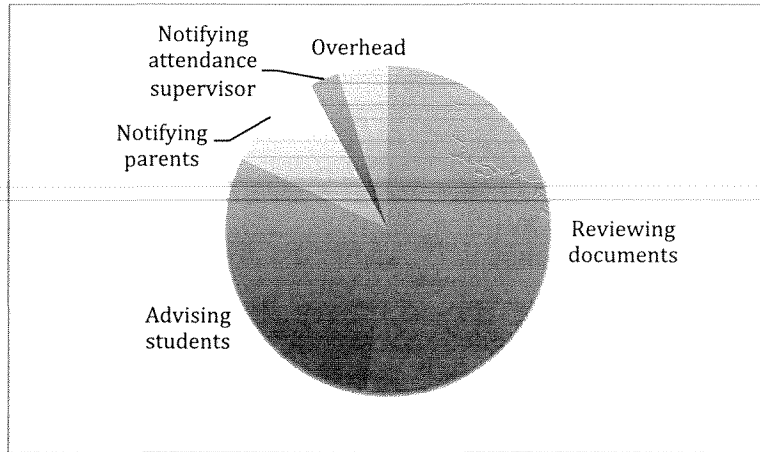
Other factors potentially affecting claim amounts. While district size is a key factor affecting claim amounts, we found many exceptions to the averages shown in Figure 3 – that is, not all large districts had low costs and not all small districts had high claiming costs. Other factors were clearly at work.

One such factor may be variation among districts in the number of students requiring follow-up activities. As noted in Figure 4, slightly over one-half of the typical claim was related to the initial activity – the review of incoming student documents to determine whether they were unconditionally accepted (meaning they met all the Pertussis immunization related requirements) or conditionally accepted (meaning they lacked some or all of the necessary records). The remainder was related to follow-up activities for the conditionally admitted students.

There is considerable variation around these averages, with the percentage devoted to follow-up activities varying from nearly 0 to nearly 100 percent. Districts with a higher-than-average proportion of their total claim attributable to follow-up activities did tend to have higher-than average claims. However, as with variations in district size, we found many exceptions to this general rule. Overall, we found that variation in the proportion of claims related to follow-up activities accounted for a relatively small but statistically significant share of the overall variation in per-student claim amounts among districts.³

³ Specifically, we performed a Spearman Rank Correlation test that related each district’s rank in terms of per-student claims to its rank in terms of the proportion of overall claims attributable to follow-up activities for conditionally admitted students. This correlation test had a Spearman rho of .146, which represented a statistically significant, though weak, correlation.

Figure 4
How the Average Claim Was Distributed Among Reimbursable Activities
2012-13 Claims



Elimination of Outliers – Impact on Estimates

As noted above, districts covering about two-thirds of the students in the sample had per-student claim costs of \$10 or less. However, the remaining district costs were skewed, with a few districts having per-student claim amounts exceeding \$50.

Figure 5 shows the impacts of eliminating outliers from our calculations. It indicates that elimination of just the highest 10 percent of districts reduces the unweighted average claim from \$12.87 to \$10.11 per student, and the weighted average cost from \$9.64 to \$8.64. If we eliminate both the top and bottom 10 percent of districts, the effects are mixed. The unweighted averages fall modestly – from \$12.87 to \$11.14. However, the weighted cost increases marginally – from \$9.64 to \$9.90. The reason for the small increase is that the low-cost districts tend to be the ones with the largest number of students. Thus, elimination of typical low-cost district will raise the weighted average by more than a typical high cost district (which typically have fewer students and thus have smaller weights), all else being equal.

Figure 5
Effects of Eliminating Outliers

	2012-13
All Districts:	
Unweighted Average	\$12.87
Weighted Average	\$9.64
Effects of Eliminating:	
Top 10% of districts	
Resulting unweighted average	\$10.11
Resulting weighted average	\$8.64
Top and bottom 10% of districts	
Resulting unweighted average	\$11.14
Resulting weighted average	\$9.90
Observations > 2 standard deviations from predicted value	
Resulting unweighted average	\$12.96
Resulting weighted average	\$9.17

The final methodology we used to eliminate outliers was to compare actual per-student claim levels to the *expected value* for each district, taking into account its size and proportion of claims attributable to follow-up activities. Specifically, we (1) estimated a regression-based equation relating per-student claiming amounts to district size and percentage of claims related to follow-up activities, (2) calculated the standard error of the estimate (the average variation around the predicted value), and (3) eliminated observations that were more than two standard deviations from their expected values.⁴ The advantage of this methodology is it does not automatically eliminate districts with high or low claim rates. Rather, it compares each district’s per-student claim to its “expected value,” given its size and proportion of claims related to follow-up activities.

This technique resulted in the elimination of about 5 percent of the districts. As indicated in Figure 5, the elimination of these observations results in a decline in the weighted average to \$9.17.

Recommended Unit Cost Rate

Based on the Controller’s claims data for 2012-13, we believe that a unit cost rate of \$9.17 per (non-charter school) 7th grader is reasonable for the period we examined. This amount is equal to the weighted average that results after elimination of outliers using our preferred (regression-based) methodology. Our recommended amount is modestly lower than the weighted average before elimination of outliers, but modestly higher than the median estimate. If adjusted for inflation, the \$9.17 rate would rise to \$9.47 in 2014-15.

⁴ The specific estimated equation is $LN(Y_i) = 4.27 - .37 * LN(District_size(i)) + .80 * Conditional_Claims_Ratio(i)$, where Y_i is average cost per 7th grade student in district i , $District_Size$ is the number of 7th grade students in district i , and $Conditional_Claims_Ratio(i)$ is the share of total claims in district i that are attributable to follow-up notification and related activities for conditionally admitted students.

Certification

I declare, by my signature below, that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.

A handwritten signature in black ink that reads "Brad Williams". The signature is written in a cursive style with a long horizontal flourish at the end.

Brad Williams
Capitol Matrix Consulting

Appendix 1

Analysis of 2011-12 Claims

In 2011-12, claims were filed for the same four activities as the claims in 2012-13. However, the mandate was larger in that year, applying to all students entering the 7th through 12th grades. Figure A-1 shows the distribution of claim amounts by district for 2011-12. Figure A-2 provides key results of our statistical analysis.

The figures show that claims followed the same patterns in 2011-12 as in 2012-13, in terms of the skewed nature of the distribution and the tendency for large districts to have lower claims per student amounts than their smaller counterparts. However, average costs per student were significantly lower – for example, the weighted average claim amount was slightly over \$6 per student. Some of the difference between the two years may reflect additional claiming experience of districts in the second year. However, we believe a second important factor is the larger scale of operations involved in 2011-12, when the mandate applied to all students entering the 7th through 12th grades. As noted above, we found that per-student costs in 2012-13 went down as the size of the district went up. The same “economies of scale” factors likely explain why many districts experienced lower per-student costs in 2011-12 than in 2012-13. Fixed costs associated with such activities as creating and mailing notices were spread over as many as 7 times more students in 2011-12 as in 2012-13.

Figure A-1
Distribution of Per-Student Claim Costs
2011-12

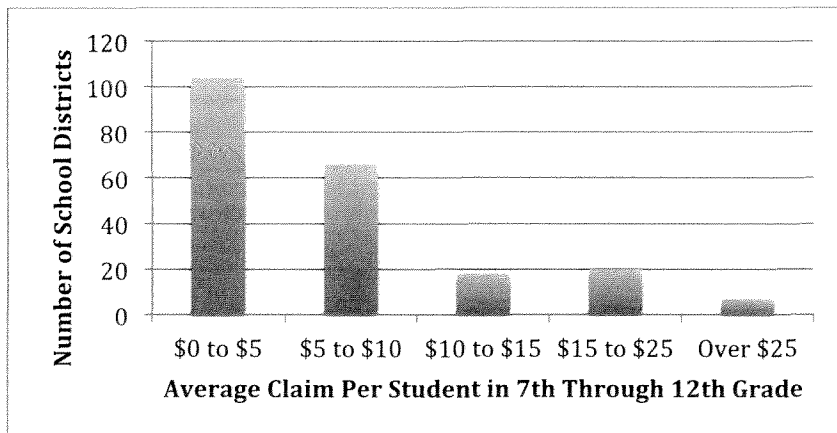


Figure A-2
Various Statistical Measures of Per-Student Claim Costs
2011-12

	2011-12
Unweighted Average:	
– All districts	\$7.00
– Smallest 25 Percentile	\$10.56
– 25 th to 50 th Percentile	\$6.69
– 50 th to 75 th Percentile	\$4.80
– 75 th to 100 th Percentile	\$6.21
Median	\$5.19
Weighted Average	\$6.04

Appendix 2

Data Used in Analysis

District Claims and Enrollment (7th – 12th Grades) 2011-12

<u>District</u>	<u>District Claim Total</u>	<u>Eligible Students (7th-12th Grade)</u>	<u>Average Claim Dollars Per Student</u>
<i>Excluded From Analysis:</i>			
Huntington Beach City Elementary	232,435	1,707	\$136.2
<i>Included In Analysis:</i>			
Bassett Unified	69,676	1,915	\$36.4
Newcastle Elementary	1,453	43	33.8
Newport-Mesa Unified	314,594	10,187	30.9
Central Unified	203,095	6,766	30.0
Lowell Joint	21,471	725	29.6
San Francisco Unified	606,621	23,229	26.1
Oakland Unified	337,402	14,241	23.7
South Fork Union	1,447	62	23.3
Geyserville Unified	2,465	114	21.6
Tahoe-Truckee Unified	3,236	1,598	20.8
Hughes-Elizabeth Lakes Union Elementary	1,241	62	20.0
Oak View Union Elementary	1,769	90	19.0
Guerneville Elementary	1,322	69	19.2
Twain Harte	1,328	70	19.0
McKinleyville Union Elementary	4,857	259	18.8
Morongo Unified	69,726	3,732	18.7
Dinuba Unified	51,088	2,974	17.2
Bayshore Elementary	1,573	93	16.9
Kit Carson Union Elementary	1,842	109	16.9
Grossmont Union High	312,617	18,684	16.7
Livermore Valley Joint Unified	100,825	6,119	16.5
Lodi Unified	215,366	13,103	16.4
La Honda-Pescadero Unified	2,372	146	16.2
Brisbane Elementary	1,949	121	16.1
Rescue Union Elementary	14,480	959	15.1

District	District Claim Total	Eligible Students (7th-12th Grade)	Average Claim Dollars Per Student
Armona Union Elementary	2,892	192	15.1
Sebastopol Union Elementary	2,847	199	14.3
Lompoc Unified	61,906	4,483	13.8
Wiseburn Elementary	8,874	684	13.0
Eureka City Schools	25,980	2,026	12.8
Enterprise Elementary	8,704	684	12.7
East Whittier City Elementary	26,582	2,145	12.4
Maxwell Unified	2,263	189	12.0
Fresno Unified	359,423	30,702	11.7
Del Norte County Unified	19,142	1,640	11.7
Central Elementary	13,705	1,186	11.6
Fruitvale Elementary	8,731	758	11.5
Sonora Union High	14,390	1,256	11.5
San Carlos Elementary	3,562	313	11.4
Castro Valley Unified	51,289	4,552	11.3
Stockton Unified	155,844	4,059	11.1
Summerville Union High	5,454	499	10.9
Dry Creek Joint Elementary	18,697	1,717	10.9
San Rafael City Elementary	7,406	710	10.4
Klamath-Trinity Joint Unified	4,446	449	9.9
Orland Joint Unified	10,544	1,073	9.8
West Covina Unified	46,229	4,748	9.7
Shasta Union High	45,240	4,656	9.7
Willits Unified	7,729	799	9.7
Palos Verdes Peninsula Unified	60,246	6,229	9.7
West Sonoma County Union High	20,894	2,170	9.6
Richgrove Elementary	1,373	144	9.5
El Segundo Unified	17,011	1,796	9.5
Cucamonga Elementary	5,716	606	9.4
Point Arena Joint Union High	1,732	184	9.4
Cloverdale Unified	6,443	686	9.4
Fillmore Unified	15,963	1,707	9.4
San Gabriel Unified	24,199	2,667	9.1
Carlsbad Unified	42,366	4,955	8.6
Yuba City Unified	46,645	5,611	8.3
Fontana Unified	152,531	19,095	8.0
Hanford Elementary	9,056	1,142	7.9

District	District Claim Total	Eligible Students (7th-12th Grade)	Average Claim Dollars Per Student
Redding Elementary	5,478	692	7.9
Burlingame Elementary	4,551	576	7.9
Coast Unified	2,817	357	7.9
Belmont-Redwood Shores Elementary	4,954	632	7.8
Waterford Unified	6,795	880	7.7
Coalinga-Huron Unified	14,439	1,876	7.7
Earlimart Elementary	2,990	393	7.6
Yuba County Office of Education	1,056	142	7.4
Vista Unified	75,625	10,187	7.4
Cottonwood Union Elementary	1,458	197	7.4
San Rafael City High	14,689	1,995	7.4
Santa Ana Unified	168,588	23,001	7.3
Manteca Unified	79,312	10,842	7.3
Mountain View-Los Altos Union High	25,944	3,615	7.2
Sunnyvale	8,769	1,225	7.2
Templeton Unified	8,585	1,205	7.1
Oak Grove Elementary	17,004	2,456	6.9
La Habra City Elementary	8,149	1,189	6.9
Hesperia Unified	71,000	10,434	6.8
Long Beach Unified	265,835	39,283	6.8
Fairfield-Suisun Unified	65,603	9,774	6.7
Washington Unified	21,289	3,233	6.6
Yucaipa-Calimesa Joint Unified	28,500	4,387	6.5
Compton Unified	64,519	9,997	6.5
Kerman Unified	12,973	2,029	6.4
Firebaugh-Las Deltas Unified	6,583	1,033	6.4
Torrance Unified	79,584	12,517	6.4
Visalia Unified	73,459	11,568	6.4
Azusa Unified	27,636	4,470	6.2
Murrieta Valley Unified	70,091	11,593	6.0
Saratoga Union Elementary	3,541	589	6.0
Desert Sands Unified	78,427	13,133	6.0
Pixley Union Elementary	1,300	219	5.9
Escalon Unified	8,344	1,423	5.9
Pomona Unified	66,133	11,327	5.8
Clovis Unified	105,641	18,280	5.8
Orange Unified	69,870	12,157	5.7

District	District Claim Total	Eligible Students (7th-12th Grade)	Average Claim Dollars Per Student
Upland Unified	32,887	5,822	5.6
Lancaster Elementary	17,951	3,196	5.6
Cutler-Orosi Joint Unified	9,738	1,736	5.6
Pasadena Unified	44,702	8,076	5.5
Ripon Unified	7,733	1,424	5.4
Lassen Union High	4,942	915	5.4
Salida Union Elementary	3,423	652	5.3
Lincoln Unified	22,347	4,301	5.2
Hacienda la Puente Unified	53,092	10,237	5.2
Cascade Union Elementary	1,559	306	5.1
Chowchilla Elementary	2,294	457	5.0
Montebello Unified	76,850	15,512	5.0
Kelseyville Unified	4,210	855	4.9
Oroville Union High	12,591	2,614	4.8
Gateway Unified	6,565	1,367	4.8
San Ysidro Elementary	5,657	1,206	4.7
Taft City	2,210	476	4.6
Lynwood Unified	32,574	7,036	4.6
Arcadia Unified	24,275	5,252	4.6
Bonita Unified	22,745	4,999	4.5
Windsor Unified	10,295	2,407	4.3
Anderson Union High	7,744	1,813	4.3
Calipatria Unified	2,244	528	4.3
Wilsona Elementary	1,397	331	4.2
Durham Unified	2,169	526	4.1
Walnut Valley Unified	34,969	8,551	4.1
Sutter Union High	2,923	715	4.1
Rosemead Elementary	2,508	619	4.1
Upper Lake Union High	1,428	363	3.9
Bellflower Unified	26,500	6,762	3.9
Alum Rock Union Elementary	9,525	2,455	3.9
Santa Monica-Malibu Unified	21,867	5,693	3.8
Cotati-Rohnert Park Unified	10,517	2,805	3.7
Southern Humboldt Joint Unified	1,270	347	3.7
Twin Rivers Unified	36,660	10,199	3.6
Tulare City	6,925	1,940	3.6
Richland Union Elementary	2,251	638	3.5

District	District Claim Total	Eligible Students (7th-12th Grade)	Average Claim Dollars Per Student
Glendale Unified	46,220	13,309	3.5
Alta Loma Elementary	5,291	1,547	3.4
Folsom-Cordova Unified	28,519	8,511	3.4
Hilmar Unified	3,557	1,069	3.3
Ocean View	7,080	2,146	3.3
Antelope Valley Union High	76,763	23,302	3.3
San Lorenzo Valley Unified	3,437	1,046	3.3
Lucia Mar Unified	16,444	5,203	3.2
Benicia Unified	8,035	2,549	3.2
Tamalpais Union High	11,670	3,824	3.1
Chowchilla Union High	2,916	975	3.0
Gridley Unified	2,920	1,007	2.9
Moraga Elementary	1,227	426	2.9
Lemon Grove	2,053	716	2.9
San Jacinto Unified	11,776	4,231	2.8
El Monte City	5,758	2,075	2.8
Hanford Joint Union High	10,501	3,803	2.8
Gustine Unified	2,122	777	2.7
Temecula Valley Unified	38,253	14,155	2.7
Rocklin Unified	14,151	5,470	2.6
Manhattan Beach Unified	8,671	3,355	2.6
Palo Alto Unified	14,318	5,544	2.6
Culver City Unified	8,426	3,376	2.5
Dos Palos Oro Loma Joint Unified	2,689	1,080	2.5
Exeter Union High	2,671	1,103	2.4
Reef-Sunset Unified	2,492	1,053	2.4
West Contra Costa Unified	28,106	11,983	2.3
Marysville Joint Unified	8,802	3,786	2.3
Lake Elsinore Unified	22,457	9,996	2.2
Healdsburg Unified	2,324	1,067	2.2
Rosedale Union Elementary	2,810	1,332	2.1
Redlands Unified	22,486	10,683	2.1
Los Alamitos Unified	10,195	4,853	2.1
San Marcos Unified	16,431	7,852	2.1
Escondido Union	7,392	3,576	2.1
Davis Joint Unified	7,402	3,740	2.0
Loomis Union Elementary	1,117	569	2.0

District	District Claim Total	Eligible Students (7th-12th Grade)	Average Claim Dollars Per Student
Newman-Crows Landing Unified	2,432	1,264	1.9
Riverdale Joint Unified	1,451	762	1.9
Liberty Union High	14,274	7,582	1.9
Natomas Unified	7,241	4,015	1.8
Fortuna Union High	1,897	1,150	1.6
Morgan Hill Unified	6,599	4,066	1.6
Western Placer Unified	4,056	2,585	1.6
San Juan Unified	30,042	19,412	1.5
Moreno Valley Unified	25,076	16,515	1.5
Patterson Joint Unified	3,864	2,651	1.5
Brawley Union High	2,451	1,808	1.4
San Benito High	3,813	3,048	1.3
Gilroy Unified	5,964	5,179	1.2
Corcoran Joint Unified	1,682	1,476	1.1
Rim of the World Unified	2,332	2,100	1.1
Downey Unified	13,289	12,099	1.1
San Diego Unified	52,993	48,808	1.1
Sequoia Union High	8,642	8,305	1.0
Lemoore Union High	2,050	2,029	1.0
Atascadero Unified	2,274	2,322	1.0
Ceres Unified	5,034	5,217	1.0
Poway Unified	15,089	16,136	0.9
Central Union High	3,756	4,056	0.9
Oak Park Unified	2,018	2,259	0.9
North Monterey County Unified	1,761	1,980	0.9
Imperial Unified	1,482	1,710	0.9
Tulare Joint Union High	4,262	5,240	0.8
Anaheim Union High	25,397	32,678	0.8
Petaluma Joint Union High	3,640	4,859	0.7
Mountain View Elementary	1,173	1,593	0.7
ABC Unified	6,464	10,140	0.6
San Bernardino City Unified	10,998	21,882	0.5
Westside Union Elementary	1,057	2,157	0.5
Simi Valley Unified	4,450	9,391	0.5
Palm Springs Unified	5,030	10,911	0.5
Salinas Union High	5,886	13,750	0.4
Etiwanda Elementary	1,077	3,215	0.3

District	District Claim Total	Eligible Students (7th-12th Grade)	Average Claim Dollars Per Student
Monterey Peninsula Unified	1,132	4,497	0.3
Antioch Unified	1,437	8,875	0.2
Campbell Union High	1,145	7,385	0.2
Fremont Union High	1,298	10,470	0.1

**District Claims and Enrollment (7th Grade Only)
2012-13**

District	District Claim Total	Eligible Students (7th Grade Only)	Average Claim Dollars Per Student
<i>Excluded From Analysis:</i>			
Central Unified	126,405	1,204	\$105.0
<i>Included In Analysis:</i>			
Newcastle Elementary	1,212	20	\$60.6
Fillmore Unified	16,533	292	56.6
Klamath-Trinity Joint Unified	3,807	73	52.2
San Rafael City Elementary	20,431	406	50.3
Tahoe-Truckee Unified	9,455	247	38.3
Geyserville Unified	1,023	27	37.9
Livermore Valley Joint Unified	34,622	929	37.3
Guerneville Elementary	1,007	28	36.0
Newport-Mesa Unified	55,593	1,562	35.6
La Honda-Pescadero Unified	1,007	29	34.7
Lowell Joint	11,769	386	30.5
San Lorenzo Valley Unified	5,312	175	30.4
Lompoc Unified	20,862	700	29.8
Yucaipa-Calimesa Joint Unified	19,522	660	29.6
Windsor Unified	8,704	307	28.4
Coalinga-Huron Unified	9,276	333	27.9
Cucamonga Elementary	7,393	274	27.0
Twain Harte	1,008	38	26.5
Central Elementary	14,951	569	26.3
Hughes-Elizabeth Lakes Union Elementary	1,009	40	25.2

District	District Claim Total	Eligible Students (7th Grade Only)	Average Claim Dollars Per Student
San Francisco Unified	88,526	3,532	25.1
Oakland Unified	59,709	2,425	24.6
Lodi Unified	50,653	2,116	23.9
Gridley Unified	3,213	135	23.8
Orange Unified	28,478	1,243	22.9
Oak View Union Elementary	1,022	45	22.7
Kit Carson Union Elementary	1,003	45	22.3
Clovis Unified	70,207	3,206	21.9
Bayshore Elementary	1,019	48	21.2
Glendale Unified	39,849	1,970	20.2
Washington Unified	11,171	555	20.1
Kerman Unified	7,291	364	20.0
Yuba City Unified	19,248	964	20.0
Willits Unified	1,954	102	19.2
Hilmar Unified	3,177	166	19.1
Coast Unified	1,107	59	18.8
Dinuba Unified	8,059	430	18.7
Del Norte County Unified	5,350	288	18.6
Eureka City Schools	5,266	285	18.5
Brisbane Elementary	1,044	58	18.0
Desert Sands Unified	31,235	1,758	17.8
Culver City Unified	8,649	493	17.5
Enterprise Elementary	5,929	350	16.9
Pixley Union Elementary	1,819	109	16.7
Vista Unified	26,939	1,660	16.2
Rocklin Unified	14,224	883	16.1
Rescue Union Elementary	7,392	462	16.0
Visalia Unified	32,530	2,051	15.9
Chowchilla Elementary	3,086	202	15.3
Armona Union Elementary	1,344	88	15.3
Waterford Unified	1,974	130	15.2
Sebastopol Union Elementary	1,279	85	15.0
Bassett Unified	5,107	345	14.8
Gustine Unified	2,051	143	14.3
Dry Creek Joint Elementary	12,211	880	13.9
McKinleyville Union Elementary	1,744	127	13.7
Stockton Unified	33,752	2,643	12.8

District	District Claim Total	Eligible Students (7th Grade Only)	Average Claim Dollars Per Student
Oak Grove Elementary	15,945	1,261	12.6
Fresno Unified	64,127	5,110	12.5
West Covina Unified	7,935	676	11.7
San Carlos Elementary	1,809	155	11.7
Fontana Unified	34,086	2,940	11.6
Morongo Unified	7,298	661	11.0
Orland Joint Unified	1,660	153	10.8
Reef-Sunset Unified	2,669	247	10.8
Cloverdale Unified	1,113	104	10.7
Lucia Mar Unified	8,609	820	10.5
Pomona Unified	20,633	1,992	10.4
Santa Ana Unified	40,507	3,939	10.3
Denair Unified	1,069	104	10.3
Imperial Unified	3,056	299	10.2
Carlsbad Unified	9,209	919	10.0
Palos Verdes Peninsula Unified	9,431	952	9.9
Wilsona Elementary	1,425	144	9.9
Redlands Unified	16,247	1,642	9.9
Lake Elsinore Unified	16,223	1,655	9.8
San Jacinto Unified	6,682	705	9.5
El Segundo Unified	2,283	241	9.5
Saratoga Union Elementary	2,652	298	8.9
San Gabriel Unified	3,891	439	8.9
Hesperia Unified	13,337	1,512	8.8
Salida Union Elementary	2,719	311	8.7
Cotati-Rohnert Park Unified	3,705	426	8.7
Wiseburn Elementary	2,643	304	8.7
East Whittier City Elementary	9,193	1,090	8.4
Healdsburg Unified	1,252	150	8.3
Murrieta Valley Unified	15,160	1,817	8.3
Gateway Unified	1,622	195	8.3
Upland Unified	7,679	937	8.2
La Habra City Elementary	4,969	624	8.0
Hanford Elementary	4,456	585	7.6
Earlimart Elementary	1,449	192	7.5
Compton Unified	14,401	1,911	7.5
Alum Rock Union Elementary	9,166	1,238	7.4

