

ITEM 4
FINAL STAFF ANALYSIS
STATEWIDE COST ESTIMATE

Education Code Sections 48201 and 49079

Statutes 2000, Chapter 345 (AB 29)

Pupil Discipline Records,
Notification to Teachers: Pupils Subject to Suspension or Expulsion II
00-TC-10/00-TC-11

Carpinteria Unified School District, Sweetwater Union High School District,
and Grant Joint Union High School District¹, Co-Claimants

Executive Summary

The proposed statewide cost estimate includes eight fiscal years for a total of \$1,516,057 for the *Pupil Discipline Records, Notification to Teachers: Pupils Subject to Suspension or Expulsion II* program. Following is a breakdown of estimated total costs per fiscal year:

Fiscal Year	Number of School District Claims Filed with SCO	Estimated Cost
2000-2001	4	\$23,166
2001-2002	6	\$59,570
2002-2003	9	\$194,231
2003-2004	12	\$176,468
2004-2005	13	\$278,636
2005-2006	13	\$221,637
2006-2007	11	\$215,949
2007-2008	29	\$346,400
TOTAL	97	\$1,516,057

Summary of the Mandate

On April 16, 2007, the Commission found that the test claim statutes impose a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution, and Government Code section 17514 and 17556, for the following activities:

- For a school district into which a pupil is transferring to request from the school district in which the pupil was last enrolled, any records the district maintains in its ordinary course of business or receives from a law enforcement agency regarding acts committed by the transferring pupil that resulted in the pupil's suspension from school or expulsion from the school district. (Ed. Code, § 48201, subd. (b)(1), as amended by Stats. 2000, ch. 345.)
- For a school district, upon receipt of a pupil's transfer record, to inform any teacher of the pupil that the pupil was suspended from school or expelled from the school district, and

¹ Grant Joint Union High School District no longer exists. In 2007, it merged with three other school districts to create the Twin Rivers Unified School District.

to inform the teacher of the act that resulted in that action. (Ed. Code, § 48201, subd. (b)(1), as amended by Stats. 2000, ch. 345.)

- For a school district to inform the teacher of each pupil who has engaged in or is reasonably suspected to have engaged in any of the acts described in Education Code sections 48900.2; 48900.3; 48900.4; and 48900.7; that the pupil has engaged in or is reasonably suspected to have engaged in those acts, based on any records maintained by the district in its ordinary course of business, or received from a law enforcement agency. (Ed. Code, § 49079, subd. (a), as amended by Stats. 2000, ch. 345.) According to preexisting subdivision (d) of section 49079, this information provided to the teacher regarding pupil offenses is from the previous three school years.

The reimbursement period for this new mandate begins January 1, 2001.

Statewide Cost Estimate

Staff reviewed the State Controller's (SCO) report on claims filed by 31 school districts, and two county superintendents of schools. The actual claims data showed that 97 claims were filed for fiscal years 2000-2001 through 2007-2008 for a total of \$1,516,057.² Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program.

Assumptions

1. *The actual amount claimed for reimbursement for the initial claiming period will not increase because the deadline to file late or amended initial reimbursement claims was February 9, 2010.*
2. *Non-claiming school districts did not file claims because: (1) they did not incur more than \$1,000 in increased costs for this program; or (2) did not have supporting documentation to file a reimbursement claim.*
3. *For each claimant, the costs claimed will vary by fiscal year, based on:*
 - The number of transfer pupils with records (school district or law enforcement) of acts committed by the transferring pupil that resulted in the pupil's suspension from school or expulsion from the school district.
 - The number of transfer pupils entering a district school that were suspended or expelled from their previous school.
 - The number of records maintained by the district (for three years) or received from a law enforcement agency that document a pupil who has engaged in or is reasonably suspected to have engaged in any of the acts described in Education Code sections 48900.2; 48900.3; 48900.4; and 48900.7.
4. *There is a wide variation in costs claimed for this program. The total amount of reimbursement for this program may be lower than the statewide cost estimate, because the State Controller's Office (SCO) may reduce any reimbursement claim for this program if it is deemed to be excessive or unreasonable.*

Methodology

Fiscal Years 2000-2001 through 2007-2008

The proposed statewide cost estimate for fiscal years 2000-2001 through 2007-2008 was

² Claims data reported as of September 22, 2010.

developed by totaling the 97 unaudited reimbursement claims filed with the SCO for these years. The proposed statewide cost estimate includes eight fiscal years for a total of \$1,516,057 for the *Pupil Discipline Records, Notification to Teachers: Pupils Subject to Suspension or Expulsion II* program. This averages to \$189,507 annually in costs for the state for this eight-year period.

Commission staff issued a draft staff analysis and proposed statewide cost estimate on October 6, 2010. No comments were filed.

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of **\$1,516,057** for costs incurred in complying with the *Pupil Discipline Records, Notification to Teachers: Pupils Subject to Suspension or Expulsion II* program.

STAFF ANALYSIS

Summary of the Mandate

The approved test claim statutes require school districts to inform teachers of new specified acts (sexual harassment; hate violence; harassment, threats or intimidation; and terroristic threats) a pupil has engaged in, or is reasonably suspected to have engaged in, for which a pupil can be suspended or expelled from school. (Ed. Code, § 49079.) The test claim statutes also require school districts, when receiving a pupil that transferred from another school district, to request from the former school district in which the pupil was last enrolled, records the district maintains in the ordinary course of business or receives from a law enforcement agency regarding acts committed by the pupil that resulted in the pupil's suspension or expulsion from school. (Ed. Code, § 48201.)

The Commission on State Mandates (Commission) adopted the Statement of Decision for the *Pupil Discipline Records, Notification to Teachers: Pupils Subject to Suspension or Expulsion II* program (00-TC10/00-TC11). The Commission found that the test claim statute constitutes a new program or higher level of service and imposes a state-mandated program on local agencies within the meaning of article XIII B, section 6, of the California Constitution and Government Code section 17514.

The two test claims were filed on May 10 and 11, 2001, and consolidated on June 16, 2006. The Commission on State Mandates (Commission) adopted the Statement of Decision on April 16, 2007, and the parameters and guidelines on August 1, 2008.³ Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by February 9, 2009, and must file late claims by February 9, 2010.

Reimbursable Activities

The Commission approved the following activities for reimbursement:

A. Notification to Teachers of Pupils Whose Actions are Grounds for Suspension or Expulsion (Ed. Code, § 49079, as amended by Stats. 2000, ch. 345 