<u>District</u>	<u>District Claim Total</u>	<u>Eligible Students (7th Grade Only)</u>	<u>Average Claim Dollars Per Student</u>
Sunnyvale	4,679	638	7.3
Manteca Unified	13,406	1,866	7.2
Redding Elementary	1,971	275	7.2
Fruitvale Elementary	2,599	367	7.1
Folsom-Cordova Unified	9,862	1,465	6.7
Newman-Crows Landing Unified	1,412	210	6.7
Cutler-Orosi Joint Unified	2,092	327	6.4
Bellflower Unified	6,398	1,003	6.4
Ceres Unified	5,643	896	6.3
Azusa Unified	4,123	703	5.9
Benicia Unified	2,192	377	5.8
Ripon Unified	1,499	258	5.8
Tulare City	5,958	1,027	5.8
San Diego Unified	44,479	7,762	5.7
Lancaster Elementary	9,093	1,591	5.7
Belmont-Redwood Shores Elementary	2,120	371	5.7
Burlingame Elementary	1,803	320	5.6
Templeton Unified	1,041	188	5.5
Lemon Grove	2,270	417	5.4
Hacienda la Puente Unified	8,940	1,646	5.4
Long Beach Unified	32,435	6,042	5.4
Escalon Unified	1,180	220	5.4
Palo Alto Unified	4,795	904	5.3
San Ysidro Elementary	2,904	559	5.2
Taft City	1,084	216	5.0
Gilroy Unified	4,201	839	5.0
Ocean View	5,449	1,091	5.0
Richland Union Elementary	1,725	351	4.9
Marysville Joint Unified	2,907	592	4.9
Lincoln Unified	3,677	768	4.8
Castro Valley Unified	3,464	732	4.7
Western Placer Unified	2,231	505	4.4
Pasadena Unified	5,575	1,283	4.3
Rosemead Elementary	1,499	358	4.2
Temecula Valley Unified	9,119	2,243	4.1
Bonita Unified	2,991	741	4.0
Arcadia Unified	3,304	826	4.0

District	District Claim Total	Eligible Students (7th Grade Only)	Average Claim Dollars Per Student
Montebello Unified	9,749	2,438	4.0
Lynwood Unified	4,446	1,123	4.0
Fairfield-Suisun Unified	5,822	1,652	3.5
Moreno Valley Unified	9,611	2,731	3.5
Rosedale Union Elementary	2,334	676	3.5
West Contra Costa Unified	6,903	2,001	3.4
San Juan Unified	10,180	2,965	3.4
Twin Rivers Unified	5,462	1,603	3.4
Torrance Unified	6,066	1,812	3.3
Monterey Peninsula Unified	2,181	704	3.1
Anaheim Union High	15,977	5,278	3.0
Natomas Unified	1,219	436	2.8
Santa Cruz City High	1,041	374	2.8
Petaluma Joint Union High	2,283	826	2.8
Simi Valley Unified	4,078	1,489	2.7
Patterson Joint Unified	1,215	488	2.5
Palmdale Elementary	4,915	2,074	2.4
San Bernardino City Unified	8,250	3,518	2.3
ABC Unified	3,731	1,638	2.3
Escondido Union	3,809	1,866	2.0
Alta Loma Elementary	1,519	756	2.0
Salinas Union High	3,370	2,083	1.6
Mountain View Elementary	1,081	761	1.4
Palm Springs Unified	2,167	1,835	1.2
Poway Unified	3,079	2,630	1.2
Etiwanda Elementary	1,204	1,672	0.7
Downey Unified	1,304	1,848	0.7

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Solano 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 April 24, 2015, I served the:

**Notice of Complete Filing and Schedule for Comments; and
Request to Amend Parameters and Guidelines**

Request to Amend Parameters and Guidelines

Immunization Records - Pertussis, 14-PGA-01 (11-TC-02)

Health and Safety Code Section 120335

Statutes 2010, Chapter 434 (AB 354)

Desert Sand 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 April 24, 2015 at Sacramento, California.



Heidi J. Palchik
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/23/15

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.)

Socorro Aquino, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

Harmeet Barkschat, *Mandate Resource Services, LLC*

5325 Elkhorn Blvd. #307, Sacramento, CA 95842

Phone: (916) 727-1350

harmeet@calsdrc.com

Lacey Baysinger, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

lbaysinger@sco.ca.gov

Julia Blair, Senior Commission Counsel, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

julia.blair@csm.ca.gov

Mike Brown, *School Innovations & Advocacy*

5200 Golden Foothill Parkway, El Dorado Hills, CA 95762

Phone: (916) 669-5116

mikeb@sia-us.com

J. Bradley Burgess, *MGT of America*

895 La Sierra Drive, Sacramento, CA 95864

Phone: (916) 595-2646

Bburgess@mgtamer.com

Gwendolyn Carlos, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-0706

gcarlos@sco.ca.gov

David Cichella, *California School Management Group*

3130-C Inland Empire Blvd., Ontario, CA 91764

Phone: (209) 834-0556

dcichella@cscentral.com

Joshua Daniels, *Attorney, California School Boards Association*

3251 Beacon Blvd, West Sacramento, CA 95691

Phone: (916) 669-3266

jdaniels@csba.org

Marieta Delfin, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-4320

mdelfin@sco.ca.gov

Andra Donovan, *San Diego Unified School District*

Legal Services Office, 4100 Normal Street, Room 2148, , San Diego, CA 92103

Phone: (619) 725-5630

adonovan@sandi.net

Donna Ferebee, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814

Phone: (916) 445-3274

donna.ferebee@dof.ca.gov

Chris Ferguson, *Department of Finance*

Education Systems Unit, 915 L Street, 7th Floor, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-3274

Chris.Ferguson@dof.ca.gov

Susan Geanacou, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814

Phone: (916) 445-3274

susan.geanacou@dof.ca.gov

Paul Golaszewski, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8341

Paul.Golaszewski@lao.ca.gov

Ed Hanson, *Department of Finance*

Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-0328

ed.hanson@dof.ca.gov

Mark Ibele, *Senate Budget & Fiscal Review Committee*

California State Senate, State Capitol Room 5019, Sacramento, CA 95814

Phone: (916) 651-4103
Mark.Ibele@sen.ca.gov

Cheryl Ide, Associate Finance Budget Analyst, *Department of Finance*
Education Systems Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
Cheryl.ide@dof.ca.gov

Jill Kanemasu, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-9891
jkanemasu@sco.ca.gov

Jillian Kissee, *Department of Finance*
915 L Street, Sacramento, Ca
Phone: (916) 445-0328
jillian.kissee@dof.ca.gov

Jennifer Kuhn, Deputy, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8332
Jennifer.kuhn@lao.ca.gov

Jay Lal, *State Controller's Office (B-08)*
Division of Accounting & Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0256
JLal@sco.ca.gov

Kathleen Lynch, *Department of Finance (A-15)*
915 L Street, Suite 1280, 17th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
kathleen.lynch@dof.ca.gov

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Yazmin Meza, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
Yazmin.meza@dof.ca.gov

Meredith Miller, Director of SB90 Services, *MAXIMUS*
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670
Phone: (972) 490-9990
meredithcmiller@maximus.com

Robert Miyashiro, *Education Mandated Cost Network*
1121 L Street, Suite 1060, Sacramento, CA 95814
Phone: (916) 446-7517
robertm@sscal.com

Jameel Naqvi, Analyst, *Legislative Analysts' Office*
Education Section, 925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8331
Jameel.naqvi@lao.ca.gov

Keith Nezaam, *Department of Finance*
915 L Street, 8th Floor, Sacramento, CA 95814
Phone: (916) 445-8913
Keith.Nezaam@dof.ca.gov

Lehoa Nguyen, *California Department of Public Health*
1501 Capitol Ave., P.O. Box 997377, MS 0506, Sacramento, CA 95899-7377
Phone: (916) 440-7841
lehoa.nguyen@cdph.ca.gov

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

James Novak, Assistant Superintendent of Business Services, *Desert Sands Unified School District*
47-980 Dune Palms Road, La Quinta, CA 92253
Phone: (760) 771-8508
jim.novak@desertsands.us

Christian Osmena, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
christian.osmena@dof.ca.gov

Arthur Palkowitz, *Stutz Artiano Shinoff & Holtz*
Requester Representative
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@sashlaw.com

Keith Petersen, *SixTen & Associates*
P.O. Box 340430, Sacramento, CA 95834-0430
Phone: (916) 419-7093
kpbsixten@aol.com

Mark Rewolinski, *MAXIMUS*
625 Coolidge Drive, Suite 100, Folsom, CA 95630
Phone: (949) 440-0845
markrewolinski@maximus.com

Sandra Reynolds, *Reynolds Consulting Group, Inc.*
P.O. Box 894059, Temecula, CA 92589
Phone: (951) 303-3034
sandrareynolds_30@msn.com

Kathy Rios, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-5919
krios@sco.ca.gov

Robert Roach, *Twin Rivers Unified School District*
3222 Winona Way, North Highlands, CA 95660
Phone: (916) 566-1600
rob.roach@twinriversusd.org

David Scribner, *Max8550*
2200 Sunrise Boulevard, Suite 240, Gold River, CA 95670
Phone: (916) 852-8970
dscribner@max8550.com

Steve Shields, *Shields Consulting Group, Inc.*
1536 36th Street, Sacramento, CA 95816
Phone: (916) 454-7310
steve@shieldscg.com

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-5849
jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
DSpeciale@sco.ca.gov

Meg Svoboda, *Senate Office of Research*
1020 N Street, Suite 200, Sacramento, CA
Phone: (916) 651-1500
meg.svoboda@sen.ca.gov

Amy Tang-Paterno, Educational Fiscal Services Consultant, *California Department of Education*
Government Affairs, 1430 N Street, Suite 5602, Sacramento, CA 95814
Phone: (916) 322-6630
ATangPaterno@cde.ca.gov

Jolene Tollenaar, *MGT of America*
2001 P Street, Suite 200, Suite 200, Sacramento, CA 95811
Phone: (916) 443-9136
jolene_tollenaar@mgtamer.com

Brian Uhler, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8328
brian.uhler@lao.ca.gov

Marichi Valle, *San Jose Unified School District*
855 Lenzen Avenue, San Jose, CA 95126
Phone: (408) 535-6141
mvalle@sjsud.org



Exhibit B

June 19, 2015

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

Request to Amend Parameters and Guidelines for the Immunization Records: Pertussis Program

Dear Ms. Halsey:

The Department of Finance (Finance) has reviewed the proposed amendments to the Parameters and Guidelines (Ps&Gs) submitted by the Desert Sands Unified School District for the *Immunization Records: Pertussis* mandated program (Program) (11-TC-02), and respectfully submits the following comments.

The proposed amendments would adopt a reasonable reimbursement methodology (RRM) for the Program. The RRM would replace the current cost reimbursement claims process and would be based on the cost reimbursement claims data submitted by 158 school districts to the State Controller's Office (SCO) for the 2012-13 fiscal year and applicable enrollment data provided by the California Department of Education. The proposed RRM would establish a per unit reimbursement rate of \$9.17 per eligible seventh grade student, as adjusted annually for inflation, and would reimburse school districts for costs associated with verifying that students entering the seventh grade have been immunized against pertussis, as appropriate.

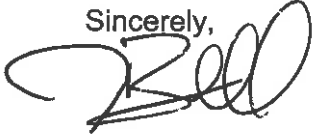
The state established the Mandate Block Grant program to reimburse local educational agencies for mandated activities on an average daily attendance basis; therefore, the Block Grant effectively functions as a RRM. The 2015 Budget adds the Program and \$1.7 million Proposition 98 General Fund to the Mandate Block Grant program to specifically reimburse local educational agencies for costs associated with the Program. To the extent that school districts desire the simplicity of per unit funding for mandated activities, they can participate in the Mandate Block Grant program.

Notwithstanding the Mandate Block Grant program, we believe it is premature to amend the Ps&Gs and adopt a RRM because the SCO has not conducted field audits of the reimbursement claims for the Program. Therefore, it is impossible to substantiate the validity of the costs claimed to date. Establishing a base funding level on unaudited claims could prove detrimental to the state if the true costs are ultimately determined to be lower.

Although the SCO has not conducted field audits of claims for the Program, the SCO annually audits the reimbursement claims of various school districts for various mandated programs. Based on audits over the past 11 years, the SCO disallows claimed costs in excess of 50 percent, on average. Given the historically high disallowance rate in audited claims, we do not believe it would be appropriate to adopt a RRM for the *Immunization Records: Pertussis* program based on unaudited data.

If you have any questions regarding this letter, please contact Ed Hanson, Principal Program Budget Analyst at (916) 445-0328.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Bell". The signature is stylized with a large, sweeping initial "J" and "B".

JEFF BELL
Program Budget Manager



RECEIVED
June 19, 2015
**Commission on
State Mandates**

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

Exhibit C

June 19, 2015

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

Re: Notice of Complete Filing and Schedule for Comments
Request to Amend Parameters and Guidelines
Immunization Records – Pertussis, 14-PGA-01 (11-TC-02)
Health & Safety Code Section 120335
Statutes 2010, Chapter 434 (AB 354)
Desert Sands Unified School District, Requester

Dear Ms. Halsey:

The State Controller's Office reviewed the Notice of Complete Filing and Schedule for Comments concerning the proposed amendment of the parameters and guidelines (P's & G's) for the above named program.

Based on our analysis, we do not recommend the claimant's proposed changes to adopt a reasonable reimbursement methodology since the unit cost per student shows significant variances, ranging from \$1 to \$105.

Should you have any questions regarding the above, please contact Tiffany Hoang at (916) 323-1127 or email thoang@sco.ca.gov.

Sincerely,

JAY LAL, Section Manager
Local Reimbursements Section

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
 SACRAMENTO, CA 95814
 PHONE: (916) 323-3562
 FAX: (916) 445-0278
 E-mail: csminfo@csm.ca.gov



July 16, 2015

Mr. Arthur Palkowitz

Stutz Artiano Shinoff & Holtz
 2488 Historic Decatur Road,
 Suite 200
 San Diego, CA 92106

Dr. James Novak

Desert Sands Unified
 School District
 47-950 Dune Palms Road
 La Quinta, CA 92253

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: **Draft Proposed Decision, Schedule for Comments, and Notice of Hearing**
 Request to Amend Parameters and Guidelines
Immunization Records - Pertussis, 14-PGA-01 (11-TC-02)
 Health and Safety Code Section 120335
 Statutes 2010, Chapter 434 (AB 354)
 Desert Sands Unified School District, Requester

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

The draft proposed decision for the above-named matter is enclosed for your review and comment.

Written Comments

Written comments may be filed on the draft proposed decision by **August 6, 2015**. You are advised that comments filed with the Commission on State Mandates (Commission) are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Please see <http://www.csm.ca.gov/dropbox.shtml> on the Commission's website for instructions on electronic filing. (Cal. Code Regs., tit. 2, § 1181.3)

If you would like to request an extension of time to file comments, please refer to section 1187.9(a) of the Commission's regulations.

Hearing

This matter is set for hearing on **Friday, September 25, 2015**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. The proposed decision will be issued on or about September 11, 2015. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

Sincerely,

Heather Halsey
 Executive Director

ITEM ____

DRAFT PROPOSED DECISION

PROPOSED AMENDMENT to PARAMETERS AND GUIDELINES

Health and Safety Code section 120335, as amended and replaced by
Statutes 2010, Chapter 434 (AB 354)

Immunization Records - Pertussis

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

Desert Sands Unified School District, Requester

EXECUTIVE SUMMARY

This request to amend parameters and guidelines for the *Immunization Records - Pertussis* (*Pertussis*) program proposes to add a unit cost reasonable reimbursement methodology (RRM) of \$9.17 per eligible 7th grade pupil, adjusted each fiscal year for inflation, for all direct and indirect costs of the program, in lieu of requiring claimants to provide detailed documentation of actual costs incurred, beginning July 1, 2014.¹

I. Background

The *Immunization Record - Pertussis* decision was adopted by the Commission on State Mandates (Commission) on July 26, 2013, and approved reimbursement, beginning July 1, 2011, for school districts to verify whether pupils entering the 7th through 12th grades were fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age. Beginning July 1, 2012, verification is required only for pupils entering 7th grade.

On December 6, 2013, the Commission adopted parameters and guidelines for reimbursement of the following activities: receiving and reviewing the written records of the pertussis vaccination; receiving and reviewing documentation showing a pupil's permanent medical or personal beliefs exemption; receiving and reviewing documentation showing a pupil's temporary exemption; advising the pupil's parent or guardian of the requirement to exclude the pupil from school if written evidence of the vaccination or exclusion is not provided within ten days; and reporting to the attendance supervisor any pupil excluded for attendance based on the immunization verification requirements.

II. Procedural History

On April 15, 2015, the Desert Sands Unified School District (District) filed a request to amend the parameters and guidelines.² On June 19, 2015, the Department of Finance (Finance)³ and the

¹ Initial claims for reimbursement for fiscal years 2011-2012 and 2012-2013 were due July 15, 2014, and claims for fiscal year 2013-2014 were due February 15, 2015; therefore if the Commission approves this request, the period of reimbursement for the amendment would begin on July 1, 2014 based on the filing date of the request (April 15, 2015), pursuant to Government Code section 17557(d)(1).

² Exhibit A, Request to Amend Parameters and Guidelines, April 15, 2015.

³ Exhibit B, Finance Comments on Request to Amend Parameters and Guidelines, June 19, 2015.

State Controller's Office (Controller)⁴ submitted written comments opposing the request to amend the parameters and guidelines. On July 14, 2015, Commission staff issued the draft proposed decision.

III. Staff Analysis

The District hired a consultant to develop the proposed unit cost of \$9.17 per 7th grade pupil, which is based on unaudited reimbursement claims received by the Controller from 232 school districts for fiscal year 2011-2012 and 175 schools for fiscal year 2012-2013, along with school district enrollment data from the California Department of Education (CDE). From these data sources, a per-pupil claim amount was calculated for each district submitting claims for the two years. The analysis excluded claims made by county offices of education because the District was unable to ascertain how many pupils were covered by those claims. In addition, for each year, one district was excluded from the analysis based on the extreme size of the claims relative to all other districts. Although the analysis was performed for both fiscal years, the recommendation for the adoption of the unit cost is based on findings for fiscal year 2012-2013 only, since the ongoing portion of the mandate applies only to incoming 7th grade pupils beginning that fiscal year. The results of the analysis for fiscal year 2011-2012 were used only as a check for reasonableness. The proposed unit cost of \$9.17 was calculated based on a weighted average of claims, after eliminating outliers.

The primary requirements for the development of an RRM under article XIII B, section 6 and Government Code sections 17557 and 17518.5 are to consider variation in costs among local government claimants, and to ensure that the RRM balances accuracy with simplicity and reasonably reimburses eligible claimants for all costs mandated by the state. In addition, to be approved by the Commission, all requests to amend parameters and guidelines must be supported by substantial evidence in the record.⁵

Staff finds that the proposed unit cost of \$9.17 per pupil appears to be based on a consideration of the variation in costs among local government claimants. The proposal may also balance accuracy with simplicity, and reasonably represent the costs mandated by the state for this program. However, the Commission cannot analyze the merits of the proposal because there is not substantial evidence in the record to verify the data used to support the proposal. The RRM proposal is supported with a statistical analysis report prepared by a consultant allegedly based on unaudited reimbursement claims filed with the Controller and enrollment data from CDE for fiscal years 2011-2012 and 2012-2013. The consultant provides a certification in the report "that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief."⁶ That certification is sufficient to support the consultant's opinions and the methodology used to conduct the analysis.

However, the certification is not sufficient to support the underlying data used by the consultant to form the opinions. The underlying data purportedly consists of the costs claimed by school

⁴ Exhibit C, Controller's Comments on Request to Amend Parameters and Guidelines, June 19, 2015.

⁵ Government Code section 17559(b): "[A] claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record."

⁶ Exhibit A, Request to Amend Parameters and Guidelines, at p. 74.

districts for this program (i.e. the reimbursement claims) and enrollment data from CDE. The underlying data relied on by the consultant are out-of-court statements that have *not* been submitted for the record under oath or affirmation. California Code of Regulations, title 2, section 1187.5(c) requires that all oral or written representations of fact offered by any person shall be under oath or affirmation, and all written representations of fact must be signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information, or belief. Because neither the actual claims, signed under penalty of perjury, nor a declaration from the Controller that the numbers used in the analysis accurately reflect the claims submitted to the Controller have been submitted for the record, there is no evidence in the record to support the consultant's assertions.

Thus, with this record, the Commission cannot determine if the proposal is based on actual cost information from a representative sample of eligible claimants; the reliability of the cost data and enrollment numbers used by the District; whether the costs used to calculate the proposed unit cost were incurred only for the activities determined to be reimbursable by the Commission in the statement of decision; and whether the proposed unit cost reasonably represents the costs incurred by a school district to comply with the mandate for the fiscal years in the future.

In order for the Commission to properly consider the District's proposal, the District would need to submit copies of the actual reimbursement claims filed with the Controller that have been signed under penalty of perjury by school district claimants, with a certification from either the school districts or the Controller that the copies are true and correct copies of the reimbursement claims filed. Alternatively, since the Controller is required by law to receive reimbursement claims and report the amounts claimed to the Legislature,⁷ the Controller can provide a declaration that the information provided and used in the statistical analysis accurately reflects the costs claimed for this program for fiscal years 2011-2012 and 2012-2013. Pursuant to Evidence Code section 664, the Commission can presume, absent evidence to the contrary, that the official duty of the Controller in reporting the costs claimed for this program, has been regularly performed and is accurate. In addition, direct evidence supporting the enrollment data used would also have to be filed. In this respect, if the CDE publishes information that identifies enrollment by district for the fiscal years in question, the Commission may be able to take official notice of that information.⁸

IV. Staff Recommendation

Staff recommends that the Commission adopt the proposed statement of decision denying the request to amend the parameters and guidelines, and authorize staff to make any technical, non-substantive changes following the hearing.

⁷ Government Code sections 17560, 17562(b).

⁸ California Code of Regulations, title 2, section 1187.5. See also, Evidence Code sections 451, 452, and 1280.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES
AMENDMENT FOR:

Health and Safety Code section 120335, as
amended and replaced by Statutes 2010,
Chapter 434 (AB 354)

Filed April 15, 2015, by

Desert Sands Unified School District,
Requester

Case No.: 14-PGA-01 (11-TC-02)

Immunization Records - Pertussis

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

(Adopted September 25, 2015)

DECISION

The Commission on State Mandates (Commission) adopted this statement of decision during a regularly scheduled hearing on September 25, 2015. [Witness list will be included in the adopted decision.]

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

The Commission [adopted/modified] the proposed decision to [approve/deny] the request to amend the parameters and guidelines by a vote of [Vote count will be included in the adopted decision].

I. BACKGROUND

This request to amend parameters and guidelines for the *Immunization Records - Pertussis* (*Pertussis*) program proposes to add a unit cost reasonable reimbursement methodology (RRM) of \$9.17 per eligible 7th grade pupil, adjusted each fiscal year for inflation, for all direct and indirect costs of the program, in lieu of requiring claimants to provide detailed documentation of actual costs incurred, beginning July 1, 2014.⁹

The *Immunization Record - Pertussis* decision was adopted by the Commission on July 26, 2013, and approved reimbursement, beginning July 1, 2011, for school districts to verify whether pupils entering the 7th through 12th grades were fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age. Beginning July 1, 2012, verification is required only for pupils entering 7th grade.

⁹ Initial claims for reimbursement for fiscal years 2011-2012 and 2012-2013 were due July 15, 2014, and claims for fiscal year 2013-2014 were due February 15, 2015; therefore if the Commission approves this request, the period of reimbursement for the amendment would begin on July 1, 2014 based on the filing date of the request (April 15, 2015), pursuant to Government Code section 17557(d)(1).

The test claim statute was enacted in response to a pertussis epidemic in California. Under prior law, immunization against pertussis was required prior to the *first* admission to school, typically in kindergarten. The Department of Public Health found that routine childhood immunization against pertussis provided before kindergarten does not provide lasting immunity, that 7th through 12th grade pupils are at the highest risk of waning pertussis immunity, and that without intervention the pertussis epidemic will be prolonged.

On December 6, 2013, the Commission adopted parameters and guidelines for reimbursement of the following activities: receiving and reviewing the written records of the pertussis vaccination; receiving and reviewing documentation showing a pupil's permanent medical or personal beliefs exemption; receiving and reviewing documentation showing a pupil's temporary exemption; advising the pupil's parent or guardian of the requirement to exclude the pupil from school if written evidence of the vaccination or exclusion is not provided within ten days; and reporting to the attendance supervisor any pupil excluded for attendance based on the immunization verification requirements. These parameters and guidelines require school districts to claim reimbursement based on actual costs incurred, and retain all documents used to support the reimbursable activities during the period subject to audit.

More specifically, the following ongoing approved activities are the subject of this proposal:

Beginning July 1, 2012, only 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; (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 regulations that were not properly pled and therefore beyond the Commission's jurisdiction.

II. POSITIONS OF THE PARTIES

A. Requester's Position

The Desert Sands Unified School District proposes to add a unit cost RRM of \$9.17 per eligible pupil, adjusted for inflation, in lieu of requiring claimants to provide detailed documentation of actual costs incurred. After adjusting for inflation, for fiscal year 2014-2015 the proposed unit cost rate is \$9.47.¹⁰

In support of the request, the District provides a Statistical Analysis of Pertussis Mandate Claims (statistical analysis) report prepared by Capitol Matrix Consulting, which presents the findings of the "statistical analysis of reimbursement claims submitted by school districts for the Pertussis mandate contained in AB 354 (Chapter 434, Statutes of 2010)."¹¹ The report states that the proposal is based on unaudited claims data received by the Controller, along with school district enrollment data from CDE for fiscal years 2011-2012 and 2012-2013. From these data sources, a per-pupil claim amount was calculated for each district submitting claims during the two years.

For the analysis, the report excluded claims made by county offices of education because they were unable to ascertain how many pupils were covered by those claims. One district in each

¹⁰ Exhibit A, Request to Amend Parameters and Guidelines, at pp. 1, 10.

¹¹ The report is in Exhibit A, Request to Amend Parameters and Guidelines, at pp. 65-87.

year was excluded based on the extreme size of the claims relative to all other districts. In both cases, the claims exceeded \$100 per pupil – amounts that were nearly double the second largest claim made in each year, and over ten times the overall average claim.¹² Although the analysis was performed for both fiscal years, the recommendation for the adoption of the unit cost is based on findings for fiscal year 2012-2013 only, since the ongoing portion of the mandate applies only to incoming 7th grade pupils beginning that fiscal year. The results of the analysis for fiscal year 2011-2012 were used only as a check for reasonableness. The report explains the analysis as follows:

Controller’s Office claims data. For purposes of this study, we analyzed claims data provided to us by the state Controller’s Office for fiscal years 2011-12 and 2012-13. The data for 2011-12 included claims for 7th through 12th grades for 232 districts, superintendents, and county offices of education, totaling \$6.9 million. The data for 2012-13 includes claims from 175 school districts, superintendents and county offices of education totaling \$1.7 million. The smaller amount of claims in 2012-13 is primarily related to the smaller number of students for which review of immunization records is required. As noted above, only 7th grade students are affected by the mandate in 2012-13 and thereafter.

The Controller’s data for both years includes the total dollar value of claims for each district, as well as a breakout of how the costs are distributed among the four reimbursable activities. However, the Controller’s data does not include information regarding the specific number of students involved in each activity. Thus, the data is not amenable to creation of separate reimbursement rates for each activity.

School enrollment data. To determine the cost-per-student claim amounts, we extracted from the California Department of Education database information on enrollment by grade level for each district submitting claims under this mandate. Next, we backed out the number of students in each district that were enrolled in charter schools (which are ineligible to claim mandate reimbursements). We then divided claim amounts for each district by the number of non-charter school students in the 7th through 12th grades for 2011-12, and by non-charter school students in the 7th grade for 2012-13, to arrive at an average per-student claim amount for each of the districts.

For our analysis, we excluded claims made by county offices of education and superintendents of public instruction because we were unable to ascertain how many students were covered by those claims. We also excluded one district in each year based on extreme size of the claims relative to all other districts. In both cases, the claims exceeded \$100 per student – amounts that were nearly double the second largest claim made in each year, and over ten times the overall average claim.

After these exclusions, the remaining dataset on which we conducted our analysis included 214 districts with claims totaling \$6.6 million in 2011-12, and 158

¹² For example, the report indicates that Huntington Beach City Elementary had an average claim of \$136.20 per student in fiscal year 2011-2012, and that Central Unified had an average claim of \$105.00 per student in fiscal year 2012-2013. The report states that the claims from these districts were excluded from the analysis. (Exhibit A, at pp. 77, 83.)

districts with claims totaling \$1.6 million in 2012-13. The data used in our analysis are included in Appendix 2 of the report.¹³

For fiscal year 2012-2013, the distribution of per-pupil claims by district, for over one half of the districts “(which covered nearly two-thirds of the 7th grade students in districts making claims in 2012-13),” ranged from \$1 to \$10. Another one-quarter of the districts submitted claims ranging from \$10 to \$20 per pupil, and the remaining quarter submitted claims ranging from \$20 to \$60 per pupil.¹⁴ The report calculates the average and median amounts claimed in 2012-2013 for performing the mandated activities for 7th graders as follows:

- The unweighted average claim for all districts was \$12.87 per pupil. The unweighted average reflects the expected size of a claim drawn from a randomly selected district, regardless of the district’s size.
- The weighted average claim, taking into account the relative number of 7th graders in each district, was \$9.64. The weighted average reflects the expected size of a claim associated with a randomly selected pupil in a district. In the weighted calculation, the number of pupils in each district matters. Districts with 1,000 pupils would have 10 times the weight of the smaller district.
- After eliminating outliers (approximately 5 percent of the districts) the weighted average was \$9.17 per pupil. The methodology used to eliminate outliers compared actual per-pupil claim levels to the expected value for each district, taking into account its size and proportion of claims attributable to follow-up activities. “Specifically, we (1) estimated a regression-based equation relating per-student claiming amounts to district size and percentage of claims related to follow-up activities, (2) calculated the standard error of the estimate (the average variation around the predicted value), and (3) eliminated observations that were more than two standard deviations from their expected values.” The report states that the advantage of this methodology is it does not automatically eliminate districts with high or low claim rates. Rather, it compares each district’s per-pupil claim to its expected value, given its size and proportion of claims related to follow-up activities.
- The median per-district claim amount was \$8.88 per pupil.¹⁵

The District asserts that the proposed RRM based on the statistical analysis resulting in \$9.17 per pupil, considers the variation of costs among school districts and implements the mandate in a costs effective manner because it is based on the number of pupils determined to be immunized at each district.¹⁶

B. Department of Finance Position

On June 19, 2015, Finance submitted written comments on the District’s request to amend the parameters and guidelines. Finance argues in its comments that “[t]o the extent that school districts desire simplicity of per unit funding for mandated activities, they can participate in the Mandate Block Grant program,” which in the 2015 budget, includes \$1.7 million Proposition 98

¹³ *Id.* at p. 68.

¹⁴ *Ibid.*

¹⁵ *Id.* at pp. 66, 70, 72.

¹⁶ Exhibit A, Request to Amend Parameters and Guidelines, at pp. 10-11, 67.

General Funds to specifically reimburse local educational agencies for mandated costs. Finance also argues that adoption of an RRM is premature because the Controller has not conducted field audits of the reimbursement claims submitted for the *Pertussis* program and therefore it is impossible to substantiate the validity of the costs claimed to date. Finance asserts that this could result in the establishment of a base funding level on unaudited claims, which could prove detrimental to the state if the true costs are ultimately determined to be lower. Finally, Finance asserts that because the Controller has not audited the claims, and since the Controller historically disallows claimed costs in excess of 50 percent on average, it would be inappropriate to adopt an RRM for the *Pertussis* program based on unaudited data.¹⁷

C. State Controller Position

On June 19, 2015, the State Controller's Office submitted written comments on the request to amend the parameters and guidelines. The Controller asserts that the proposed RRM should not be adopted "since the unit cost per student shows significant variances ranging from \$1 to \$105."¹⁸

III. DISCUSSION

The District proposes to amend Section V. of the parameters and guidelines to include a unit cost RRM in lieu of filing detailed documentation of actual costs, based on evidence of the average costs of complying with the mandate. The following analysis will examine the statutory and constitutional requirements of an RRM, and then apply those requirements in considering whether the District has presented substantial evidence which would support a legally sufficient Commission decision to amend the parameters and guidelines as requested.

A. The Requirements for Adopting a Reasonable Reimbursement Methodology

1. The RRM shall consider the variation in costs among local government claimants, balance accuracy with simplicity, and reasonably reimburse eligible claimants for costs mandated by the state.

Article XIII B, section 6 provides: "[w]henver the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service [with exceptions not applicable here]..." This reimbursement obligation was "enshrined in the Constitution ... to provide local entities with the assurance that state mandates would not place additional burdens on their increasingly limited revenue resources."¹⁹ Section 17561(a) states: "[t]he state *shall* reimburse each local agency and school district for *all* 'costs mandated by the state,' as defined in Section 17514." (Emphasis added.) The courts have interpreted the Constitutional and statutory scheme as requiring "full" payment of the actual costs incurred by a local entity once a mandate is determined by the Commission.²⁰

¹⁷ Exhibit B, Finance Comments on Request to Amend Parameters and Guidelines, pp. 1-2.

¹⁸ Exhibit C, Controller's Comments on Request to Amend Parameters and Guidelines, pp. 1-2.

¹⁹ *Lucia Mar Unified School Dist. v. Honig* (1988) 44 Cal.3d 830, 836, fn. 6; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1282; *CSBA v. State of California* (2011) 192 Cal.App.4th 770, 785-786.

²⁰ *CSBA v. State of California (CSBA II)* (Cal. Ct. App. 4th Dist. 2011) 192 Cal.App.4th 770, 786; *County of Sonoma v. Commission on State Mandates* (Cal. Ct. App. 1st Dist. 2000) 84 Cal.App.4th 1264, 1284. The court in *County of Sonoma* recognized that the goal of article

The statutes providing for the adoption of an RRM, along with the other statutes in this part of the Government Code, are intended to implement article XIII B, section 6.²¹ Prior section 17557 provided authority for the Commission, extending back to 1984, to “adopt an allocation formula or uniform allowance.”²² The current version of section 17557 provides, and has since 2004, that the Commission “shall consult with the Department of Finance, the affected state agency, the Controller, the fiscal and policy committees of the Assembly and Senate, the Legislative Analyst, and the claimants to consider [an RRM] that balances accuracy with simplicity.”²³

Express statutory authority for the adoption of an RRM was originally enacted in 2004, and was amended in 2007 to promote greater flexibility in the adoption of an RRM.²⁴ The former section 17518.5 provided that an RRM must “meet the following conditions:”

- (1) The total amount to be reimbursed statewide is equivalent to total estimated local agency and school district costs to implement the mandate in a cost-efficient manner.
- (2) For 50 percent or more of eligible local agency and school district claimants, the amount reimbursed is estimated to fully offset their projected costs to implement the mandate in a cost-efficient manner.²⁵

In a 2007 report, the Legislative Analyst’s Office (LAO) stated that an RRM is intended to reduce local and state costs to file, process, and audit claims; and reduce disputes regarding mandate reimbursement claims and the SCO’s audit reductions. The report identifies, under the heading “Concerns With the Mandate Process,” the difficulties under the statutes then-in-effect:

- Most mandates are not complete programs, but impose increased requirements on ongoing local programs. Measuring the cost to carry out these marginal changes is complex.
- Instead of relying on unit costs or other approximations of local costs, reimbursement methodologies (or “parameters and guidelines”) typically require local governments to document their actual costs to carry out each element of the mandate.

XIII B, section 6 was to prevent the state from forcing extra programs on local government in a manner that negates their careful budgeting of expenditures, and that a forced program is one that results in “increased actual expenditures.” The court further noted the statutory mandates process that refers to the reimbursement of “actual costs incurred.”

See also, Government Code sections 17522 defining “annual reimbursement claim” to mean a claim for “actual costs incurred in a prior fiscal year; and Government Code section 17560(d)(2) and (3), referring to the Controller’s audit to verify the “actual amount of the mandated costs.”

²¹ Government Code section 17500 et seq.

²² Government Code section 17557 (Stats. 1984, ch. 1459).

²³ Government Code section 17557 (Stats. 2004, ch. 890 (AB 2856); Stats. 2007, ch. 329 (AB 1222)).

²⁴ Government Code section 17518.5 (enacted by Stats. 2004, ch. 890 (AB 2856); amended by Stats. 2007, ch. 329 (AB 1222)).

²⁵ Government Code section 17518.5 (enacted by Stats. 2004, ch. 890 (AB 2856)).

- The documentation required makes it difficult for local governments to file claims and leads to disputes with the State Controller’s Office.

The LAO’s recommendation to address these issues was to:

Expand the use of unit-based and *other simple claiming methodologies* by clarifying the type of easy-to-administer methodologies that the Legislature envisioned when it enacted this statute²⁶

The LAO’s recommendations were implemented through Statutes 2007, chapter 329 (AB 1222) which amended 17518.5 to define an RRM as follows:

- (a) “Reasonable reimbursement methodology” means a formula for reimbursing local agencies and school districts for costs mandated by the state, as defined in Section 17514.
- (b) A reasonable reimbursement methodology shall be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies and school districts, or other projections of local costs.
- (c) A reasonable reimbursement methodology shall consider the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner.
- (d) Whenever possible, a reasonable reimbursement methodology shall be based on general allocation formulas, uniform cost allowances, and other approximations of local costs mandated by the state, rather than detailed documentation of actual costs
- (e) A reasonable reimbursement methodology may be developed by any of the following:
 - (1) The Department of Finance.
 - (2) The Controller.
 - (3) An affected state agency.
 - (4) A claimant.
 - (5) An interested party.²⁷

²⁶ “State-Local Working Group Proposal to Improve the Mandate Process,” Legislative Analyst’s Office, June 21, 2007, page 3. See also, Assembly Bill Analysis of AB 2856 (2004), concurrence in Senate Amendments of August 17, 2004; Assembly Bill Analysis of AB 1222 (2007), concurrence in Senate Amendments of September 4, 2007. These bill analyses identify the purpose of the RRM process is to “streamline the documentation and reporting process for mandates.”; Kaufman & Broad Communities, Inc. v. Performance Plastering (Cal. Ct. App. 3d Dist. 2005) 133 Cal.App.4th 26, at pp. 31-32 [Reports of the Legislative Analyst’s Office may properly be considered, as legislative history, to determine the legislative intent of a statute].

²⁷ Government Code section 17518.5 (b-d) (Stats. 2007, ch. 329 § 1 (AB 1222)).

Thus, Government Code section 17518.5, as amended in 2007, provides a flexible definition, which focuses on the sources of the information used to develop an RRM,²⁸ and only requires that the end result “balances accuracy with simplicity.” Given the LAO’s “Concerns with the Mandates Process” to which the amendments were addressed, the new statute should also be interpreted as imposing less stringent requirements for documentation of costs, and less burdensome measuring of the marginal costs of higher levels of service.²⁹

As noted above, an RRM “shall be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies and school districts, or other projections of other local costs.”³⁰ Section 1183.12 of the Commission’s regulations provides that a proposed RRM “shall include any documentation or *assumption relied upon* to develop the proposed methodology.”³¹ The statute does not provide for a minimum number of claimants to constitute a representative sample; accordingly, the regulations provide that a “‘representative sample of eligible claimants’ does not include eligible claimants that do not respond to surveys or otherwise participate in submitting cost data.”³² The statute provides that an RRM “[w]henver possible... shall be based on general allocation formulas, uniform cost allowances, and *other approximations of local costs* mandated by the state, *rather than detailed documentation* of actual costs.”³³ There is no requirement that the data upon which an RRM is based include actual cost claimed, or audited data as argued by Finance; an “approximation” is sufficient. The section expressly provides for an RRM as an alternative to the requirement for detailed documentation of actual costs.³⁴

Additionally, section 17518.5(c) provides that an RRM “shall *consider* the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner.” There is no requirement that an RRM *mitigate or eliminate* cost variation among local government claimants. And finally, section 17557 provides that the Commission “shall consult with the Department of Finance, the affected state agency, the Controller, the fiscal and policy committees of the Assembly and Senate, the Legislative Analyst, and the claimants to consider a reasonable reimbursement methodology that *balances accuracy with simplicity*.”

By determining a unit cost RRM based on approximations or averages of local costs pursuant to section 17518.5, some local entities may receive more than their actual costs incurred to comply with a state-mandated program and some may receive less. And, thus, for any given program with a unit cost, there may be some entities that are not reimbursed the full costs actually incurred, as the courts have determined is required by article XIII B, section 6. Nevertheless, the Legislature has the power to enact statutes, such as Government Code section 17518.5, that provide “reasonable” regulation and control of the rights granted under the Constitution. The

²⁸ Government Code section 17518.5 (as amended, Stats. 2007, ch. 329 (AB 1222)).

²⁹ *Kaufman & Broad Communities, supra*, 133 Cal.App.4th 26, at pp. 31-32 [LAO reports may be relied upon as evidence of legislative history].

³⁰ Government Code section 17518.5(b) (Stats. 2007, ch. 329 § 1 (AB 1222)).

³¹ Register 2008, number 17.

³² Code of Regulations, Title 2, section 1183.13 (Register 2008, No. 17).

³³ Government Code section 17518.5(d) (Stats. 2007, ch. 329 § 1 (AB 1222)).

³⁴ See Exhibit X, Assembly Floor Analysis, AB 1222 [“Establishes a streamlined alternative state mandate reimbursement process...”].

Commission must presume that Government Code section 17518.5 meets this standard and is constitutionally valid. Additionally, the Commission has the duty of applying Government Code section 17518.5 in a constitutional manner. If the Commission approves a unit cost that does not comply with the requirements of section 17518.5 and does not represent a reasonable approximation of costs incurred by an eligible claimant to comply with the mandated program, then the Commission’s decision could be determined unconstitutional and invalid by the courts.

Based on the foregoing, the Commission finds that the primary requirements for the development of an RRM are to consider variation in costs among local government claimants, and to ensure that the RRM balances accuracy with simplicity and reasonably reimburses eligible claimants for costs mandated by the state.

2. The RRM must be based on substantial evidence in the record.

a. *Substantial evidence standard for Commission proceedings*

Government Code section 17559 requires that Commission decisions be based on substantial evidence in the record. Section 17559 allows a claimant or the state to petition for a writ of administrative mandamus under section 1094.5 of the Code of Civil Procedure, “to set aside a decision of the commission on the ground that the commission’s decision is not supported by substantial evidence.”³⁵

Code of Civil Procedure section 1094.5, in turn, provides:

Where it is claimed that the findings are not supported by the evidence, in cases in which the court is authorized by law to exercise its independent judgment on the evidence, abuse of discretion is established if the court determines that the findings are not supported by the weight of the evidence. *In all other cases, abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in the light of the whole record.*³⁶

The latter finding is required for Commission decisions: when reviewing a decision of an administrative body exercising quasi-judicial power, “the reviewing court is limited to the determination of whether or not the decision is supported by substantial evidence and the court may not substitute its view for that of the administrative body, nor reweigh conflicting evidence.”³⁷ Moreover, Government Code section 17559 expressly “requires that the trial court review the decision of the Commission under the substantial evidence standard.”³⁸

The evidence required to adopt an RRM is necessarily more relaxed than an actual cost reimbursement methodology.³⁹ However, when the Legislature added section 17518.5 to the Government Code, it did not change the existing requirement in section 17559 that all of the Commission’s findings be based on substantial evidence in the record. Statutory enactments must be considered in the context of the entire statutory scheme of which they are a part and be

³⁵ Government Code section 17559(b) (Stats. 1999, ch. 643 (AB 1679)).

³⁶ Code of Civil Procedure section 1094.5 (Stats. 2011, ch. 296 § 41 (AB 1023)).

³⁷ *Board of Trustees of the Woodland Union High School District v. Munro* (Cal. Ct. App. 3d Dist. 1958) 163 Cal.App.2d 440, 445.

³⁸ *City of San Jose v. State* (Cal. Ct. App. 6th Dist. 1996) 45 Cal.App.4th 1802, 1810.

³⁹ See Government Code 17518.5 [Statute employs terms like “projections;” “approximations”].

harmonized with the statutory framework as a whole.⁴⁰ In 2011, the Commission clarified its regulations to specifically identify the quasi-judicial matters that are subject to these evidentiary rules, including proposed parameters and guidelines and requests to amend parameters and guidelines.⁴¹ Thus, the plain language of the statutory and regulatory mandates scheme requires substantial evidence in the record to support the adoption of an RRM.

b. Evidence rules for Commission proceedings.

The Commission is not required to observe strict evidentiary rules, but its decisions cannot be based on hearsay evidence alone. As indicated above, substantial evidence in the record is required to support the findings of the Commission. The courts have interpreted the evidentiary requirement for administrative proceedings as follows:

While administrative bodies are not expected to observe meticulously all of the rules of evidence applicable to a court trial, common sense and fair play dictate certain basic requirements for the conduct of any hearing at which facts are to be determined. Among these are the following: the evidence must be produced at the hearing by witnesses personally present, or by authenticated documents, maps or photographs; ordinarily, hearsay evidence standing alone can have no weight, and this would apply to hearsay evidence concerning someone else's opinion; furthermore, cross-examination within reasonable limits must be allowed. Telephone calls to one of the officials sitting in the case, statements made in letters and arguments made in petitions should not be considered as evidence.⁴²

Section 1187.5(a) of the Commission's regulations provides that when exercising the quasi-judicial functions of the Commission, "[a]ny relevant non-repetitive evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs."⁴³ This regulation is borrowed from the evidentiary requirements of the Administrative Procedures Act (APA), which contains substantially the same language.⁴⁴ Section 1187.5(c) requires that oral or written representations of fact offered by any person shall be under oath or affirmation. All written representations of fact must be signed under penalty of

⁴⁰ *Renee J. v. Superior Court* (2001) 26 Cal.4th 735, 743.

⁴¹ California Code of Regulations, Title 2, section 1187 (Register 2010, No. 44.)

⁴² *Desert Turf Club v. Board of Supervisors for Riverside County* (1956) 141 Cal.App.2d 446, 455. The board based its denial of land use permit for a race track on testimony, letters and phone calls from members of the public opposing horse racing and betting on moral grounds. The court held that there was no evidence in the record to support the decision. On remand, the court directed the board to "reconsider the petition of appellants as to land use, wholly excluding any consideration as to the alleged immorality of horse racing and betting as authorized by state law, and wholly excluding from such consideration all testimony not received in open hearing, and all statements of alleged fact and arguments in petitions and letters on file, except the bare fact that the petitioners or letter writers approve or oppose the granting of the petition; also wholly excluding each and every instance of hearsay testimony unless supported by properly admissible testimony, it being further required that the attorneys representing any party in interest be granted a reasonable opportunity to examine or cross-examine every new witness produced." *Id.* at p. 456.

⁴³ Code of Regulations, Title 2, section 1187.5.

⁴⁴ Government Code section 11513.

perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information, or belief.

Both the Commission's regulations, and the APA provisions in the Government Code, provide that hearsay evidence is admissible if it is inherently reliable, but *will not be sufficient in itself* to support a finding unless the evidence would be admissible over objection in a civil case with a hearsay exception.⁴⁵ Hearsay evidence may be used only for the purpose of supplementing or explaining other evidence.⁴⁶

Hearsay evidence is defined as an out-of-court statement (either oral or written) that is offered to prove the truth of the matter stated. Under the evidentiary requirements for the courts, written testimony in the form of a declaration or affidavit is considered hearsay because the declarant is an out-of-court witness making statements about the truth of the matters asserted and is not available for cross examination. However, under the relaxed rules of evidence in section 1187.5 of the Commission's regulations, written testimony made under oath or affirmation is considered direct evidence and may properly be used to support a fact.⁴⁷

Out-of-court statements that are *not* made under oath or affirmation, however, are hearsay. Unless there is an exception provided by law, hearsay evidence alone cannot be used to support a finding under Government Code section 17518.5 because out-of-court statements are generally considered unreliable. The witness is not under oath, there is no opportunity to cross-examine the witness, and the witness cannot be observed at the hearing.⁴⁸ There are many exceptions to the hearsay rule, however. If one of the exceptions applies, then an out-of-court statement is considered trustworthy under the circumstances and may be used to prove the truth of the matter stated.⁴⁹

In addition, the Commission may take official notice of any facts which may be judicially noticed by the courts.⁵⁰ Such facts include the official acts of any legislative, executive, or judicial body; records of the court; and other facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination.

Section 1187.5(d) further provides that each party has the right to present witnesses, introduce exhibits, and propose to the chairperson questions for opposing witnesses. The regulation further states that "[i]f declarations are to be used in lieu of testimony, the party proposing to use the declarations shall comply with Government Code section 11514."⁵¹ Government Code section 11514, in turn, provides:

(a) At any time 10 or more days prior to a hearing or a continued hearing, any party may mail or deliver to the opposing party a copy of any affidavit which he proposes to introduce in evidence, together with a notice as provided in

⁴⁵ Code of Regulations, Title 2, section 1187.5; Government Code section 11513.

⁴⁶ California Code of Regulations, title 2, section 1187.5.

⁴⁷ *Windigo Mills v. Unemployment Ins. Appeals Bd.* (1979) 92 Cal.App.3d 586, 597.

⁴⁸ *People v. Cudjo* (1993) 6 Cal.4th 585.

⁴⁹ See Evidence Code sections 1200 et seq. for the statutory hearsay exceptions.

⁵⁰ California Code of Regulations, title 2, section 1187.5. See also, Evidence Code sections 451 and 452.

⁵¹ California Code of Regulations, Title 2, section 1187.5.

subdivision (b). Unless the opposing party, within seven days after such mailing or delivery, mails or delivers to the proponent a request to cross-examine an affiant, his right to cross-examine such affiant is waived and the affidavit, if introduced in evidence, *shall be given the same effect as if the affiant had testified orally*. If an opportunity to cross-examine an affiant is not afforded after request therefore is made as herein provided, the affidavit may be introduced in evidence, but shall be given only the same effect as other hearsay evidence.⁵²

Note that the Commission’s regulations use the word “declaration,” and the Government Code refers to an “affidavit.” An affidavit, by definition, if it is to be used before a court, must “be taken before any officer authorized to administer oaths,” usually a judge.⁵³ But under the Code of Civil Procedure, section 2015.5, a declaration made *under penalty of perjury* is given the same force and effect as an affidavit sworn before an authorized officer. Such declaration must be in writing, must be “subscribed by him or her,” and must name the date and place of execution.⁵⁴

For expert testimony, an expert must be qualified, pursuant to section 720 of the Evidence Code, which provides:

(a) A person is qualified to testify as an expert if he has special knowledge, skill, expertise, training, or education sufficient to qualify him as an expert on the subject to which his testimony relates. Against the objection of a party, such special knowledge, skill, experience, training, or education must be shown before the witness may testify as an expert.

(b) A witness’ special knowledge, skill, experience, training, or education may be shown by any otherwise admissible evidence, including his own testimony.⁵⁵

The California Supreme Court has held that an expert witness is qualified “if his peculiar skill, training, or experience enable him to form opinion that would be useful to the jury.”⁵⁶ And in order to lay the foundation to introduce expert testimony, “[it is] the province of the court to determine, from the examination as to the witness’ qualifications, whether he [is] competent to testify as an expert.”⁵⁷ An expert’s testimony is intended to make complicated facts or information more understandable to the fact finder, and in so doing may rely on any information, including that which is not admissible in itself, but may not make legal conclusions.⁵⁸

⁵² Government Code section 11514(a) (Stats. 1947, ch. 491 § 6) [emphasis supplied].

⁵³ Code of Civil Procedure section 2012 (Stats. 1907, ch. 393 § 1).

⁵⁴ Code of Civil Procedure section 2015.5 (Stats. 1980, ch. 889 § 1).

⁵⁵ Evidence Code section 720 (Stats. 1965, ch. 299 § 2).

⁵⁶ *People v. Davis* (1965) 62 Cal.2d 791, at p. 800.

⁵⁷ *Bossert v. Southern Pacific Co.* (1916) 172 Cal. 504, at p. 506.

⁵⁸ Evidence Code section 805; *WRI Opportunity Loans II LLC v. Cooper* (Cal. Ct. App. 2d Dist. 2007) 154 Cal.App.4th 525, at p. 532, fn 3 [“Generally, Evidence Code section 805 permits expert testimony on the ultimate issue to be decided by the fact finder. However, this rule does not ... authorize ... an ‘expert’ to testify to legal conclusions in the guise of expert opinion. Such legal conclusions do not constitute substantial evidence.” (internal citations omitted)].

Therefore, in keeping with the applicable evidentiary standards provided by the statutes and regulations, and in an attempt to harmonize the case law with the clear import of statute and regulation, the following standards emerge:

- Commission decisions must be supported by “substantial evidence” under Government Code section 17559.
- Any relevant non-repetitive evidence *shall* be admitted if it is the sort of evidence on which responsible persons are accustomed to rely. Oral or written representations of fact offered by any person shall be under oath or affirmation. All written representations of fact must be signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant’s personal knowledge, information, or belief.⁵⁹
- Hearsay evidence may be used to supplement or explain, although it shall not be sufficient alone to support a finding unless admissible over objection in civil actions.⁶⁰
- Under Government Code section 11514, as referenced in the Commission’s regulations, an affidavit or declaration may be “given the same effect as if the affiant had testified orally,” if properly noticed and an opportunity to cross-examine the affiant is given.⁶¹
- Expert testimony, in the form of an affidavit or declaration is admissible if the Commission finds a witness qualified by special skill or training, and the testimony is helpful to the Commission.
- The Commission may take official notice of any facts which may be judicially noticed by the courts, including official acts of any legislative, executive, or judicial body and records of the court.
- Furthermore, surveys and other cost analyses of eligible claimants as a method of gathering cost data are contemplated by the statute and the regulations as a viable form of evidence, but they must be admissible under the Commission’s regulations and the evidence rules, as discussed above.⁶²

B. The proposed RRM is supported only by the consultant’s report, which contains assertions of fact that are not supported by substantial evidence in the record.

Finance and the Controller both oppose the proposed RRM. The Controller states that the cost per pupil shows significant variance, ranging from \$1 to \$105. Finance asserts that the Commission should deny the request because the underlying data has not been audited by the Controller. Finance further asserts that if school districts want simplicity in claiming costs, the education mandates block grant, which provides funding for this program, is available to school district claimants.

The District’s proposal is based on the consultant’s review of the costs per pupil allegedly claimed by 232 school districts for fiscal year 2011-2012 and 175 schools for fiscal year 2012-2013. Because of the variance of costs claimed by different school districts, the consultant

⁵⁹ California Code of Regulations, title 2, section 1187.5.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Government Code section 17518.5; Code of Regulations, title 2, section 1183.13.

excluded the extreme costs claimed (including the claim of \$105 per pupil) from the analysis, and proposed a methodology that eliminates “observations that were more than two standard deviations from their expected values.” Neither Finance nor the Controller have specifically addressed or objected to the District’s statistical analysis, the methodology used, or the consultant’s findings. And, as indicated above, the fact that the underlying data has not been audited does not defeat the request. Government Code sections 17557 and 17518 specifically authorize the Commission to adopt a unit cost RRM in the original parameters and guidelines *before* reimbursement claims are filed. In addition, the education block grant is governed by Government Code section 17581.6, which authorizes a school district to receive block grant funding, in lieu of filing reimbursement claims with the Controller, for costs mandated by the state for over 40 state-mandated programs; this program is included in the block grant beginning on July 1, 2015 (one year after the potential period of reimbursement for this request). If a school district “elects” to receive block grant funding in a given fiscal year, it must submit a letter to the Superintendent of Public Instruction. School districts are not required to participate in the block grant funding program, any may continue to request reimbursement through the parameters and guidelines. Nor does section Government Code section 17518.6 defeat the right of a local government claimant that does not participate in the block grant program to request a parameters and guidelines amendment to add a unit cost RRM, or defeat the authority of the Commission to approve such a request.

The Commission finds that the proposed unit cost of \$9.17 per pupil appears to be based on a consideration of the variation in costs among local government claimants. The proposal may also balance accuracy with simplicity, and reasonably represent the costs mandated by the state for this program. However, the Commission cannot analyze the merits of the proposal because there is not substantial evidence in the record to verify the data used to support the proposal.

The RRM proposal is supported with a statistical analysis report prepared by a consultant based on unaudited reimbursement claims filed with the Controller and enrollment data from CDE for fiscal years 2011-2012 and 2012-2013. The consultant provides a certification in the report “that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.”⁶³ That certification is sufficient to support the consultant’s opinions and the methodology used to conduct the analysis.

However, the certification is not sufficient to support the underlying data used by the consultant to form the opinions. The underlying data purportedly consists of the costs claimed by school districts for this program and enrollment data from CDE. Since the consultant is not employed by a school district or CDE, there is no evidence that the consultant has any first-hand knowledge of the actual costs claimed by school districts or pupil enrollment data for fiscal years 2011-2012 and 2012-2013.

Rather, the consultant’s report states that the analysis is based on a review of data maintained by the Controller’s Office and CDE. The underlying data relied on by the consultant are out-of-court statements that are *not* provided in this record under oath or affirmation. California Code of Regulations, title 2, section 1187.5(b) requires that all oral or written representations of fact offered by any person shall be under oath or affirmation, and all written representations of fact must be signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant’s personal knowledge, information, or belief. The District is using the out-of-court responses to prove the truth of the matter asserted; for example that the

⁶³ Exhibit A, Request to Amend Parameters and Guidelines, at p. 74.

“proposed unit cost rates are derived from annual reimbursement claim cost data pursuant to the Statement of Reimbursable activities in the parameters and guidelines that were adopted by the Commission and are presumed to be the most cost efficient manner of implementing the mandated activities for the program” and that “the proposed uniform cost allowance considers the variation in costs among the districts to implement the mandate in a cost efficient manner because they are dependent on the number of students determined to be immunized at each district.”⁶⁴

Thus, with this record, the Commission cannot determine if the proposal is based on actual cost information from a representative sample of eligible claimants; the reliability of the cost data and enrollment numbers used by the District; whether the costs used to calculate the proposed unit cost were incurred only for the activities determined to be reimbursable by the Commission in the test claim statement of decision and parameters and guidelines; and whether the proposed unit cost reasonably represents the costs incurred by a school district to comply with the mandate for the fiscal years in the future.

In order for the Commission to properly consider the District’s proposal, the District would need to submit copies of the actual reimbursement claims filed with the Controller that have been signed under penalty of perjury by school district claimants, with a certification from either the school districts or the Controller’s Office that the copies are true and correct copies of the reimbursement claims filed.⁶⁵ Alternatively, since the Controller is required by law to receive reimbursement claims and report the amounts claimed to the Legislature,⁶⁶ the Controller can provide a declaration that the information provided and used in the statistical analysis accurately reflects the costs claimed for this program for fiscal years 2011-2012 and 2012-2013. Pursuant to Evidence Code section 664, the Commission can presume, absent evidence to the contrary, that the official duty of the Controller in reporting the costs claimed for this program, has been regularly performed and is accurate. In addition, direct evidence supporting the enrollment data used would also have to be filed. In this respect, if the CDE publishes information that identifies enrollment by district for the fiscal years in question, the Commission may be able to take official notice of that information.⁶⁷

Based on this record, however, the proposed RRM is not supported by substantial evidence in the record.

IV. CONCLUSION

There is not substantial evidence in the record to approve the request to amend the parameters and guidelines and, therefore, the request is denied.

⁶⁴ *Id.* at p. 11

⁶⁵ See, Evidence Code section 1530.

⁶⁶ Government Code sections 17560, 17562(b).

⁶⁷ California Code of Regulations, title 2, section 1187.5. See also, Evidence Code sections 451, 452, and 1280.

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 16, 2015, I served the:

Draft Proposed Decision, Schedule for Comments, and Notice of Hearing

Request to Amend Parameters and Guidelines

Immunization Records - Pertussis, 14-PGA-01 (11-TC-02)

Health and Safety Code Section 120335

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 16, 2015 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: 7/8/15

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.)

Amber Alexander, *Department of Finance*

915 L Street, Sacramento, Ca

Phone: (916) 445-0328

Amber.Alexander@dof.ca.gov

Socorro Aquino, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

Harmeet Barkschat, *Mandate Resource Services, LLC*

5325 Elkhorn Blvd. #307, Sacramento, CA 95842

Phone: (916) 727-1350

harmeet@calsdrc.com

Lacey Baysinger, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

lbaysinger@sco.ca.gov

Julia Blair, Senior Commission Counsel, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

julia.blair@csm.ca.gov

Mike Brown, *School Innovations & Advocacy*

5200 Golden Foothill Parkway, El Dorado Hills, CA 95762

Phone: (916) 669-5116

mikeb@sia-us.com

J. Bradley Burgess, *MGT of America*
895 La Sierra Drive, Sacramento, CA 95864
Phone: (916)595-2646
Bburgess@mgtamer.com

Gwendolyn Carlos, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-0706
gcarlos@sco.ca.gov

David Cichella, *California School Management Group*
3130-C Inland Empire Blvd., Ontario, CA 91764
Phone: (209) 834-0556
dcichella@cscentral.com

Joshua Daniels, *Attorney, California School Boards Association*
3251 Beacon Blvd, West Sacramento, CA 95691
Phone: (916) 669-3266
jdaniels@csba.org

Marieta Delfin, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-4320
mdelfin@sco.ca.gov

Andra Donovan, *San Diego Unified School District*
Legal Services Office, 4100 Normal Street, Room 2148, , San Diego, CA 92103
Phone: (619) 725-5630
adonovan@sandi.net

Donna Ferebee, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Chris Ferguson, *Department of Finance*
Education Systems Unit, 915 L Street, 7th Floor, 915 L Street, 7th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Ferguson@dof.ca.gov

Susan Geanacou, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Paul Golaszewski, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8341
Paul.Golaszewski@lao.ca.gov

Ed Hanson, *Department of Finance*
Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-0328
ed.hanson@dof.ca.gov

Mark Ibele, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
Mark.Ibele@sen.ca.gov

Cheryl Ide, Associate Finance Budget Analyst, *Department of Finance*
Education Systems Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
Cheryl.ide@dof.ca.gov

Jill Kanemasu, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-9891
jkanemasu@sco.ca.gov

Jennifer Kuhn, Deputy, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8332
Jennifer.kuhn@lao.ca.gov

Jay Lal, *State Controller's Office (B-08)*
Division of Accounting & Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0256
JLal@sco.ca.gov

George Landon, Deputy Superintendent, Admin. Fiscal Support, *Lake Elsinore Unified School District*
545 Chaney Street, Lake Elsinore, CA 92530
Phone: (951) 253-7095
George.Landon@leusd.k12.ca.us

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Yazmin Meza, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
Yazmin.meza@dof.ca.gov

Meredith Miller, Director of SB90 Services, *MAXIMUS*
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670
Phone: (972) 490-9990
meredithcmiller@maximus.com

Robert Miyashiro, *Education Mandated Cost Network*
1121 L Street, Suite 1060, Sacramento, CA 95814
Phone: (916) 446-7517
robertm@sscal.com

Jameel Naqvi, Analyst, *Legislative Analyst's Office*

Education Section, 925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8331
Jameel.naqvi@lao.ca.gov

Keith Nezaam, *Department of Finance*
915 L Street, 8th Floor, Sacramento, CA 95814
Phone: (916) 445-8913
Keith.Nezaam@dof.ca.gov

Lehoa Nguyen, *California Department of Public Health*
1501 Capitol Ave., P.O. Box 997377, MS 0506, Sacramento, CA 95899-7377
Phone: (916) 440-7841
lehoa.nguyen@cdph.ca.gov

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

James Novak, Assistant Superintendent of Business Services, *Desert Sands Unified School District*
47-980 Dune Palms Road, La Quinta, CA 92253
Phone: (760) 771-8508
jim.novak@desertsands.us

Christian Osmena, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
christian.osmena@dof.ca.gov

Arthur Palkowitz, *Stutz Artiano Shinoff & Holtz*
Requester Representative
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@sashlaw.com

Keith Petersen, *SixTen & Associates*
P.O. Box 340430, Sacramento, CA 95834-0430
Phone: (916) 419-7093
kbpsixten@aol.com

Mark Rewolinski, *MAXIMUS*
625 Coolidge Drive, Suite 100, Folsom, CA 95630
Phone: (949) 440-0845
markrewolinski@maximus.com

Sandra Reynolds, *Reynolds Consulting Group, Inc.*
P.O. Box 894059, Temecula, CA 92589
Phone: (951) 303-3034
sandrareynolds_30@msn.com

Robert Roach, *Twin Rivers Unified School District*
3222 Winona Way, North Highlands, CA 95660
Phone: (916) 566-1600

rob.roach@twinriversusd.org

David Scribner, *Max8550*

2200 Sunrise Boulevard, Suite 240, Gold River, CA 95670

Phone: (916) 852-8970

dscribner@max8550.com

Steve Shields, *Shields Consulting Group, Inc.*

1536 36th Street, Sacramento, CA 95816

Phone: (916) 454-7310

steve@shieldscg.com

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-5849

jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

DSpeciale@sco.ca.gov

Meg Svoboda, *Senate Office of Research*

1020 N Street, Suite 200, Sacramento, CA

Phone: (916) 651-1500

meg.svoboda@sen.ca.gov

Amy Tang-Paterno, Educational Fiscal Services Consultant, *California Department of Education*

Government Affairs, 1430 N Street, Suite 5602, Sacramento, CA 95814

Phone: (916) 322-6630

ATangPatemo@cde.ca.gov

Thomas Todd, Assistant Program Budget Manager, *Department of Finance*

Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-0328

Thomas.Todd@dof.ca.gov

Jolene Tollenaar, *MGT of America*

2251 Harvard Street, Suite 134, Sacramento, CA 95815

Phone: (916) 443-411

jolene_tollenaar@mgtamer.com

Brian Uhler, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8328

brian.uhler@lao.ca.gov

Marichi Valle, *San Jose Unified School District*

855 Lenzen Avenue, San Jose, CA 95126

Phone: (408) 535-6141

mvalle@sjusd.org

2488 Historic Decatur Road
Suite 200
San Diego, California 92106
(619) 232-3122
Fax (619) 232-3264
www.stutzartiano.com

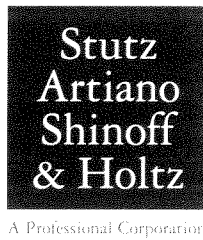


Exhibit E

Arthur M. Palkowitz, Esq.
apalkowitz@stutzartiano.com



July 20, 2015

Heather Halsey
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Case No.: Immunization Records – Pertussis (11-TC-02)
Request to Amend Parameters & Guidelines to Adopt a Reasonable
Reimbursement Methodology
Claimant: Desert Sands Unified School District

Dear Ms. Halsey:

Desert Sands Unified School District (“Claimant”) files this Rebuttal in response to the Department of Finance and State Controller Office comments.

A. **Legal Authority**

The Commission has the authority to “amend, modify, or supplement the parameters and guidelines” upon the claim or request of a local agency, school district, or state agency. (Gov. Code § 17557(d).) The Commission may adopt a reasonable reimbursement methodology change to the parameters and guidelines for all reimbursement activities.

Claimant requests to Amend the Parameters & Guidelines To Adopt A Reasonable Reimbursement Methodology, a uniform cost allowance, pursuant to Government Code sections 17557(d)(1); 17557(2)(C); 17518.5 and California Code of Regulations section 1183.17 (a)(3). The request includes proposed language for the specific sections of the existing parameters and guidelines and a narrative explaining why the amendment is required. In support of the request for the reasonable reimbursement methodology claimant has submitted a Statistical Analysis of Pertussis Mandate Claims Report describing the source data and the statistical analysis performed in calculating a proposed unit rate.

The Statistical Analysis of Pertussis Mandate Claims Report is in conformity with Government Code section 17518.5(b) as it is based on cost information from a representative sample of eligible claimants, information provided by association of local agencies and school districts, or other projections of local costs. The reasonable reimbursement methodology is based on uniform cost allowances, derived from a broad range of criteria and information, and need not conform to any specific statutory standards, other than balancing accuracy with simplicity, and considering variation in costs among local government claimants in order to implement the

Heather Halsey
Executive Director

mandate in a cost efficient manner, rather than detailed documentation of actual local costs. (Gov. Code § 17518.5(d))

The auditing of reimbursement claims is not a prerequisite for the development and approval of a reasonable reimbursement methodology. (CCR §1183.12)

Mandate Block Grant

The Mandate Block Grant (“MGB”) is for School Districts that annually elect to receive reimbursement based on their annual daily attendance. Whether or not Immunization Records – Pertussis (11-TC-02) program is included in the MBG is irrelevant, as Schools Districts may annually decide to file claims, requiring the necessity for approval of a reasonable reimbursement methodology.¹

CERTIFICATION

I certify by my signature below, under penalty of perjury under the laws of the State of California, that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.



Arthur M. Palkowitz
Attorney for the Claimant

¹ Immunization Records – Pertussis (11-TC-02) program is not included in the Mandate Block Grant and not an option for reimbursement for mandated costs. Consequently, School Districts are eligible to file reimbursement claims with the State Controller Office for the costs incurred in fiscal year 2014–15. (<http://www.cde.ca.gov/fg/aa/ca/mandatebgfaq.asp#q21>)

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 22, 2015, I served the:

Claimant Rebuttal Comments

Request to Amend Parameters and Guidelines

Immunization Records - Pertussis, 14-PGA-01 (11-TC-02)

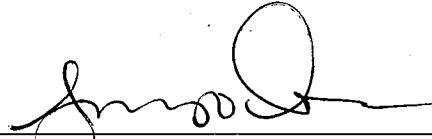
Health and Safety Code Section 120335

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 22, 2015 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: 7/8/15

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.)

Amber Alexander, *Department of Finance*

915 L Street, Sacramento, Ca

Phone: (916) 445-0328

Amber.Alexander@dof.ca.gov

Socorro Aquino, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

Harmeet Barkschat, *Mandate Resource Services, LLC*

5325 Elkhorn Blvd. #307, Sacramento, CA 95842

Phone: (916) 727-1350

harmeet@calsdrc.com

Lacey Baysinger, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

lbaysinger@sco.ca.gov

Julia Blair, Senior Commission Counsel, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

julia.blair@csm.ca.gov

Mike Brown, *School Innovations & Advocacy*

5200 Golden Foothill Parkway, El Dorado Hills, CA 95762

Phone: (916) 669-5116

mikeb@sia-us.com

J. Bradley Burgess, *MGT of America*
895 La Sierra Drive, Sacramento, CA 95864
Phone: (916)595-2646
Bburgess@mgtamer.com

Gwendolyn Carlos, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-0706
gcarlos@sco.ca.gov

David Cichella, *California School Management Group*
3130-C Inland Empire Blvd., Ontario, CA 91764
Phone: (209) 834-0556
dcichella@cscentral.com

Joshua Daniels, *Attorney, California School Boards Association*
3251 Beacon Blvd, West Sacramento, CA 95691
Phone: (916) 669-3266
jdaniels@csba.org

Marieta Delfin, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-4320
mdelfin@sco.ca.gov

Andra Donovan, *San Diego Unified School District*
Legal Services Office, 4100 Normal Street, Room 2148, , San Diego, CA 92103
Phone: (619) 725-5630
adonovan@sandi.net

Donna Ferebee, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Chris Ferguson, *Department of Finance*
Education Systems Unit, 915 L Street, 7th Floor, 915 L Street, 7th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Ferguson@dof.ca.gov

Susan Geanacou, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Paul Golaszewski, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8341
Paul.Golaszewski@lao.ca.gov

Ed Hanson, *Department of Finance*
Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-0328
ed.hanson@dof.ca.gov

Mark Ibele, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
Mark.Ibele@sen.ca.gov

Cheryl Ide, Associate Finance Budget Analyst, *Department of Finance*
Education Systems Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
Cheryl.ide@dof.ca.gov

Jill Kanemasu, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-9891
jkanemasu@sco.ca.gov

Jennifer Kuhn, Deputy, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8332
Jennifer.kuhn@lao.ca.gov

Jay Lal, *State Controller's Office (B-08)*
Division of Accounting & Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0256
JLal@sco.ca.gov

George Landon, Deputy Superintendent, Admin. Fiscal Support, *Lake Elsinore Unified School District*
545 Chaney Street, Lake Elsinore, CA 92530
Phone: (951) 253-7095
George.Landon@leusd.k12.ca.us

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Yazmin Meza, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
Yazmin.meza@dof.ca.gov

Meredith Miller, Director of SB90 Services, *MAXIMUS*
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670
Phone: (972) 490-9990
meredithcmiller@maximus.com

Robert Miyashiro, *Education Mandated Cost Network*
1121 L Street, Suite 1060, Sacramento, CA 95814
Phone: (916) 446-7517
robertm@sscal.com

Jameel Naqvi, Analyst, *Legislative Analyst's Office*

Education Section, 925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8331
Jameel.naqvi@lao.ca.gov

Keith Nezaam, *Department of Finance*
915 L Street, 8th Floor, Sacramento, CA 95814
Phone: (916) 445-8913
Keith.Nezaam@dof.ca.gov

Lehoa Nguyen, *California Department of Public Health*
1501 Capitol Ave., P.O. Box 997377, MS 0506, Sacramento, CA 95899-7377
Phone: (916) 440-7841
lehoa.nguyen@cdph.ca.gov

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

James Novak, Assistant Superintendent of Business Services, *Desert Sands Unified School District*
47-980 Dune Palms Road, La Quinta, CA 92253
Phone: (760) 771-8508
jim.novak@desertsands.us

Christian Osmena, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
christian.osmena@dof.ca.gov

Arthur Palkowitz, *Stutz Artiano Shinoff & Holtz*
Requester Representative
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@sashlaw.com

Keith Petersen, *SixTen & Associates*
P.O. Box 340430, Sacramento, CA 95834-0430
Phone: (916) 419-7093
kbpsixten@aol.com

Mark Rewolinski, *MAXIMUS*
625 Coolidge Drive, Suite 100, Folsom, CA 95630
Phone: (949) 440-0845
markrewolinski@maximus.com

Sandra Reynolds, *Reynolds Consulting Group, Inc.*
P.O. Box 894059, Temecula, CA 92589
Phone: (951) 303-3034
sandrareynolds_30@msn.com

Robert Roach, *Twin Rivers Unified School District*
3222 Winona Way, North Highlands, CA 95660
Phone: (916) 566-1600

rob.roach@twinriversusd.org

David Scribner, *Max8550*

2200 Sunrise Boulevard, Suite 240, Gold River, CA 95670

Phone: (916) 852-8970

dscribner@max8550.com

Steve Shields, *Shields Consulting Group, Inc.*

1536 36th Street, Sacramento, CA 95816

Phone: (916) 454-7310

steve@shieldscg.com

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-5849

jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

DSpeciale@sco.ca.gov

Meg Svoboda, *Senate Office of Research*

1020 N Street, Suite 200, Sacramento, CA

Phone: (916) 651-1500

meg.svoboda@sen.ca.gov

Amy Tang-Paterno, Educational Fiscal Services Consultant, *California Department of Education*

Government Affairs, 1430 N Street, Suite 5602, Sacramento, CA 95814

Phone: (916) 322-6630

ATangPatemo@cde.ca.gov

Thomas Todd, Assistant Program Budget Manager, *Department of Finance*

Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-0328

Thomas.Todd@dof.ca.gov

Jolene Tollenaar, *MGT of America*

2251 Harvard Street, Suite 134, Sacramento, CA 95815

Phone: (916) 443-411

jolene_tollenaar@mgtamer.com

Brian Uhler, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8328

brian.uhler@lao.ca.gov

Marichi Valle, *San Jose Unified School District*

855 Lenzen Avenue, San Jose, CA 95126

Phone: (408) 535-6141

mvalle@sjusd.org



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

RECEIVED
August 04, 2015
*Commission on
State Mandates*

August 4, 2015

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

Re: Draft Proposed Decision, Schedule for Comments, and Notice of Hearing
Request to Amend Parameters and Guidelines
Immunization Records – Pertussis, 14-PGA-01 (11-TC-02)
Health and Safety Code Section 120335
Statutes 2010, Chapter 434 (AB 354)
Desert Sands Unified School District, Requester

Dear Ms. Halsey:

The State Controller's Office reviewed the draft proposed decision on the request to amend Parameters and Guidelines for the Immunization Records – Pertussis program and recommends no changes.

Should you have any questions regarding the above, please contact Tiffany Hoang at (916) 323-1127 or email THoang@sco.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Lal", written over a white background.

JAY LAL, 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 August 4, 2015, I served the:

SCO Comments

Immunization Records - Pertussis, 14-PGA-01 (11-TC-02)

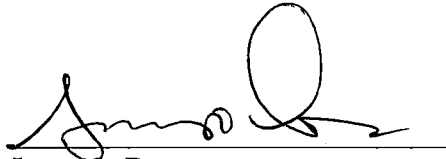
Health and Safety Code Section 120335

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 August 4, 2015 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: 7/8/15

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.)

Amber Alexander, *Department of Finance*

915 L Street, Sacramento, Ca

Phone: (916) 445-0328

Amber.Alexander@dof.ca.gov

Socorro Aquino, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

Harmeet Barkschat, *Mandate Resource Services, LLC*

5325 Elkhorn Blvd. #307, Sacramento, CA 95842

Phone: (916) 727-1350

harmeet@calsdrc.com

Lacey Baysinger, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

lbaysinger@sco.ca.gov

Julia Blair, Senior Commission Counsel, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

julia.blair@csm.ca.gov

Mike Brown, *School Innovations & Advocacy*

5200 Golden Foothill Parkway, El Dorado Hills, CA 95762

Phone: (916) 669-5116

mikeb@sia-us.com

J. Bradley Burgess, *MGT of America*
895 La Sierra Drive, Sacramento, CA 95864
Phone: (916)595-2646
Bburgess@mgtamer.com

Gwendolyn Carlos, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-0706
gcarlos@sco.ca.gov

David Cichella, *California School Management Group*
3130-C Inland Empire Blvd., Ontario, CA 91764
Phone: (209) 834-0556
dcichella@cscentral.com

Joshua Daniels, *Attorney, California School Boards Association*
3251 Beacon Blvd, West Sacramento, CA 95691
Phone: (916) 669-3266
jdaniels@csba.org

Marieta Delfin, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-4320
mdelfin@sco.ca.gov

Andra Donovan, *San Diego Unified School District*
Legal Services Office, 4100 Normal Street, Room 2148, , San Diego, CA 92103
Phone: (619) 725-5630
adonovan@sandi.net

Donna Ferebee, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Chris Ferguson, *Department of Finance*
Education Systems Unit, 915 L Street, 7th Floor, 915 L Street, 7th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Ferguson@dof.ca.gov

Susan Geanacou, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Paul Golaszewski, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8341
Paul.Golaszewski@lao.ca.gov

Ed Hanson, *Department of Finance*
Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-0328
ed.hanson@dof.ca.gov

Mark Ibele, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
Mark.Ibele@sen.ca.gov

Cheryl Ide, Associate Finance Budget Analyst, *Department of Finance*
Education Systems Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
Cheryl.ide@dof.ca.gov

Jill Kanemasu, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-9891
jkanemasu@sco.ca.gov

Jennifer Kuhn, Deputy, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8332
Jennifer.kuhn@lao.ca.gov

Jay Lal, *State Controller's Office (B-08)*
Division of Accounting & Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0256
JLal@sco.ca.gov

George Landon, Deputy Superintendent, Admin. Fiscal Support, *Lake Elsinore Unified School District*
545 Chaney Street, Lake Elsinore, CA 92530
Phone: (951) 253-7095
George.Landon@leusd.k12.ca.us

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Yazmin Meza, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
Yazmin.meza@dof.ca.gov

Meredith Miller, Director of SB90 Services, *MAXIMUS*
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670
Phone: (972) 490-9990
meredithcmiller@maximus.com

Robert Miyashiro, *Education Mandated Cost Network*
1121 L Street, Suite 1060, Sacramento, CA 95814
Phone: (916) 446-7517
robertm@sscal.com

Jameel Naqvi, Analyst, *Legislative Analyst's Office*

Education Section, 925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8331
Jameel.naqvi@lao.ca.gov

Keith Nezaam, *Department of Finance*
915 L Street, 8th Floor, Sacramento, CA 95814
Phone: (916) 445-8913
Keith.Nezaam@dof.ca.gov

Lehoa Nguyen, *California Department of Public Health*
1501 Capitol Ave., P.O. Box 997377, MS 0506, Sacramento, CA 95899-7377
Phone: (916) 440-7841
lehoa.nguyen@cdph.ca.gov

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

James Novak, Assistant Superintendent of Business Services, *Desert Sands Unified School District*
47-980 Dune Palms Road, La Quinta, CA 92253
Phone: (760) 771-8508
jim.novak@desertsands.us

Christian Osmena, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
christian.osmena@dof.ca.gov

Arthur Palkowitz, *Stutz Artiano Shinoff & Holtz*
Requester Representative
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@sashlaw.com

Keith Petersen, *SixTen & Associates*
P.O. Box 340430, Sacramento, CA 95834-0430
Phone: (916) 419-7093
kbpsixten@aol.com

Mark Rewolinski, *MAXIMUS*
625 Coolidge Drive, Suite 100, Folsom, CA 95630
Phone: (949) 440-0845
markrewolinski@maximus.com

Sandra Reynolds, *Reynolds Consulting Group, Inc.*
P.O. Box 894059, Temecula, CA 92589
Phone: (951) 303-3034
sandrareynolds_30@msn.com

Robert Roach, *Twin Rivers Unified School District*
3222 Winona Way, North Highlands, CA 95660
Phone: (916) 566-1600

rob.roach@twinriversusd.org

David Scribner, *Max8550*

2200 Sunrise Boulevard, Suite 240, Gold River, CA 95670

Phone: (916) 852-8970

dscribner@max8550.com

Steve Shields, *Shields Consulting Group, Inc.*

1536 36th Street, Sacramento, CA 95816

Phone: (916) 454-7310

steve@shieldscg.com

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-5849

jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

DSpeciale@sco.ca.gov

Meg Svoboda, *Senate Office of Research*

1020 N Street, Suite 200, Sacramento, CA

Phone: (916) 651-1500

meg.svoboda@sen.ca.gov

Amy Tang-Paterno, Educational Fiscal Services Consultant, *California Department of Education*

Government Affairs, 1430 N Street, Suite 5602, Sacramento, CA 95814

Phone: (916) 322-6630

ATangPatemo@cde.ca.gov

Thomas Todd, Assistant Program Budget Manager, *Department of Finance*

Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-0328

Thomas.Todd@dof.ca.gov

Jolene Tollenaar, *MGT of America*

2251 Harvard Street, Suite 134, Sacramento, CA 95815

Phone: (916) 443-411

jolene_tollenaar@mgtamer.com

Brian Uhler, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8328

brian.uhler@lao.ca.gov

Marichi Valle, *San Jose Unified School District*

855 Lenzen Avenue, San Jose, CA 95126

Phone: (408) 535-6141

mvalle@sjusd.org

Test Claim: Immunization Records-Pertussis
Claimants: Desert Sands Unified School District
Request to Amend Parameters & Guidelines to Adopt a Reasonable Reimbursement Methodology
Declaration: Brad Williams

RECEIVED
August 06, 2015
*Commission on
State Mandates*

DECLARATION

I, Brad Williams, Capital Matrix Consulting, declare as follows:

1. My Statistical analysis was based on the unaudited claims data for fiscal years 2011-12 and 2012-13 provided to me by the State Controller’s Office on October 28, 2014.

2. I have reviewed the declaration of Gwen Carlos, Accounting Administrator 1, State Controller’s Office, dated July 27, 2015 as well as the more detailed report prepared by Gwen Carlos attached to her declaration showing claim data for the cost incurred by each school district under each reimbursable activity and the total amount of claim.

3. Based on my review of the declaration of Gwen Carlos dated July 27, 2015 as well as the report prepared by Gwen Carlos attached to her declaration, the bottom line totals and the detail in the report are identical to the information provided to me by the Controller's Office on October 28, 2014, that was the basis for my statistical analysis and conclusions contained therein. Therefore, my opinions and conclusions in my Statistical Analysis remain unchanged.

4. The school district enrollment data was used in my Statistical Analysis is from the State Department of Education. (<http://www.cde.ca.gov/ds/sd/sd/filesenr.asp>). We downloaded the data enr11 and enr12, which corresponds to enrollment data for academic years 2011-12 and 2012-13. In these data files, enrollment counts are given for each school by grade level. We imported the data into STATA (a database and statistical software package) to construct our relevant enrollment measures.

5. I excluded Charter Schools from the enrollment totals using information from the Department of Education’s public schools data base. (<http://www.cde.ca.gov/ds/si/ds/pubschls.asp>). (Charter Schools are excluded because they are not eligible to receive mandate reimbursements). From these data sources, I calculated a per-student claim amount for each district submitting claims during the two years. The public schools database file does not include enrollment. However, all public schools (whether Active, Closed, Merged, or Pending) are listed. A variable called “Charter” identifies whether the school is a charter school.

6. We combined the public schools database file with the enrollment data for years 2011 and 2012 and dropped districts that did not make claims. Since we are interested in enrollment for grades 7-12, we created a count of total enrollment in each district for grades 7, 8,

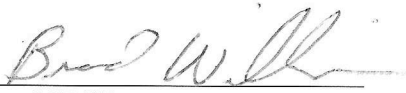
Test Claim: Immunization Records-Pertussis
Claimants: Desert Sands Unified School District
Request to Amend Parameters & Guidelines to Adopt a Reasonable Reimbursement Methodology
Declaration: Brad Williams

9, 10, 11, and 12, excluding charter schools. Total district enrollment for grades 7-12 is the sum of these measures.

7. I received my Bachelor of Arts and my Master of Arts in Economics from University of California, Davis. My thirty-two years of professional employment includes holding the positions of Budget Analyst for the California Legislative Analyst's Office, Director of Economic and Revenue Forecasting/Executive Director for the California Commission in State Finance, and Senior Economist/ Director of Economic and Revenue Forecasting for the California Legislative Analyst's Office. My formal education and professional experience includes among other tasks, developing statistical analysis similar to the analysis I completed for the Immunization Records-Pertussis program. I have attached to this declaration my current resume.

I certify by my signature below, under penalty of perjury under the laws of the State of California, that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.

Dated: August 5, 2015


Brad Williams



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

Declaration of Authenticity of Records

I, Gwendolyn Carlos, declare:

I am the Accounting Administrator I, Supervisor, of the Division of Accounting and Reporting within the State Controller's Office (SCO) and am duly authorized and qualified witness to certify the authenticity of the attached records for the SCO.

The copies of the documents of the SCO as described below and which are attached hereto is a true copy of the records as maintained by this office.

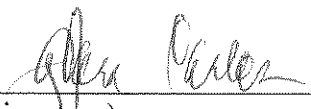
The documents are as follow:

- Report showing list of school districts who filed claims with SCO for Immunization Records – Pertussis (Program # 357), which identifies the activities and costs for the 7th graders (not new entrants) for reimbursement:
Schedule A is for fiscal year 2011-12 with 232 unaudited claims totaling \$6,907,220; and
Schedule B is for fiscal year 2012-13 with 175 unaudited claims totaling \$1,722,043.

These documents were prepared by personnel of the SCO under my direct supervision and were prepared in the ordinary course of business at or near the time of the acts, conditions or events described in the records.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 23, 2015 at Sacramento, California.



(Signature)

State Controller's Office
Division of Accounting and Reporting - Local Reimbursements Section
Immunization Records - Pertussis - Program 357
Fiscal Year 2011-12
As of October 28, 2014

		A. Students entering the 7th through 12th Grade.					Indirect Cost Rate	Total Indirect Costs	Total
		Reimbursable Activities for Fiscal Year 2011-12							
Claimant Name	Claimant Amount	Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil	Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation	Notify already admitted pupils' parent/guardian of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis or lawful exemption if not obtained within 10 school days	Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.				
1	CASTRO VALLEY UNIF SCH DIST	\$51,289	\$33,090	\$8,318	\$6,844	\$7	6	\$3,030	\$51,289
2	LIVERMORE VALLEY JT UN SCH DIS	\$100,825	\$63,915	\$27,591	\$2,142	\$1,967	5	\$5,210	\$100,825
3	OAKLAND UNIFIED SCHOOL DIST	\$337,402	\$179,805	\$143,842			4	\$13,755	\$337,402
4	DURHAM UNIFIED SCHOOL DISTRICT	\$2,169	\$1,001	\$765	\$270		7	\$133	\$2,169
5	GRIDLEY UNIFIED SCHOOL DIST	\$2,920	\$1,121	\$1,001	\$610	\$74	4	\$114	\$2,920
6	OROVILLE UNION HIGH SCH DIST	\$12,591	\$8,266	\$2,808	\$844	\$263	3	\$410	\$12,591
7	MAXWELL UNIF SCH DIST	\$2,263	\$1,002	\$1,002			13	\$259	\$2,263
8	ANTIOCH UNIF SCH DIST	\$1,437	\$1,096	\$139	\$69	\$69	5	\$64	\$1,437
9	LIBERTY UNION HIGH SCH DIST	\$14,274	\$11,931	\$1,576	\$94	\$31	5	\$642	\$14,274
10	MORAGA SCHOOL DISTRICT	\$1,227	\$890	\$246	\$8		7	\$83	\$1,227
11	WEST CONTRA COSTA UNIFIED SD	\$28,106	\$6,864	\$12,367	\$5,970	\$1,759	4	\$1,146	\$28,106
12	DEL NORTE COUNTY UN SCH DIST	\$19,142	\$9,112	\$9,112			5	\$918	\$19,142
13	RESCUE UNION ELEMENTARY SD	\$14,480	\$14,084					\$396	\$14,480
14	CENTRAL UNIFIED SCHOOL DIST	\$203,095	\$87,320	\$47,540	\$50,064	\$7,930	5	\$10,241	\$203,095
15	CLOVIS UNIFIED SCHOOL DIST	\$105,641	\$58,511	\$35,784	\$5,134	\$1,944	4	\$4,268	\$105,641
16	COALINGA/HURON JT UN SCH DIST	\$14,439	\$7,897	\$5,591	\$223		5	\$728	\$14,439
17	FIREBAUGH-LAS DELTAS UNIF SD	\$6,583	\$5,084	\$1,165			5	\$334	\$6,583
18	FRESNO UNIFIED SCHOOL DISTRICT	\$359,423	\$103,237	\$201,500	\$22,647	\$18,851	4	\$13,188	\$359,423
19	KERMAN UNIFIED SCHOOL DIST	\$12,973	\$6,414	\$5,194	\$220	\$129	9	\$1,016	\$12,973
20	RIVERDALE JOINT UN SCH DIST	\$1,451	\$1,044	\$289		\$13	8	\$105	\$1,451
21	ORLAND JT U.S.D	\$10,544	\$10,219				3	\$325	\$10,544
22	HUMBOLDT CO SUPT OF SCHOOLS	\$2,380	\$1,560	\$542	\$133	\$16	8	\$129	\$2,380
23	EUREKA CITY SCHOOL DISTRICT	\$25,980	\$14,917	\$8,951			9	\$2,112	\$25,980
24	FORTUNA UNION HIGH SCH DIST	\$1,897	\$1,563	\$240			5	\$94	\$1,897
25	KLAMATH-TRINITY JT SCH DIST	\$4,446	\$1,645	\$2,146	\$429		5	\$226	\$4,446
26	MCKINLEYVILLE UNION ELEM SD	\$4,857	\$1,967	\$2,143	\$409	\$96	5	\$242	\$4,857
27	SOUTHERN HUMBOLDT JT UNIFIED	\$1,270	\$780	\$249	\$189		4	\$52	\$1,270
28	IMPERIAL CO SUPT OF SCHOOLS	\$4,062	\$1,700	\$1,759	\$227	\$68	8	\$308	\$4,062
29	BRAWLEY UNION HIGH SCHOOL DIST	\$2,451	\$1,305	\$816	\$200	\$25	4	\$105	\$2,451
30	CALIPATRIA UNIFIED SCHOOL DIST	\$2,244	\$1,673	\$321	\$83	\$42		\$125	\$2,244
31	CENTRAL UNION HIGH SCH DIST	\$3,756	\$2,993	\$250	\$250	\$50	6	\$213	\$3,756
32	IMPERIAL UNIF SCH DIST	\$1,482	\$1,392	\$39			4	\$51	\$1,482
33	FRUITVALE ELEM SCH DIST	\$8,731	\$4,968	\$2,484	\$621	\$207	5	\$451	\$8,731
34	RICHLAND SCHOOL DISTRICT	\$2,251	\$1,225	\$408	\$204	\$272	7	\$142	\$2,251
35	ROSEDALE UNION SCH DIST	\$2,810	\$2,064	\$401	\$119	\$66	6	\$160	\$2,810
36	SOUTHERN KERN UNIF SCH DIST	\$1,447	\$908	\$453			6	\$86	\$1,447
37	TAFT CITY ELEM SCH DIST	\$2,210	\$628	\$737	\$491	\$218	7	\$136	\$2,210
38	KINGS CO SUPT OF SCHOOLS	\$8,196	\$2,761	\$1,778	\$2,371	\$593	9	\$693	\$8,196
39	ARMONA UN ELEM SCH DIST	\$2,892	\$2,740					\$152	\$2,892
40	CORCORAN JOINT UNIFIED SCH DST	\$1,682	\$1,354	\$200	\$57	\$14	4	\$57	\$1,682
41	HANFORD SCHOOL DISTRICT	\$9,056	\$8,420					\$636	\$9,056
42	HANFORD JT UN HIGH SCH DIST	\$10,501	\$9,455	\$399	\$34	\$34	6	\$579	\$10,501
43	KIT CARSON UN ELEM SCH DIST	\$1,842	\$1,687					\$155	\$1,842
44	LEMOORE UNION HIGH SCHOOL DIST	\$2,050	\$1,812	\$105	\$26		6	\$107	\$2,050
45	REEF-SUNSET UNIFIED SCH DIST	\$2,492	\$813	\$781	\$432	\$280	8	\$186	\$2,492

State Controller's Office
Division of Accounting and Reporting - Local Reimbursements Section
Immunization Records - Pertussis - Program 357
Fiscal Year 2011-12
As of October 28, 2014

		A. Students entering the 7th through 12th Grade.				Indirect Cost Rate	Total Indirect Costs	Total	
		Reimbursable Activities for Fiscal Year 2011-12							
	Claimant Name	Claimant Amount	Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil	Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation	Notify already admitted pupils' parent/guardian of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis or lawful exemption if not obtained within 10 school days	Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.			
46	KELSEYVILLE UNIF SCH DIST	\$4,210	\$4,048				4	\$162	\$4,210
47	UPPER LAKE UN HIGH SCH DIST	\$1,428	\$1,296				10	\$132	\$1,428
48	LASSEN CO SUPT OF SCHOOLS	\$1,680	\$883	\$555	\$99	\$50	11	\$93	\$1,680
49	LASSEN UNION HIGH SCH DIST	\$4,942	\$3,090	\$1,545			7	\$307	\$4,942
50	ABC UNIFIED SCHOOL DISTRICT	\$6,464	\$4,940	\$888	\$249	\$69	5	\$318	\$6,464
51	ANTELOPE VALLEY UN HI SCH DIST	\$76,763	\$42,288	\$31,415				\$3,060	\$76,763
52	ARCADIA UNIF SCH DIST	\$24,275	\$22,952		\$62		5	\$1,261	\$24,275
53	AZUSA UNIF SCH DIST	\$27,636	\$26,393					\$1,243	\$27,636
54	BASSETT UNIF SCH DIST	\$69,676	\$30,166	\$13,689	\$10,719	\$10,441		\$4,661	\$69,676
55	BELLFLOWER UNIF SCH DIST	\$26,500	\$6,554	\$16,007	\$2,659	\$170	4	\$1,110	\$26,500
56	BONITA UNIFIED SCHOOL DISTRICT	\$22,745	\$20,538	\$372	\$372		7	\$1,463	\$22,745
57	COMPTON UNIFIED SCHOOL DIST	\$64,519	\$23,954	\$36,804				\$3,761	\$64,519
58	CULVER CITY UNIF SCH DIST	\$8,426	\$5,605	\$2,069	\$129	\$151	6	\$472	\$8,426
59	DOWNEY UNIF SCH DIST	\$13,289	\$12,666				5	\$623	\$13,289
60	EAST WHITTIER CITY ELEM SD	\$26,582	\$21,048	\$3,876	\$511			\$1,147	\$26,582
61	EL MONTE ELEMENTARY SCH DIST	\$5,758	\$2,847	\$148	\$2,344	\$148	5	\$271	\$5,758
62	EL SEGUNDO UNIF SCH DIST	\$17,011	\$15,591					\$1,420	\$17,011
63	GLENDALE UNIF SCH DIST	\$46,220	\$22,052		\$21,744	\$715	4	\$1,709	\$46,220
64	HACIENDA-LA PUENTE UNF SCH	\$53,092	\$49,735					\$3,357	\$53,092
65	HUGHES-ELIZABETH LAKES UN ESD	\$1,241	\$1,165					\$76	\$1,241
66	LANCASTER ELEMENTARY SCH DIST	\$17,951	\$17,294					\$657	\$17,951
67	LONG BEACH UNIF SCH DIST	\$265,835	\$56,277	\$106,138	\$75,666	\$17,112	4	\$10,642	\$265,835
68	LOWELL JOINT ELEM SCHOOL DIST	\$21,471	\$10,663	\$6,530	\$3,353			\$925	\$21,471
69	LYNWOOD UNIF SCH DIST	\$32,574	\$30,943					\$1,631	\$32,574
70	MANHATTAN BEACH UNIFIED SD	\$8,671	\$1,794	\$6,457			5	\$420	\$8,671
71	MONTEBELLO UNIF SCH DIST	\$76,850	\$74,015					\$2,835	\$76,850
72	MOUNTAIN VIEW ELEM SCH DIST	\$1,173	\$572	\$143	\$272	\$143	4	\$43	\$1,173
73	PALOS VERDES PENINSULA UNIFIED	\$60,246	\$58,209				4	\$2,037	\$60,246
74	PASADENA UNIF SCH DIST	\$44,702	\$42,586					\$2,116	\$44,702
75	POMONA UNIFIED SCHOOL DIST	\$66,133	\$47,473	\$10,224	\$2,908	\$2,145		\$3,383	\$66,133
76	ROSEMEAD SCHOOL DISTRICT	\$2,508	\$2,370					\$138	\$2,508
77	SAN GABRIEL ELEM SCH DIST	\$24,199	\$22,715					\$1,484	\$24,199
78	SANTA MONICA-MALIBU UNIFIED SD	\$21,867	\$11,311	\$7,054	\$1,855	\$533		\$1,114	\$21,867
79	TORRANCE UNIFIED SCHOOL DIST	\$79,584	\$21,560	\$53,069				\$4,955	\$79,584
80	WALNUT VALLEY UNIF SCHOOL DIST	\$34,969	\$33,361				5	\$1,608	\$34,969
81	WEST COVINA UNIF SCH DIST	\$46,229	\$32,767	\$8,192	\$2,670			\$2,600	\$46,229
82	WESTSIDE UN ELEM SCH DIST	\$1,057	\$626	\$241	\$78	\$63	5	\$49	\$1,057
83	WILSONA ELEMENTARY SCHOOL DIST	\$1,397	\$632	\$351	\$316		8	\$98	\$1,397
84	WISEBURN ELEM SCH DIST	\$8,874	\$4,045	\$4,432			5	\$397	\$8,874
85	CHOWCHILLA SCHOOL DISTRICT	\$2,294	\$716	\$1,455			6	\$123	\$2,294
86	CHOWCHILLA UN HIGH SCH DIST	\$2,916	\$2,416	\$219	\$101	\$25	6	\$155	\$2,916
87	SAN RAFAEL CITY ELE SCH DIST	\$7,406	\$3,057	\$2,467	\$1,099	\$460	5	\$323	\$7,406
88	SAN RAFAEL CITY HIGH SCH DIST	\$14,689	\$6,518	\$4,626	\$1,824	\$941	6	\$780	\$14,689
89	TAMALPAIS UN HI SCH DIST	\$11,670	\$9,465	\$969	\$397			\$839	\$11,670
90	MENDOCINO CO OFFICE OF EDUCATI	\$1,843	\$1,170	\$520				\$153	\$1,843

State Controller's Office
Division of Accounting and Reporting - Local Reimbursements Section
Immunization Records - Pertussis - Program 357
Fiscal Year 2011-12
As of October 28, 2014

		A. Students entering the 7th through 12th Grade.					Indirect Cost Rate	Total Indirect Costs	Total
		Reimbursable Activities for Fiscal Year 2011-12							
Claimant Name	Claimant Amount	Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil	Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation	Notify already admitted pupils' parent/guardian of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis or lawful exemption if not obtained within 10 school days	Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.				
91	POINT ARENA JT HI SCH DIST	\$1,732	\$1,070	\$535			8	\$127	\$1,732
92	WILLITS UNIFIED SCH DIST	\$7,729	\$4,999	\$2,406			4	\$324	\$7,729
93	DOS PALOS ORO-LOMA JOINT UN SD	\$2,689	\$1,360	\$706	\$262	\$127	10	\$234	\$2,689
94	GUSTINE UNIF SCH DIST	\$2,122	\$371	\$741	\$247	\$618	7	\$145	\$2,122
95	HILMAR UNIF SCH DIST	\$3,557	\$960	\$1,112	\$1,112	\$201	5	\$172	\$3,557
96	MONTEREY CO SUPT OF SCHOOLS	\$1,885	\$941	\$534	\$177	\$105	10	\$128	\$1,885
97	MONTEREY PENINSULA UNIF S D	\$1,132	\$328	\$259	\$328	\$173	4	\$44	\$1,132
98	NORTH MONTEREY CO UNF SCH DIST	\$1,761	\$855	\$732	\$70		6	\$104	\$1,761
99	SALINAS UN HI SCH DIST	\$5,886	\$3,290	\$1,732	\$346	\$303	4	\$215	\$5,886
100	ANAHEIM UNION HIGH SCHOOL DIST	\$25,397	\$15,286	\$5,929	\$2,184	\$699		\$1,299	\$25,397
101	HUNTINGTON BEACH CITY ELEM SD	\$232,435	\$144,410	\$50,496	\$25,229	\$539	5	\$11,761	\$232,435
102	LAHABRA CITY SCHOOL DIST	\$8,149	\$4,691	\$1,713	\$1,173	\$111	6	\$461	\$8,149
103	LOS ALAMITOS UNIF SCH DIST	\$10,195	\$8,190	\$700	\$700		6	\$605	\$10,195
104	NEWPORT-MESA UNIF SCH DIST	\$314,594	\$175,008	\$81,237	\$19,014	\$12,620	9	\$26,715	\$314,594
105	OCEAN VIEW SCHOOL DISTRICT	\$7,080	\$4,328	\$2,368			6	\$384	\$7,080
106	ORANGE UNIFIED SCHOOL DISTRICT	\$69,870	\$396	\$47,691	\$17,076	\$3,250	2	\$1,457	\$69,870
107	SANTA ANA UNIFIED SCH DIST	\$168,588	\$64,197	\$98,375			4	\$6,016	\$168,588
108	DRY CREEK JT ELEM SCH DIST	\$18,697	\$14,376	\$1,361	\$1,120	\$445	8	\$1,395	\$18,697
109	LOOMIS UNION ELEMENTARY SD	\$1,117	\$742	\$318			5	\$57	\$1,117
110	NEWCASTLE ELEMENTARY SCH DIST	\$1,453	\$902	\$490			4	\$61	\$1,453
111	ROCKLIN UNIFIED SCHOOL DIST	\$14,151	\$9,438	\$3,896	\$101	\$49	5	\$667	\$14,151
112	TAHOE-TRUCKEE UNIF SCH DIST	\$33,236	\$15,707	\$15,707			6	\$1,822	\$33,236
113	WESTERN PLACER UNIF SCH DIST	\$4,056	\$2,761	\$1,052			6	\$243	\$4,056
114	RIVERSIDE CO SUPT OF SCHOOLS	\$4,352	\$3,998	\$59			7	\$295	\$4,352
115	DESERT SANDS UNIF SCH DIST	\$78,427	\$46,312	\$11,987	\$11,075	\$9,053			\$78,427
116	LAKE ELSINORE UNIFIED SCH DIST	\$22,457	\$13,667	\$6,373	\$1,075	\$344	5	\$998	\$22,457
117	MORENO VALLEY UNIF SCH DIST	\$25,076	\$11,001	\$8,446	\$3,516	\$1,456	3	\$657	\$25,076
118	MURRIETA VALLEY USD	\$70,091	\$66,756	\$336	\$167		4	\$2,832	\$70,091
119	PALM SPRINGS UNIFIED SCH DIST	\$5,030	\$3,803	\$475	\$259	\$173	7	\$320	\$5,030
120	SAN JACINTO UNIFIED SCH DIST	\$11,776	\$7,462	\$2,027	\$1,717	\$14	5	\$556	\$11,776
121	TEMECULA VALLEY UNF SCH DIST	\$38,253	\$30,597	\$3,787	\$2,340	\$12	4	\$1,517	\$38,253
122	FOLSOM-CORDOVA UNIF SCH DIST	\$28,519	\$10,384	\$8,573	\$6,261	\$2,089	4	\$1,212	\$28,519
123	NATOMAS UNIFIED SCH DIST	\$7,241	\$4,089	\$2,003	\$713		6	\$436	\$7,241
124	SAN JUAN UNIFIED SCHOOL DIST	\$30,042	\$18,222	\$3,419	\$5,576	\$1,522	5	\$1,303	\$30,042
125	TWIN RIVERS UNIFIED SCH DIST	\$36,660	\$8,410	\$7,006	\$18,936		6	\$2,308	\$36,660
126	SAN BENITO UN HI SCH DIST	\$3,813	\$1,084	\$2,112	\$271		10	\$346	\$3,813
127	ALTA LOMA ELEMENTARY SCH DIST	\$5,291	\$4,144	\$161	\$513	\$221		\$252	\$5,291
128	CENTRAL SCHOOL DISTRICT	\$13,705	\$8,736	\$3,962	\$193	\$9	6	\$805	\$13,705
129	CUCAMONGA SCHOOL DISTRICT	\$5,716	\$3,743	\$135	\$1,515	\$17		\$306	\$5,716
130	ETIWANDA ELEMENTARY SCH DIST	\$1,077	\$904	\$34	\$69	\$25		\$45	\$1,077
131	FONTANA UNIF SCH DIST	\$152,531	\$57,587	\$87,253				\$7,691	\$152,531
132	HESPERIA UNIFIED SCHOOL DIST	\$71,000	\$44,871	\$22,161		\$574	5	\$3,394	\$71,000
133	MORONGO UNIF SCH DIST	\$69,726	\$43,397	\$17,992	\$41	\$4,518		\$3,778	\$69,726
134	REDLANDS UNIF SCH DIST	\$22,486	\$8,676	\$8,249	\$4,800			\$761	\$22,486
135	RIM OF THE WORLD UNIFIED SD	\$2,332	\$1,710	\$240	\$179	\$60	7	\$143	\$2,332

State Controller's Office
Division of Accounting and Reporting - Local Reimbursements Section
Immunization Records - Pertussis - Program 357
Fiscal Year 2011-12
As of October 28, 2014

		A. Students entering the 7th through 12th Grade.					Indirect Cost Rate	Total Indirect Costs	Total
		Reimbursable Activities for Fiscal Year 2011-12							
Claimant Name	Claimant Amount	Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil	Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation	Notify already admitted pupils' parent/guardian of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis or lawful exemption if not obtained within 10 school days	Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.				
136	SAN BERNARDINO CITY UNIF S D	\$10,998	\$4,356	\$4,851	\$1,206	\$217	3	\$368	\$10,998
137	UPLAND UNIFIED SCHOOL DISTRICT	\$32,887	\$12,113	\$19,442				\$1,332	\$32,887
138	YUCAIPA-CALIMESA JT UNIFIED SD	\$28,500	\$17,464	\$9,187	\$79		7	\$1,770	\$28,500
139	CARLSBAD UNIFIED SCHOOL DIST	\$42,366	\$32,343	\$7,520	\$118	\$17	6	\$2,368	\$42,366
140	ESCONDIDO UN SCH DIST	\$7,392	\$7,078					\$314	\$7,392
141	GROSSMONT UNION HIGH SCH DIST	\$312,617	\$197,526	\$90,231	\$5,678	\$3,081	5	\$16,101	\$312,617
142	LEMON GROVE ELEM SCHOOL DIST	\$2,053	\$1,872				10	\$181	\$2,053
143	POWAY UNIFIED SCHOOL DISTRICT	\$15,089	\$7,909	\$4,816	\$1,535	\$14	6	\$815	\$15,089
144	SAN DIEGO CITY UN SCH DIST	\$52,993	\$51,211				3	\$1,782	\$52,993
145	SAN MARCOS UNIF SCH DIST	\$16,431	\$13,002	\$1,280	\$1,280	\$284	4	\$585	\$16,431
146	SAN YSIDRO SCHOOL DISTRICT	\$5,657	\$3,551	\$1,776			6	\$330	\$5,657
147	VISTA UNIFIED SCHOOL DISTRICT	\$75,625	\$48,863	\$12,713	\$10,025	\$1,115		\$2,909	\$75,625
148	SAN FRANCISCO UNIF SCH DIST	\$606,621	\$236,886	\$315,011	\$24,695	\$154	5	\$29,875	\$606,621
149	SAN JOAQUIN CO SUPT OF SCHOOLS	\$19,891	\$19,891	\$1,134				\$1,753	\$19,891
150	ESCALON UNIFIED SCHOOL DIST	\$8,344	\$8,064					\$280	\$8,344
151	LINCOLN UNIFIED SCHOOL DIST	\$22,347	\$20,972					\$1,375	\$22,347
152	LODI UNIFIED SCHOOL DIST	\$215,366	\$101,347	\$70,042	\$16,652	\$13,801	7	\$13,524	\$215,366
153	MANTECA UNIF SCHOOL DIST	\$79,312	\$76,409					\$2,903	\$79,312
154	OAK VIEW UNION ELEM SCH DIST	\$1,769	\$1,694					\$75	\$1,769
155	RIPON UNIF SCH DIST	\$7,733	\$7,234					\$499	\$7,733
156	STOCKTON UNIFIED SCH DIST	\$155,844	\$149,205					\$6,639	\$155,844
157	ATASCADERO UNIF SCH DIST	\$2,274	\$1,470	\$391	\$257	\$35	6	\$121	\$2,274
158	COAST UNIFIED SCHOOL DISTRICT	\$2,817	\$2,289	\$266				\$262	\$2,817
159	LUCIA MAR UNIF SCHOOL DIST	\$16,444	\$2,838	\$12,170	\$711		5	\$725	\$16,444
160	TEMPLETON UNIFIED SCHOOL DIST	\$8,585	\$5,027	\$2,933			8	\$625	\$8,585
161	BAYSHORE ELEM SCH DIST	\$1,573	\$1,458					\$115	\$1,573
162	BELMONT ELEM SCH DIST	\$4,954	\$4,745					\$209	\$4,954
163	BRISBANE SCHOOL DISTRICT	\$1,949	\$1,815					\$134	\$1,949
164	BURLINGAME ELEM SCH DIST	\$4,551	\$4,301					\$250	\$4,551
165	LA HONDA-PESCADERO SCH DIST	\$2,372	\$2,129					\$243	\$2,372
166	SAN CARLOS ELEM SCH DIST	\$3,562	\$3,373					\$189	\$3,562
167	SEQUOIA UNION HIGH SCH DIST	\$8,642	\$2,445	\$4,009	\$1,375	\$227	7	\$586	\$8,642
168	LOMPOC UNIF SCH DIST	\$61,906	\$14,799	\$40,776	\$1,359	\$906	7	\$4,066	\$61,906
169	ALUM ROCK UNION SCH DIST	\$9,525	\$2,653	\$6,363	\$36		5	\$473	\$9,525
170	CAMPBELL UNION H S DIST	\$1,145	\$750	\$283	\$31		8	\$81	\$1,145
171	FREMONT UNION HI SCH DIST	\$1,298	\$876	\$109	\$109	\$109	8	\$95	\$1,298
172	GILROY UNIFIED SCHOOL DISTRICT	\$5,964	\$3,068	\$1,913	\$692	\$63	4	\$228	\$5,964
173	MORGAN HILL UNIF SCH DIST	\$6,599	\$5,147	\$927	\$183	\$49	5	\$293	\$6,599
174	MOUNTAIN VIEW-LOS ALTOS UHSD	\$25,944	\$12,124	\$11,865	\$24		8	\$1,931	\$25,944
175	OAK GROVE ELEMENTARY SCH DIST	\$17,004	\$3,469	\$9,034	\$1,766	\$1,468	8	\$1,267	\$17,004
176	PALO ALTO UNIFIED SCHOOL DIST	\$14,318	\$12,172	\$1,495			5	\$651	\$14,318
177	SARATOGA UNION ELEM SCH DIST	\$3,541	\$1,906	\$1,391			7	\$244	\$3,541
178	SUNNYVALE ELEMENTARY SCHOOL	\$8,769	\$8,340					\$429	\$8,769
179	SANTA CRUZ CO SUPT OF SCHOOLS	\$3,030	\$2,034	\$812	\$13	\$7	6	\$164	\$3,030
180	SAN LORENZO VALLEY UN SCH DIST	\$3,437	\$1,308	\$1,831			9	\$298	\$3,437

State Controller's Office
Division of Accounting and Reporting - Local Reimbursements Section
Immunization Records - Pertussis - Program 357
Fiscal Year 2011-12
As of October 28, 2014

	Claimant Name	Claimant Amount	A. Students entering the 7th through 12th Grade.				Indirect Cost Rate	Total Indirect Costs	Total
			Reimbursable Activities for Fiscal Year 2011-12						
			Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil	Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation	Notify already admitted pupils' parent/guardian of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis or lawful exemption if not obtained within 10 school days	Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.			
181	SHASTA CO SUPT OF SCHOOLS	\$1,866	\$1,638	\$118			8	\$110	\$1,866
182	ANDERSON UN HI SCH DIST	\$7,744	\$3,247	\$2,963	\$818	\$189	7	\$527	\$7,744
183	CASCADE UNION ELEMENTARY SD	\$1,559	\$1,463				7	\$96	\$1,559
184	COTTONWOOD UN ELEM SCH DIST	\$1,458	\$1,377				6	\$81	\$1,458
185	ENTERPRISE ELEMENTARY SCH DIST	\$8,704	\$3,970	\$4,299	\$3	\$3	5	\$429	\$8,704
186	REDDING ELEMENTARY SCH DIST	\$5,478	\$4,681	\$497			6	\$300	\$5,478
187	SHASTA UNION HI SCH DIST	\$45,240	\$20,397	\$22,718	\$86		5	\$2,039	\$45,240
188	GATEWAY UNF SCH DIST	\$6,565	\$3,070	\$3,070			7	\$425	\$6,565
189	SISKIYOU CO SUPT OF SCHOOLS	\$5,516	\$2,942	\$1,971	\$168	\$68	10	\$367	\$5,516
190	BENICIA UNIF SCH DIST	\$8,035	\$2,201	\$5,418				\$416	\$8,035
191	FAIRFIELD-SUISUN UNIFIED SD	\$65,603	\$30,444	\$24,302	\$6,454	\$290		\$4,113	\$65,603
192	SONOMA COUNTY OFFICE OF ED	\$11,318	\$8,286	\$1,426	\$543	\$276	7	\$787	\$11,318
193	WEST SONOMA COUNTY UN HIGH SD	\$20,894	\$19,632					\$1,262	\$20,894
194	CLOVERDALE UNIFIED SCHOOL DIST	\$6,443	\$5,346	\$723	\$83			\$291	\$6,443
195	COTATI ROHNERT PARK SCH DIST	\$10,517	\$3,931	\$4,767	\$909	\$269	6	\$641	\$10,517
196	FORESTVILLE UNION ELEM SD	\$1,632	\$1,554					\$78	\$1,632
197	GEYSERVILLE UNIFIED SCH DIST	\$2,465	\$2,297					\$168	\$2,465
198	GUERNEVILLE ELEM SCH DIST	\$1,322	\$1,248					\$74	\$1,322
199	HARMONY UN SCH DIST	\$1,885	\$1,781					\$104	\$1,885
200	HEALDSBURG UNIFIED SD	\$2,324	\$1,384	\$649	\$86	\$86	5	\$119	\$2,324
201	PETALUMA CITY JT H S DIST	\$3,640	\$2,599	\$843	\$70		4	\$128	\$3,640
202	SEBASTOPOL UN ELEM SCH DIST	\$2,847	\$2,702					\$145	\$2,847
203	WINDSOR UNION SCHOOL DIST	\$10,295	\$4,034	\$2,241	\$3,040	\$727	3	\$253	\$10,295
204	WRIGHT ELEM SCHOOL DIST	\$2,193	\$2,088					\$105	\$2,193
205	CERES UNIFIED SCHOOL DISTRICT	\$5,034	\$2,582	\$1,847	\$369		5	\$236	\$5,034
206	NEWMAN-CROWS LANDING UNIF SD	\$2,432	\$1,306	\$625	\$341		7	\$160	\$2,432
207	PATTERSON JOINT UN SCH DIST	\$3,864	\$669	\$2,707	\$202		8	\$286	\$3,864
208	SALIDA UNION SCHOOL DISTRICT	\$3,423	\$1,449	\$811	\$927	\$58	5	\$178	\$3,423
209	WATERFORD UNIFIED SCH DIST	\$6,795		\$6,484				\$311	\$6,795
210	SUTTER UNION HIGH SCH DIST	\$2,923	\$2,777					\$146	\$2,923
211	YUBA CITY UNIFIED SCHOOL DIST	\$46,645	\$25,365	\$19,038			5	\$2,242	\$46,645
212	TRINITY CO SUPT OF SCHOOLS	\$1,862	\$915	\$608	\$237		7	\$102	\$1,862
213	CUTLER-OROSI UNIFIED SCH DIST	\$9,738	\$9,292					\$446	\$9,738
214	DINUBA SCH DIST	\$51,088	\$39,968	\$9,156				\$1,964	\$51,088
215	EARLIMART ELEM SCH DIST	\$2,990	\$2,843					\$147	\$2,990
216	EXETER UNIFIED SCHOOL DISTRICT	\$2,671	\$780	\$1,379	\$419	\$93			\$2,671
217	PIXLEY UNION ELEMENTARY SD	\$1,300	\$1,061	\$177			5	\$62	\$1,300
218	RICHGROVE ELEMENTARY SCH DIST	\$1,373	\$560	\$275	\$336	\$153	4	\$49	\$1,373
219	TULARE CITY ELEMENTARY SD	\$6,925	\$3,771	\$1,762	\$82	\$1,024	4	\$286	\$6,925
220	TULARE JT UN HI SCH DIST	\$4,262	\$1,338	\$1,530	\$574	\$637	4	\$183	\$4,262
221	VISALIA UNIF SCHOOL DIST	\$73,459	\$45,227	\$9,207	\$14,788	\$1,603	4	\$2,634	\$73,459
222	TUOLUMNE CO SUPT OF SCHOOLS	\$6,767	\$5,099	\$1,021				\$647	\$6,767
223	SONORA UNION HIGH SCH DIST	\$14,390	\$13,064					\$1,326	\$14,390
224	SUMMERVILLE UNION H S DIST	\$5,454	\$5,045					\$409	\$5,454
225	TWAIN HARTE-LONG BARN UNION SD	\$1,328	\$1,229					\$99	\$1,328

State Controller's Office
Division of Accounting and Reporting - Local Reimbursements Section
Immunization Records - Pertussis - Program 357
Fiscal Year 2011-12
As of October 28, 2014

		A. Students entering the 7th through 12th Grade.				Indirect Cost Rate	Total Indirect Costs	Total	
		Reimbursable Activities for Fiscal Year 2011-12							
	Claimant Name	Claimant Amount	Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil	Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation	Notify already admitted pupils' parent/guardian of the requirement to exclude the pupil from school if written evidence of the required immunization for pertussis or lawful exemption if not obtained within 10 school days	Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.			
226	FILLMORE UNIFIED SCHOOL DIST	\$15,963	\$4,516	\$4,516	\$4,065	\$2,168	5	\$698	\$15,963
227	OAK PARK UNIFIED SCHOOL DIST	\$2,018	\$843	\$972	\$57	\$19	7	\$127	\$2,018
228	SIMI VALLEY UNIF SCH DIST	\$4,450	\$2,696	\$1,381	\$118	\$88	4	\$167	\$4,450
229	DAVIS JT UNIF SCH DIST	\$7,402	\$6,113	\$183	\$678	\$11	6	\$417	\$7,402
230	WASHINGTON UNIFIED SCHOOL DIST	\$21,289	\$11,494	\$8,008	\$728	\$131	5	\$928	\$21,289
231	YUBA CO SUPT OF SCHOOLS	\$1,056	\$817	\$191			7	\$48	\$1,056
232	MARYSVILLE JT UNIF SCH DIST	\$8,802	\$7,524	\$344	\$344	\$46	7	\$544	\$8,802
GRAND TOTALS		\$6,907,220	\$3,814,052	\$2,151,165	\$463,545	\$136,997		\$341,461	\$6,907,220

State Controller's Office
Division of Accounting and Reporting - Local Reimbursements Section
Immunization Records - Pertussis - Program 357
Fiscal Year 2012-13
As of October 28, 2014

		B. Students Entering the 7th Grade only				Total Indirect Costs	Total	
		Reimbursable Activities for Fiscal Year 2012-13						
	Claimant Name	Claimant Amount	Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil	Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation	Notify already admitted pupils ' parent/guardian, who is later found not to have complied with a conditional admission, of the requirement to exclude the pupil for school if immunization evidence or lawful exemption is not obtained within 10 school days.	Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.		
1	CASTRO VALLEY UNIF SCH DIST	\$3,464	\$2,909	\$371			\$184	\$3,464
2	LIVERMORE VALLEY JT UN SCH DIS	\$34,622	\$19,677	\$9,937	\$1,528	\$1,528	\$1,952	\$34,622
3	OAKLAND UNIFIED SCHOOL DIST	\$59,709	\$31,722	\$25,378			\$2,609	\$59,709
4	GRIDLEY UNIFIED SCHOOL DIST	\$3,213	\$598	\$1,793	\$658	\$17	\$147	\$3,213
5	WEST CONTRA COSTA UNIFIED SD	\$6,903	\$1,119	\$3,129	\$1,534	\$887	\$234	\$6,903
6	DEL NORTE COUNTY UN SCH DIST	\$5,350	\$2,540	\$2,540			\$270	\$5,350
7	RESCUE UNION ELEMENTARY SD	\$7,392	\$7,114				\$278	\$7,392
8	CENTRAL UNIFIED SCHOOL DIST	\$126,405	\$53,151	\$30,395	\$34,635	\$1,047	\$7,177	\$126,405
9	CLOVIS UNIFIED SCHOOL DIST	\$70,207	\$43,105	\$21,722	\$976	\$940	\$3,464	\$70,207
10	COALINGA/HURON JT UN SCH DIST	\$9,276	\$5,354	\$3,178	\$143		\$601	\$9,276
11	FRESNO UNIFIED SCHOOL DISTRICT	\$64,127	\$15,607	\$15,607	\$15,563	\$15,563	\$1,787	\$64,127
12	KERMAN UNIFIED SCHOOL DIST	\$7,291	\$3,804	\$2,706	\$125	\$42	\$614	\$7,291
13	ORLAND JT U.S.D	\$1,660	\$1,532				\$128	\$1,660
14	HUMBOLDT CO SUPT OF SCHOOLS	\$2,051	\$1,134	\$597	\$201	\$16	\$103	\$2,051
15	EUREKA CITY SCHOOL DISTRICT	\$5,266	\$3,012	\$1,810			\$444	\$5,266
16	KLAMATH-TRINITY JT SCH DIST	\$3,807	\$2,005	\$1,289	\$286		\$227	\$3,807
17	MCKINLEYVILLE UNION ELEM SD	\$1,744	\$1,347	\$321			\$76	\$1,744
18	IMPERIAL CO SUPT OF SCHOOLS	\$1,832	\$842	\$716	\$128	\$16	\$130	\$1,832
19	IMPERIAL UNIF SCH DIST	\$3,056	\$2,740	\$194			\$122	\$3,056
20	FRUITVALE ELEM SCH DIST	\$2,599	\$331	\$1,658	\$311	\$155	\$144	\$2,599
21	RICHLAND SCHOOL DISTRICT	\$1,725	\$962	\$444	\$74	\$148	\$97	\$1,725
22	ROSEDALE UNION SCH DIST	\$2,334	\$1,833	\$293	\$51	\$33	\$124	\$2,334
23	TAFT CITY ELEM SCH DIST	\$1,084	\$366	\$392	\$157	\$105	\$64	\$1,084
24	KINGS CO SUPT OF SCHOOLS	\$2,881	\$2,487	\$63	\$23	\$67	\$241	\$2,881
25	ARMONA UN ELEM SCH DIST	\$1,344	\$1,270				\$74	\$1,344
26	HANFORD SCHOOL DISTRICT	\$4,456	\$4,363				\$93	\$4,456
27	KIT CARSON UN ELEM SCH DIST	\$1,003	\$925				\$78	\$1,003
28	REEF-SUNSET UNIFIED SCH DIST	\$2,669	\$730	\$834	\$536	\$387	\$182	\$2,669
29	LASSEN CO SUPT OF SCHOOLS	\$1,043	\$613	\$284	\$49	\$26	\$71	\$1,043
30	ABC UNIFIED SCHOOL DISTRICT	\$3,731	\$2,486	\$809	\$146	\$73	\$217	\$3,731
31	ARCADIA UNIF SCH DIST	\$3,304	\$3,105				\$199	\$3,304
32	AZUSA UNIF SCH DIST	\$4,123	\$3,956				\$167	\$4,123
33	BASSETT UNIF SCH DIST	\$5,107	\$3,568	\$995	\$90	\$96	\$358	\$5,107
34	BELLFLOWER UNIF SCH DIST	\$6,398	\$1,355	\$4,177	\$601	\$75	\$190	\$6,398
35	BONITA UNIFIED SCHOOL DISTRICT	\$2,991	\$2,674	\$2	\$146		\$169	\$2,991
36	COMPTON UNIFIED SCHOOL DIST	\$14,401	\$5,171	\$8,115			\$1,115	\$14,401
37	CULVER CITY UNIF SCH DIST	\$8,649	\$8,649	\$3,006	\$198	\$40	\$447	\$8,649
38	DOWNEY UNIF SCH DIST	\$1,304	\$1,244				\$60	\$1,304
39	EAST WHITTIER CITY ELEM SD	\$9,193	\$7,735	\$868	\$200		\$390	\$9,193
40	EL MONTE ELEMENTARY SCH DIST	\$5,052	\$2,582	\$140	\$2,090		\$240	\$5,052
41	EL SEGUNDO UNIF SCH DIST	\$2,283	\$2,155				\$128	\$2,283
42	GLENDALE UNIF SCH DIST	\$39,849	\$19,265		\$19,401		\$1,183	\$39,849
43	HACIENDA-LA PUENTE UNF SCH	\$8,940	\$8,408				\$532	\$8,940

State Controller's Office
Division of Accounting and Reporting - Local Reimbursements Section
Immunization Records - Pertussis - Program 357
Fiscal Year 2012-13
As of October 28, 2014

		B. Students Entering the 7th Grade only				Total Indirect Costs	Total	
		Reimbursable Activities for Fiscal Year 2012-13						
	Claimant Name	Claimant Amount	Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil	Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation	Notify already admitted pupils ' parent/guardian, who is later found not to have complied with a conditional admission, of the requirement to exclude the pupil for school if immunization evidence or lawful exemption is not obtained within 10 school days.	Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.		
44	HUGHES-ELIZABETH LAKES UN ESD	\$1,009	\$930				\$79	\$1,009
45	LANCASTER ELEMENTARY SCH DIST	\$9,093	\$8,726				\$367	\$9,093
46	LONG BEACH UNIF SCH DIST	\$32,435	\$7,275	\$16,139	\$6,801	\$1,138	\$1,082	\$32,435
47	LOWELL JOINT ELEM SCHOOL DIST	\$11,769	\$5,806	\$3,791	\$1,640		\$532	\$11,769
48	LYNWOOD UNIF SCH DIST	\$4,446	\$4,204				\$242	\$4,446
49	MONTEBELLO UNIF SCH DIST	\$9,749	\$9,339				\$410	\$9,749
50	MOUNTAIN VIEW ELEM SCH DIST	\$1,081	\$652	\$254	\$72	\$54	\$49	\$1,081
51	PALMDALE ELEM SCH DIST	\$4,915	\$3,135	\$1,426		\$33	\$321	\$4,915
52	PALOS VERDES PENINSULA UNIFIED	\$9,431	\$9,012				\$419	\$9,431
53	PASADENA UNIF SCH DIST	\$5,575	\$5,382				\$193	\$5,575
54	POMONA UNIFIED SCHOOL DIST	\$20,633	\$7,585	\$4,720	\$3,978	\$3,212	\$1,138	\$20,633
55	ROSEMEAD SCHOOL DISTRICT	\$1,499	\$1,409				\$90	\$1,499
56	SAN GABRIEL ELEM SCH DIST	\$3,891	\$3,676				\$215	\$3,891
57	TORRANCE UNIFIED SCHOOL DIST	\$6,066	\$1,805	\$3,940			\$321	\$6,066
58	WEST COVINA UNIF SCH DIST	\$7,935	\$4,217	\$2,567	\$672		\$479	\$7,935
59	WILSONA ELEMENTARY SCHOOL DIST	\$1,425	\$671	\$335	\$335		\$84	\$1,425
60	WISEBURN ELEM SCH DIST	\$2,643	\$898	\$1,623			\$122	\$2,643
61	CHOWCHILLA SCHOOL DISTRICT	\$3,086	\$1,146	\$1,747			\$193	\$3,086
62	SAN RAFAEL CITY ELE SCH DIST	\$20,431	\$7,955	\$7,854	\$2,418	\$1,409	\$795	\$20,431
63	WILLITS UNIFIED SCH DIST	\$1,954	\$1,258	\$606			\$90	\$1,954
64	GUSTINE UNIF SCH DIST	\$2,051	\$366	\$731	\$244	\$609	\$101	\$2,051
65	HILMAR UNIF SCH DIST	\$3,177	\$697	\$991	\$991	\$324	\$174	\$3,177
66	MONTEREY CO SUPT OF SCHOOLS	\$2,963	\$1,592	\$839	\$183	\$112	\$237	\$2,963
67	MONTEREY PENINSULA UNIF S D	\$2,181	\$176	\$1,557	\$176	\$176	\$96	\$2,181
68	SALINAS UN HI SCH DIST	\$3,370	\$1,619	\$952	\$381	\$286	\$132	\$3,370
69	ANAHEIM UNION HIGH SCHOOL DIST	\$15,977	\$12,178	\$2,832	\$165	\$143	\$659	\$15,977
70	LAHABRA CITY SCHOOL DIST	\$4,969	\$3,452	\$998	\$119	\$119	\$281	\$4,969
71	NEWPORT-MESA UNIF SCH DIST	\$55,593	\$22,887	\$21,325	\$4,170	\$1,446	\$5,765	\$55,593
72	OCEAN VIEW SCHOOL DISTRICT	\$5,449	\$2,864	\$1,916	\$185	\$185	\$299	\$5,449
73	ORANGE UNIFIED SCHOOL DISTRICT	\$28,478	\$260	\$21,321	\$5,903	\$324	\$670	\$28,478
74	SANTA ANA UNIFIED SCH DIST	\$40,507	\$11,315	\$27,868			\$1,324	\$40,507
75	DRY CREEK JT ELEM SCH DIST	\$12,211	\$8,676	\$2,105	\$594	\$298	\$538	\$12,211
76	NEWCASTLE ELEMENTARY SCH DIST	\$1,212	\$762	\$381			\$69	\$1,212
77	ROCKLIN UNIFIED SCHOOL DIST	\$14,224	\$2,040	\$11,542			\$642	\$14,224
78	TAHOE-TRUCKEE UNIF SCH DIST	\$9,455	\$4,469	\$4,469			\$517	\$9,455
79	WESTERN PLACER UNIF SCH DIST	\$2,231	\$1,404	\$675			\$152	\$2,231
80	DESERT SANDS UNIF SCH DIST	\$31,235	\$18,265	\$3,665	\$3,556	\$5,749		\$31,235
81	LAKE ELSINORE UNIFIED SCH DIST	\$16,223	\$8,734	\$4,848	\$1,583	\$233	\$825	\$16,223
82	MORENO VALLEY UNIF SCH DIST	\$9,611	\$4,366	\$2,753	\$1,211	\$1,038	\$243	\$9,611
83	MURRIETA VALLEY USD	\$15,160	\$14,156	\$232	\$47		\$725	\$15,160
84	PALM SPRINGS UNIFIED SCH DIST	\$2,167	\$1,383	\$259	\$259	\$173	\$93	\$2,167
85	SAN JACINTO UNIFIED SCH DIST	\$6,682	\$4,436	\$1,110	\$766	\$28	\$342	\$6,682
86	TEMECULA VALLEY UNF SCH DIST	\$9,119	\$5,101	\$1,439	\$2,115		\$464	\$9,119

State Controller's Office
Division of Accounting and Reporting - Local Reimbursements Section
Immunization Records - Pertussis - Program 357
Fiscal Year 2012-13
As of October 28, 2014

	Claimant Name	Claimant Amount	B. Students Entering the 7th Grade only				Total Indirect Costs	Total
			Reimbursable Activities for Fiscal Year 2012-13					
			Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil	Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation	Notify already admitted pupils ' parent/guardian, who is later found not to have complied with a conditional admission, of the requirement to exclude the pupil for school if immunization evidence or lawful exemption is not obtained within 10 school days.	Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.		
87	FOLSOM-CORDOVA UNIF SCH DIST	\$9,862	\$4,730	\$2,029	\$2,100	\$517	\$486	\$9,862
88	NATOMAS UNIFIED SCH DIST	\$1,219	\$680	\$196	\$271		\$72	\$1,219
89	SAN JUAN UNIFIED SCHOOL DIST	\$10,180	\$6,794	\$1,035	\$1,907		\$444	\$10,180
90	TWIN RIVERS UNIFIED SCH DIST	\$5,462	\$3,254	\$1,137	\$725		\$346	\$5,462
91	ALTA LOMA ELEMENTARY SCH DIST	\$1,519	\$1,160	\$204		\$89	\$66	\$1,519
92	CENTRAL SCHOOL DISTRICT	\$14,951	\$9,410	\$4,361	\$367	\$24	\$789	\$14,951
93	CUCAMONGA SCHOOL DISTRICT	\$7,393	\$5,493	\$132	\$1,423	\$17	\$328	\$7,393
94	ETIWANDA ELEMENTARY SCH DIST	\$1,204	\$1,053	\$34	\$68	\$21	\$28	\$1,204
95	FONTANA UNIF SCH DIST	\$34,086	\$9,307	\$23,410			\$1,369	\$34,086
96	HESPERIA UNIFIED SCHOOL DIST	\$13,337	\$8,103	\$4,432		\$89	\$713	\$13,337
97	MORONGO UNIF SCH DIST	\$7,298	\$3,594	\$2,459		\$802	\$443	\$7,298
98	REDLANDS UNIF SCH DIST	\$16,247	\$6,639	\$6,163	\$2,660		\$785	\$16,247
99	SAN BERNARDINO CITY UNIF S D	\$8,250	\$3,166	\$3,199	\$1,331	\$181	\$373	\$8,250
100	UPLAND UNIFIED SCHOOL DISTRICT	\$7,679	\$2,432	\$4,866			\$381	\$7,679
101	YUCAIPA-CALIMESA JT UNIFIED SD	\$19,522	\$12,020	\$6,292			\$1,210	\$19,522
102	CARLSBAD UNIFIED SCHOOL DIST	\$9,209	\$6,672	\$2,019	\$9	\$4	\$505	\$9,209
103	ESCONDIDO UN SCH DIST	\$3,809	\$3,647				\$162	\$3,809
104	LEMON GROVE ELEM SCHOOL DIST	\$2,270	\$2,086				\$184	\$2,270
105	POWAY UNIFIED SCHOOL DISTRICT	\$3,079	\$1,918	\$967	\$7		\$187	\$3,079
106	SAN DIEGO CITY UN SCH DIST	\$44,479	\$42,584				\$1,895	\$44,479
107	SAN YSIDRO SCHOOL DISTRICT	\$2,904	\$1,852	\$926			\$126	\$2,904
108	VISTA UNIFIED SCHOOL DISTRICT	\$26,939	\$15,807	\$3,947	\$5,317	\$850	\$1,018	\$26,939
109	SAN FRANCISCO UNIF SCH DIST	\$88,526	\$36,073	\$36,172	\$12,032	\$202	\$4,047	\$88,526
110	SAN JOAQUIN CO SUPT OF SCHOOLS	\$1,307	\$1,135	\$57			\$115	\$1,307
111	ESCALON UNIFIED SCHOOL DIST	\$1,180	\$1,133				\$47	\$1,180
112	LINCOLN UNIFIED SCHOOL DIST	\$3,677	\$3,446				\$231	\$3,677
113	LODI UNIFIED SCHOOL DIST	\$50,653	\$25,330	\$15,121	\$3,524	\$3,524	\$3,154	\$50,653
114	MANTECA UNIF SCHOOL DIST	\$13,406	\$12,852				\$554	\$13,406
115	OAK VIEW UNION ELEM SCH DIST	\$1,022	\$979				\$43	\$1,022
116	RIPON UNIF SCH DIST	\$1,499	\$1,400				\$99	\$1,499
117	STOCKTON UNIFIED SCH DIST	\$33,752	\$32,059				\$1,693	\$33,752
118	COAST UNIFIED SCHOOL DISTRICT	\$1,107	\$959	\$52			\$96	\$1,107
119	LUCIA MAR UNIF SCHOOL DIST	\$8,609	\$1,677	\$6,214	\$355		\$363	\$8,609
120	TEMPLETON UNIFIED SCHOOL DIST	\$1,041	\$567	\$391			\$83	\$1,041
121	BAYSHORE ELEM SCH DIST	\$1,019	\$936				\$83	\$1,019
122	BELMONT ELEM SCH DIST	\$2,120	\$2,004				\$116	\$2,120
123	BRISBANE SCHOOL DISTRICT	\$1,044	\$957				\$87	\$1,044
124	BURLINGAME ELEM SCH DIST	\$1,803	\$1,692				\$111	\$1,803
125	LA HONDA-PESCADERO SCH DIST	\$1,007	\$947				\$60	\$1,007
126	SAN CARLOS ELEM SCH DIST	\$1,809	\$1,726				\$83	\$1,809
127	LOMPOC UNIF SCH DIST	\$20,862	\$10,459	\$8,807	\$125	\$83	\$1,388	\$20,862
128	ALUM ROCK UNION SCH DIST	\$9,166	\$2,424	\$6,245	\$35		\$462	\$9,166
129	GILROY UNIFIED SCHOOL DISTRICT	\$4,201	\$1,942	\$1,459	\$568	\$45	\$187	\$4,201

State Controller's Office
Division of Accounting and Reporting - Local Reimbursements Section
Immunization Records - Pertussis - Program 357
Fiscal Year 2012-13
As of October 28, 2014

	Claimant Name	Claimant Amount	B. Students Entering the 7th Grade only				Total Indirect Costs	Total
			Reimbursable Activities for Fiscal Year 2012-13					
			Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil	Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation	Notify already admitted pupils ' parent/guardian, who is later found not to have complied with a conditional admission, of the requirement to exclude the pupil for school if immunization evidence or lawful exemption is not obtained within 10 school days.	Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.		
130	OAK GROVE ELEMENTARY SCH DIST	\$15,945	\$3,362	\$8,018	\$1,686	\$1,540	\$1,339	\$15,945
131	PALO ALTO UNIFIED SCHOOL DIST	\$4,795	\$4,014	\$528			\$253	\$4,795
132	SARATOGA UNION ELEM SCH DIST	\$2,652	\$1,386	\$1,059			\$207	\$2,652
133	SUNNYVALE ELEMENTARY SCHOOL	\$4,679	\$4,477				\$202	\$4,679
134	SANTA CRUZ CO SUPT OF SCHOOLS	\$1,041	\$537	\$444			\$60	\$1,041
135	SAN LORENZO VALLEY UN SCH DIST	\$5,312	\$1,034	\$3,490	\$388		\$400	\$5,312
136	SHASTA CO SUPT OF SCHOOLS	\$2,595	\$2,210	\$185	\$49		\$151	\$2,595
137	ENTERPRISE ELEMENTARY SCH DIST	\$5,929	\$2,461	\$3,086	\$25	\$25	\$332	\$5,929
138	REDDING ELEMENTARY SCH DIST	\$1,971	\$1,863				\$108	\$1,971
139	GATEWAY UNF SCH DIST	\$1,622	\$776	\$776			\$70	\$1,622
140	SISKIYOU CO SUPT OF SCHOOLS	\$1,769	\$861	\$664	\$90	\$39	\$115	\$1,769
141	BENICIA UNIF SCH DIST	\$2,192	\$746	\$1,301			\$145	\$2,192
142	FAIRFIELD-SUISUN UNIFIED SD	\$5,822		\$4,771	\$487	\$228	\$336	\$5,822
143	SONOMA COUNTY OFFICE OF ED	\$7,765	\$6,660	\$505	\$74		\$526	\$7,765
144	CLOVERDALE UNIFIED SCHOOL DIST	\$1,113	\$922	\$113			\$78	\$1,113
145	COTATI ROHNERT PARK SCH DIST	\$3,705	\$2,241	\$1,121	\$113	\$9	\$221	\$3,705
146	FORESTVILLE UNION ELEM SD	\$1,007	\$960				\$47	\$1,007
147	GEYSERVILLE UNIFIED SCH DIST	\$1,023	\$943				\$80	\$1,023
148	GUERNEVILLE ELEM SCH DIST	\$1,007	\$925				\$82	\$1,007
149	HARMONY UN SCH DIST	\$1,035	\$993				\$42	\$1,035
150	HEALDSBURG UNIFIED SD	\$1,252	\$706	\$329	\$94	\$47	\$76	\$1,252
151	PETALUMA CITY JT H S DIST	\$2,283	\$1,494	\$591	\$62	\$47	\$89	\$2,283
152	SEBASTOPOL UN ELEM SCH DIST	\$1,279	\$1,201				\$78	\$1,279
153	WINDSOR UNION SCHOOL DIST	\$8,704	\$2,605	\$2,232	\$2,233	\$1,341	\$293	\$8,704
154	WRIGHT ELEM SCHOOL DIST	\$1,296	\$1,245				\$51	\$1,296
155	CERES UNIFIED SCHOOL DISTRICT	\$5,643	\$2,422	\$1,118	\$1,863		\$240	\$5,643
156	DENAIR UNIFIED SCHOOL DISTRICT	\$1,069	\$542	\$167	\$139	\$167	\$54	\$1,069
157	NEWMAN-CROWS LANDING UNIF SD	\$1,412	\$509	\$566	\$255		\$82	\$1,412
158	PATTERSON JOINT UN SCH DIST	\$1,215	\$342	\$741	\$76		\$56	\$1,215
159	SALIDA UNION SCHOOL DISTRICT	\$2,719	\$1,259	\$994	\$265	\$66	\$135	\$2,719
160	WATERFORD UNIFIED SCH DIST	\$1,974	\$207	\$1,173	\$461	\$7	\$126	\$1,974
161	YUBA CITY UNIFIED SCHOOL DIST	\$19,248	\$9,156	\$9,156			\$936	\$19,248
162	CUTLER-OROSI UNIFIED SCH DIST	\$2,092	\$1,969				\$123	\$2,092
163	DINUBA SCH DIST	\$8,059	\$5,552	\$2,127			\$380	\$8,059
164	EARLIMART ELEM SCH DIST	\$1,449	\$1,390				\$59	\$1,449
165	EXETER UNIFIED SCHOOL DISTRICT	\$3,439	\$869	\$1,366	\$903	\$75	\$226	\$3,439
166	PIXLEY UNION ELEMENTARY SD	\$1,819	\$1,769				\$50	\$1,819
167	TULARE CITY ELEMENTARY SD	\$5,958	\$3,463	\$1,593	\$81	\$607	\$214	\$5,958
168	VISALIA UNIF SCHOOL DIST	\$32,530	\$13,388	\$6,132	\$11,111	\$796	\$1,103	\$32,530
169	TUOLUMNE CO SUPT OF SCHOOLS	\$2,131	\$1,317	\$659			\$155	\$2,131
170	SUMMERVILLE UNION H S DIST	\$1,002	\$952				\$50	\$1,002
171	TWAIN HARTE-LONG BARN UNION SD	\$1,008	\$954				\$54	\$1,008
172	FILLMORE UNIFIED SCHOOL DIST	\$16,533	\$4,630	\$4,630	\$4,167	\$2,222	\$884	\$16,533

State Controller's Office
Division of Accounting and Reporting - Local Reimbursements Section
Immunization Records - Pertussis - Program 357
Fiscal Year 2012-13
As of October 28, 2014

B. Students Entering the 7th Grade only								
Reimbursable Activities for Fiscal Year 2012-13								
	Claimant Name	Claimant Amount	Receive and review specified documents to determine whether to unconditionally or conditionally admit the pupil	Advise the pupil, or the parent/guardian, to contact a physician or agency that provides immunizations if lacking documentation	Notify already admitted pupils ' parent/guardian, who is later found not to have complied with a conditional admission, of the requirement to exclude the pupil for school if immunization evidence or lawful exemption is not obtained within 10 school days.	Report to attendance supervisor or building administrator, any pupil excluded from further attendance who fails to obtain the required immunizations within 10 days following notice.	Total Indirect Costs	Total
173	SIMI VALLEY UNIF SCH DIST	\$4,078	\$2,588	\$1,273	\$60		\$157	\$4,078
174	WASHINGTON UNIFIED SCHOOL DIST	\$11,108	\$5,421	\$4,901	\$145	\$22	\$619	\$11,108
175	MARYSVILLE JT UNIF SCH DIST	\$2,907	\$2,418	\$181	\$101	\$40	\$167	\$2,907
GRAND TOTALS		\$1,722,043	\$896,970	\$511,889	\$176,166	\$52,076	\$84,942	\$1,722,043

2488 Historic Decatur Road
Suite 200
San Diego, California 92106
(619) 232-3122
Fax (619) 232-3264
www.stutzartiano.com



Exhibit H

Arthur M. Palkowitz, Esq.
apalkowitz@stutzartiano.com

RECEIVED
August 10, 2015
**Commission on
State Mandates**

August 6, 2015

LATE FILING

Heather Halsey
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Case No.: Immunization Records – Pertussis (11-TC-02)
Request to Amend Parameters & Guidelines to Adopt a Reasonable
Reimbursement Methodology
Claimant: Desert Sands Unified School District

Dear Ms. Halsey:

Desert Sands Unified School District (“Claimant”) files these comments in response to the Draft Proposed Decision.

A. Legal Authority

The Commission has the authority to “amend, modify, or supplement the parameters and guidelines” upon the claim or request of a local agency, school district, or state agency. (Gov. Code, § 17557(d).) The Commission may adopt a reasonable reimbursement methodology change to the parameters and guidelines for all reimbursement activities.

Claimant requests to Amend the Parameters & Guidelines To Adopt A Reasonable Reimbursement Methodology, a uniform cost allowance, pursuant to Government Code sections 17557(d)(1); 17557(2)(C); 17518.5 and California Code of Regulations section 1183.17 (a)(3). The request includes proposed language for the specific sections of the existing parameters and guidelines and a narrative explaining why the amendment is required. In support of the request for the reasonable reimbursement methodology, claimant has submitted a Statistical Analysis of Pertussis Mandate Claims Report describing the source data and the statistical analysis performed in calculating a proposed unit rate.

B. Statistical Analysis of Pertussis Mandate Claims Report is supported by admissible evidence.

The Statistical Analysis of Pertussis Mandate Claims Report is in conformity with Government Code section 17518.5(b) as it is based on cost information from a representative sample of eligible claimants, information provided by association of local agencies and school districts, or other projections of local costs. The reasonable reimbursement methodology is based on uniform cost allowances, derived from a broad range of criteria and information, and need not

Heather Halsey
Executive Director

Immunization Records – Pertussis (11-TC-02)

conform to any specific statutory standards, other than balancing accuracy with simplicity, and considering variation in costs among local government claimants in order to implement the mandate in a cost efficient manner, rather than detailed documentation of actual local costs. (Gov. Code, § 17518.5(d))

The proposed unit rate of \$9.17 per pupil is based on the variation in costs among local government claimants and balances accuracy with simplicity. The Statistical Analysis report was based on the unaudited claims data for fiscal years 2011-12 and 2012-13 provided by the State Controller's Office on October 28, 2014. (See Brad Williams Declaration.)

Gwen Carlos, Accounting Administrator 1, State Controller's Office, provided a declaration dated July 27, 2015. Attached to Ms. Carlos declaration was a detailed report prepared by Ms. Carlos showing claim data for the costs incurred by each school district submitted to the Controller under each reimbursable activity and the total amount of the claim for the Immunization Records – Pertussis program. (See Gwen Carlos Declaration.) Mr. Williams determined in the report prepared by Gwen Carlos attached to her declaration, the bottom line totals and the detail in the report are identical to the information provided to him by the Controller's Office on October 28, 2014, that was the basis for his statistical analysis and conclusions contained therein. Therefore, Mr. Williams opinions and conclusions included in his Statistical Analysis remain unchanged. (See Brad Williams Declaration.)

The school district enrollment data (excluding charter schools, which are not eligible for mandate reimbursement) identifying enrollment by District was used in the Statistical Analysis is from the State Department of Education. (<http://www.cde.ca.gov/ds/sd/sd/filesenr.asp>) From these data sources, a per-student claim amount was calculated for each district submitting claims during the two years. (Brad Williams Declaration.) Mr. Williams, based on his formal education and experience, qualifies as an expert to render his opinions and conclusions.¹ (Brad Williams Declaration.)

C. Mandate Block Grant

The Mandate Block Grant ("MGB") is for School Districts that annually elect to receive reimbursement based on their annual daily attendance. Whether or not Immunization Records – Pertussis (11-TC-02) program is included in the MBG is irrelevant, as Schools Districts may

¹ Mr. Williams received his Bachelor of Arts and my Master of Arts in Economics from University of California, Davis. Mr. Williams thirty two years of professional employment includes holding the positions of Budget Analyst for the California Legislative Analyst's Office, Director of Economic and Revenue Forecasting/Executive Director for the California Commission in State Finance, and Senior Economist/Director of Economic and Revenue Forecasting for the California Legislative Analyst's Office. His formal education and professional experience includes among other tasks, developing statistical analysis similar to the analysis completed for the Immunization Records-Pertussis program.


Heather Halsey
Executive Director

Immunization Records – Pertussis (11-TC-02)

annually decide to file claims, requiring the necessity for approval of a reasonable reimbursement methodology.² Additionally, the auditing of reimbursement claims is not a prerequisite for the development and approval of a reasonable reimbursement methodology. (Cal. Code Regs., §1183.12)

CERTIFICATION

I certify by my signature below, under penalty of perjury under the laws of the State of California, that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.



Arthur M. Palkowitz
Attorney for the Claimant

² Immunization Records – Pertussis (11-TC-02) program is not included in the Mandate Block Grant and not an option for reimbursement for mandated costs. Consequently, School Districts are eligible to file reimbursement claims with the State Controller Office for the costs incurred in fiscal year 2014–15. (<http://www.cde.ca.gov/fg/aa/ca/mandatebfaq.asp#q21>)

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 August 10, 2015, I served the:

Claimant Comments

Immunization Records - Pertussis, 14-PGA-01 (11-TC-02)

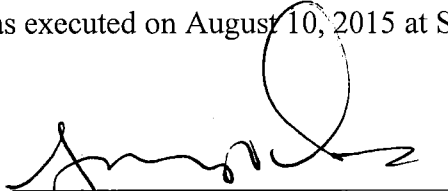
Health and Safety Code Section 120335

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 August 10, 2015 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: 8/6/15

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.)

Amber Alexander, *Department of Finance*

915 L Street, Sacramento, Ca

Phone: (916) 445-0328

Amber.Alexander@dof.ca.gov

Socorro Aquino, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

Harmeet Barkschat, *Mandate Resource Services, LLC*

5325 Elkhorn Blvd. #307, Sacramento, CA 95842

Phone: (916) 727-1350

harmeet@calsdrc.com

Lacey Baysinger, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

lbaysinger@sco.ca.gov

Julia Blair, Senior Commission Counsel, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

julia.blair@csm.ca.gov

Mike Brown, *School Innovations & Advocacy*

5200 Golden Foothill Parkway, El Dorado Hills, CA 95762

Phone: (916) 669-5116

mikeb@sia-us.com

J. Bradley Burgess, *MGT of America*
895 La Sierra Drive, Sacramento, CA 95864
Phone: (916)595-2646
Bburgess@mgtamer.com

Gwendolyn Carlos, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-0706
gcarlos@sco.ca.gov

David Cichella, *California School Management Group*
3130-C Inland Empire Blvd., Ontario, CA 91764
Phone: (209) 834-0556
dcichella@cscentral.com

Joshua Daniels, *Attorney, California School Boards Association*
3251 Beacon Blvd, West Sacramento, CA 95691
Phone: (916) 669-3266
jdaniels@csba.org

Marieta Delfin, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-4320
mdelfin@sco.ca.gov

Andra Donovan, *San Diego Unified School District*
Legal Services Office, 4100 Normal Street, Room 2148, , San Diego, CA 92103
Phone: (619) 725-5630
adonovan@sandi.net

Donna Ferebee, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Chris Ferguson, *Department of Finance*
Education Systems Unit, 915 L Street, 7th Floor, 915 L Street, 7th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Ferguson@dof.ca.gov

Susan Geanacou, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Paul Golaszewski, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8341
Paul.Golaszewski@lao.ca.gov

Ed Hanson, *Department of Finance*
Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-0328
ed.hanson@dof.ca.gov

Mark Ibele, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
Mark.Ibele@sen.ca.gov

Paul Jacobs, Fiscal & Policy Analyst, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8329
Paul.Jacobs@lao.ca.gov

Jill Kanemasu, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-9891
jkanemasu@sco.ca.gov

Jennifer Kuhn, Deputy, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8332
Jennifer.kuhn@lao.ca.gov

Jay Lal, *State Controller's Office (B-08)*
Division of Accounting & Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0256
JLal@sco.ca.gov

George Landon, Deputy Superintendent, Admin. Fiscal Support, *Lake Elsinore Unified School District*
545 Chaney Street, Lake Elsinore, CA 92530
Phone: (951) 253-7095
George.Landon@leusd.k12.ca.us

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Yazmin Meza, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
Yazmin.meza@dof.ca.gov

Meredith Miller, Director of SB90 Services, *MAXIMUS*
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670
Phone: (972) 490-9990
meredithcmiller@maximus.com

Robert Miyashiro, *Education Mandated Cost Network*
1121 L Street, Suite 1060, Sacramento, CA 95814
Phone: (916) 446-7517
robertm@sscal.com

Keith Nezaam, *Department of Finance*

915 L Street, 8th Floor, Sacramento, CA 95814
Phone: (916) 445-8913
Keith.Nezaam@dof.ca.gov

Lehoa Nguyen, *California Department of Public Health*
1501 Capitol Ave., P.O. Box 997377, MS 0506, Sacramento, CA 95899-7377
Phone: (916) 440-7841
lehoa.nguyen@cdph.ca.gov

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

James Novak, Assistant Superintendent of Business Services, *Desert Sands Unified School District*
47-980 Dune Palms Road, La Quinta, CA 92253
Phone: (760) 771-8508
jim.novak@desertsands.us

Christian Osmena, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
christian.osmena@dof.ca.gov

Arthur Palkowitz, *Stutz Artiano Shinoff & Holtz*
Requester Representative
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@sashlaw.com

Keith Petersen, *SixTen & Associates*
P.O. Box 340430, Sacramento, CA 95834-0430
Phone: (916) 419-7093
kbpsixten@aol.com

Mark Rewolinski, *MAXIMUS*
625 Coolidge Drive, Suite 100, Folsom, CA 95630
Phone: (949) 440-0845
markrewolinski@maximus.com

Sandra Reynolds, *Reynolds Consulting Group, Inc.*
P.O. Box 894059, Temecula, CA 92589
Phone: (951) 303-3034
sandrareynolds_30@msn.com

Robert Roach, *Twin Rivers Unified School District*
3222 Winona Way, North Highlands, CA 95660
Phone: (916) 566-1600
rob.roach@twinriversusd.org

David Scribner, *Max8550*
2200 Sunrise Boulevard, Suite 240, Gold River, CA 95670
Phone: (916) 852-8970

dscribner@max8550.com

Steve Shields, *Shields Consulting Group, Inc.*

1536 36th Street, Sacramento, CA 95816

Phone: (916) 454-7310

steve@shieldscg.com

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-5849

jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

DSpeciale@sco.ca.gov

Meg Svoboda, *Senate Office of Research*

1020 N Street, Suite 200, Sacramento, CA

Phone: (916) 651-1500

meg.svoboda@sen.ca.gov

Amy Tang-Paterno, Educational Fiscal Services Consultant, *California Department of Education*

Government Affairs, 1430 N Street, Suite 5602, Sacramento, CA 95814

Phone: (916) 322-6630

ATangPaterno@cde.ca.gov

Thomas Todd, Assistant Program Budget Manager, *Department of Finance*

Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-0328

Thomas.Todd@dof.ca.gov

Jolene Tollenaar, *MGT of America*

2251 Harvard Street, Suite 134, Sacramento, CA 95815

Phone: (916) 443-411

jolene_tollenaar@mgtamer.com

Brian Uhler, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8328

brian.uhler@lao.ca.gov

Marichi Valle, *San Jose Unified School District*

855 Lenzen Avenue, San Jose, CA 95126

Phone: (408) 535-6141

mvalle@sjusd.org

BILL ANALYSIS

AB 1222

Page 1

CONCURRENCE IN SENATE AMENDMENTS

AB 1222 (Laird)
As Amended September 4, 2007
Majority vote

ASSEMBLY:	77-0	(May 29, 2007)	SENATE: 39-0
			(September 7, 2007)

Original Committee Reference: L. GOV.

SUMMARY : Establishes a streamlined alternative state mandate reimbursement process, clarifies an existing reimbursement methodology, and enhances existing claiming requirements for certain mandates.

The Senate amendments :

- 1) Refine the definition of "reasonable reimbursement methodology" (RRM) so that a qualifying formula is based on cost information from a representative sample of eligible claimants and must consider the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner.
- 2) Add a test claim filed pursuant to the provisions of the legislatively determined mandate to the general definition of test claim.
- 3) Add to the test claim provisions in existing law additional information that would need to be filed if there is a legislatively determined mandate on that same statute or executive order.
- 4) Permit a test claimant and the Department of Finance (DOF), within 30 days of the adoption of a statement of decision on a test claim, to notify the executive director of the Commission on State Mandates (Commission) of their intent to use the alternate process created by this measure to draft negotiated reimbursement methodology that will be based on a reasonable reimbursement methodology in the form of a letter that specifies the date when the test claimant and DOF will provide to the executive director an informational update regarding their progress and the date when the test claimant and DOF

AB 1222

Page 2

will submit a plan to ensure costs from a representative sample of eligible local agency or school district claimants are considered.

- 5) Require the plan to include the date the test claimant and DOF will provide the executive director of the Commission an informational update on progress developing the RRM and the date the test claimant and DOF will submit to the executive director the draft RRM and proposed statewide estimate of costs, which must occur within 180 day of the letter of intent.
- 6) Allow up to four extensions to submit the draft for Commission approval.
- 7) Permit a test claimant and DOF to abandon the development of a RRM and continue with the development of parameters and guidelines.
- 8) Require the RRM to have broad support from a wide range of local agencies or school districts.
- 9) Require the claimant and DOF to submit to the Commission the draft negotiated parameters and guidelines, an estimate of the mandate's annual statewide costs and costs for the initial claiming period, and a report that describes the steps the test claimant and DOF undertook to determine the level of local support for the reasonable reimbursement methodology no later than 60 days before a Commission hearing.
- 10) Require this proposal to include an agreement that the RRM shall be in effect for 5 years, unless a different term is approved by the commission and that at the end of the term, the test claimant and DOF will consider jointly whether

amendments to the reimbursement methodology are necessary.

- 11) Provide that the commission shall review the reimbursement methodology to verify that it meets the requirements of Section 17557.1 and reflects broad support from a wide range of local agencies or school districts.
- 12) Require the Commission, if the reimbursement methodology meets the requirements, to approve it, include the statewide estimate of costs shall in its report to the Legislature, and report it to the fiscal and policy committees, the Legislative

AB 1222
Page 3

Analyst and DOF within 30 days after adoption.

- 13) Provide that after the approved term, or upon a joint request to review the reimbursement methodology, the approved reimbursement methodology shall expire.
- 14) Authorize DOF and local governments to do one of the following upon the expiration of the approved term:
- a) Jointly propose amendments, and an estimate of the annual cost;
 - b) Jointly propose no changes; or,
 - c) Notify the Commission that the test claimant will submit proposed parameters and guidelines to replace the approved reimbursement methodology.
- 15) Provide that the Commission shall approve the continuation or amendments to the reimbursement methodology.
- 16) Authorize the Controller to develop claiming instructions for RRM's approved by the Commission or the Legislature.
- 17) Provide for reimbursement for legislatively determined mandates, and authorize the Controller to audit those claims.
- 18) Provide additional detail regarding notice to the Legislature of a proposed legislatively determined mandate and clarification regarding the statute of limitation's tolling period during which the Legislature considers a legislatively determined mandate.
- 19) Provide that the term of a legislatively determined mandate shall be five years, unless another term is provided for in the statute.
- 20) Acknowledge the additional requirements related to mandates subject to Proposition 1A (subdivision (b) of Section 6 of Article XIII B of the California Constitution).
- 21) Provide that upon a legislative determination, the Controller shall prepare claiming instructions.
- 22) Provide the following circumstances under which a test

AB 1222
Page 4

claimant may file a test claim on the same statute of executive order as a legislatively determined mandate:

- a) The Legislature amends the reimbursement methodology and the local agency or school district rejects reimbursement;
 - b) The term of the legislatively determined mandate has expired;
 - c) The term of the legislatively determined mandate is amended and the local agency or school district rejects reimbursement; and,
 - d) The mandate is subject to the requirements of Proposition 1A, and the Legislature fails to meet those requirements.
- 23) Prohibit a local agency or school district from filing a test claim for a mandate where the statute of limitation had

expired before the date a legislatively determined mandate is adopted.

- 24) Provide that a legislatively determined mandate determination shall not be binding on the commission.
- 25) Make corresponding and consistent changes to the provision of law regarding the initial payment for newly determined mandates.

EXISTING LAW :

- 1) Requires the state to provide a subvention of funds to reimburse local governments, including school districts, whenever the Legislature or a state agency mandates a new program or higher level of service, with specified exceptions.
- 2) Establishes a procedure for local governmental agencies to file claims for reimbursement of these costs with the Commission that requires the Commission to hear and decide upon each claim for reimbursement and then determine the amount to be subvented for reimbursement and adopt parameters and guidelines for payment of claims.
- 3) Requires the Commission to consult with Department of Finance (DOF), among other state officials, when adopting parameters

AB 1222
Page 5

and guidelines for reimbursement.

AS PASSED BY THE ASSEMBLY , this bill:

- 1) Changed the definition of "reasonable reimbursement methodology" so that a qualifying formula for reimbursing local agency and school district costs mandated by the state need only satisfy one of three specified conditions.
- 2) Specified that a formula based on cost information from a representative sample of eligible claimants, information provided by associations of affected local governments, or other projections of local costs will satisfy the requirements for a reasonable reimbursement methodology.
- 3) Defined "legislatively determined mandate" as the provisions of a statute or executive order that the Legislature has declared by statute to be a mandate for which reimbursement is required by Section 6 of Article XIII B of the California Constitution.
- 4) Specified that the statute of limitations requiring local agency and school district test claims to be filed not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later, shall be tolled from the date a joint proposal for a legislatively determined mandate, as defined, is submitted to the Legislature, to the date the joint proposal is enacted in a Budget Act or other bill, or fails to be enacted.
- 5) Made claims made pursuant to legislatively determined mandates subject to the \$1,000 minimum requirement in current law.
- 6) Required that claims pursuant to a legislatively determined mandate shall be filed and paid in the manner prescribed in the Budget Act or other bill.
- 7) Required that a test claim's required written narrative identify the effective date and register number of regulations alleged to contain a mandate.
- 8) Deleted the statutory provision requiring the Commission to amend the parameters and guidelines for the Animal Adoption mandate in a specified manner.

AB 1222
Page 6

- 9) Made findings and declaration concerning the desirability of early settlement of mandate claims.

- 10) Declared legislative intent to provide for an orderly process for settling mandate claims in which the parties are in substantial agreement, and affirms that nothing in this measure diminishes the rights of a local government that chooses not to accept reimbursement pursuant to the provisions of this measure.
- 11) Authorized DOF, in consultation with local governments, to seek to have the Legislature determine if local governments are entitled to reimbursement of costs mandated by the state, establish a reimbursement methodology, and appropriate funds for reimbursement.
- 12) Required a joint request to include all of the following:
- a) Identification of the provisions of the statute or executive order alleged to impose a new requirement on local governments, a reimbursement methodology, and a period of reimbursement;
 - b) A list of eligible claimants and a statewide cost estimate for the initial claiming period and annual dollar amount necessary to reimburse local governments for costs mandated by that statute or executive order; and,
 - c) Documentation of significant support among affected local governments for the proposed reimbursement methodology, including, but not limited to, endorsements by statewide associations of affected local governments and letters of approval by a majority of responding affected local governments.
- 13) Permitted a joint request to be submitted to the Legislature at any time after enactment of a statute or issuance of an executive order, regardless of whether a test claim on the same statute or executive order is pending with the commission, and specifies that, if a test claim is pending before the Commission, the period of reimbursement established by that filing shall apply to a joint request filed pursuant to this measure.

AB 1222

Page 7

- 14) Required that, if the Legislature determines that the statute or executive order imposes a reimbursable mandate, it shall declare by statute that the requirements of the statute or executive order are a legislatively determined mandate, specify the period of reimbursement and formula or methodology for reimbursing affected local governments, and appropriate funds sufficient for reimbursement in the Budget Act or other bill.
- 15) Permitted the Legislature to amend the reimbursement methodology periodically, upon the recommendation of DOF, a local government, or other interested party, and to repeal, modify, or suspend a legislatively determined mandate.
- 16) Required DOF to notify the Commission of the following specified actions:
- a) Provide the Commission with a copy of a joint request when it is submitted to the Legislature;
 - b) Notify the Commission of the Legislature's action on a joint request in the Budget Act or of the Legislature's failure to include a joint request in the enacted Budget Act; and,
 - c) Provide the Commission with a copy of the final version of a joint request if modifications are made by the Legislature.
- 17) Permitted the Commission, upon receipt of notice from DOF that a joint request has been submitted to the Legislature on the same statute or executive order as a pending test claim, to stay its proceedings on the pending test claim upon the request of any party.
- 18) Stated that, upon enactment of a statute declaring a legislatively determined mandate and sufficient appropriation for reimbursement in the Budget Act or other bill pursuant to this section, both of the following shall apply:
- a) The commission shall not be required to adopt a statement of decision, parameters and guidelines or statewide cost estimate on the same statute or executive order unless an affected local government that has rejected the amount of reimbursement files a test claim or takes

over a withdrawn test claim on the same statute or executive order; and,

- b) Local governments accepting payment of costs mandated by the state shall not be required to submit parameters and guidelines.

19) Stated that, by accepting payment of costs mandated by the state for a legislatively determined mandate, a local government agrees to the following terms and conditions:

- a) Any unpaid reimbursement claims filed with the Controller shall be deemed withdrawn if they are on the same statute or executive order of a legislatively determined mandate and for the same period of reimbursement;
- b) The payment constitutes full reimbursement of its costs for that mandate for the applicable period of reimbursement;
- c) The methodology upon which the payment is calculated is an appropriate reimbursement methodology for the next four fiscal years;
- d) A test claim filed with the Commission on the same statute or executive order as a legislatively determined mandate shall be withdrawn; and,
- e) A new test claim may not be filed on the same statute or executive order as a legislatively determined mandate unless one of the following applies:
- i) The state does not appropriate funds adequate to reimburse local governments based on the reimbursement methodology enacted by the Legislature; or,
- ii) The state fails to make the specified reimbursement payments and does not repeal or suspend the mandate.

20) Permitted any local government that rejects the amount of reimbursement in the legislatively determined mandate to file a test claim with the Commission or take over a withdrawn test claim, and prohibits any mandate reimbursement on this test claim from being received by

this local government until the Commission process is complete and funds for reimbursement are appropriated.

21) Required DOF to notify local agencies of any statute or executive order, or portion thereof, for which operation of the mandate is suspended because reimbursement is not provided for that fiscal year within 30 days after enactment of the Budget Act.

22) Required DOF to notify school districts of any of five specified statutes or executive orders, or portion thereof, for which reimbursement is not provided for that fiscal year within 30 days after enactment of the Budget Act.

FISCAL EFFECT : According to the Senate Committee on Appropriations, potential savings to the Commission to the extent that alternative processes reduce test claim filings, and absorbable costs to DOF to negotiate RRMs with local governments.

COMMENTS : This bill establishes an alternative to the Commission process for determining a mandate by authorizing DOF and local governments to seek a legislatively-determined mandate on statutes and executive orders by jointly developing a proposed amount of reimbursement and submitting the proposal to the Legislature. Such proposals may be submitted whether or not there is a test claim pending before the Commission. The Commission's one-year statute of limitations for filing a test claim would be tolled while the parties are pursuing a legislatively determined mandate. If the Legislature determines

that local governments are entitled to be reimbursed by the state for mandated costs, it would adopt a proposed methodology and appropriate funds for the reimbursement or may suspend the operation of that statute or executive order until funds for that reimbursement are appropriated. If the proposal to enact a legislatively-determined mandate fails, DOF would notify the Commission that the proposal failed to be enacted, the Commission would assume jurisdiction if a test claim or statewide cost estimate is pending on the same statutes and executive orders, and, if parameters and guidelines are pending and due for submission by the claimants, the 30-day deadline for submitting parameters and guidelines would begin on the date the Commission notifies the claimants that the proposal failed to be enacted.

AB 1222
Page 10

AB 2856 (Laird), Chapter 890, Statutes of 2004, authorized the Commission to adopt a "reasonable reimbursement methodology" with the intent to streamline the documentation and reporting process for mandates. This bill would revise the criteria required to be met for the reasonable reimbursement methodology.

Government Code Section 17553 includes specific requirements claimants must meet when filing a test claim alleging that a new statute, executive order or regulation is a state-mandated program. A detailed explanation of the basis for the claim enables Commission staff to analyze the test claims. However, at times claimants do not specify what version of the regulations they are alleging are the basis for the mandate, making it more difficult to determine what version of regulations must be analyzed. This bill would require claimants, when filing test claims that allege that regulations are mandates, to include the effective date and register number of the regulation they are alleging. The author believes that clarifying filing requirements will make it easier for state agencies to file comments on test claims, and will assist Commission staff in providing comprehensive legal analysis of the test claims.

While the Senate amendments to this bill appear to be extensive, they are the result of ongoing negotiations among the interested parties and constitute refinements, clarifications, and fleshing-out of procedural details within the same policy parameters the bill had when it was passed unanimously by the Assembly on May 29, 2007.

Analysis Prepared by : J. Stacey Sullivan / L. GOV. / (916)
319-3958

FN: 0002950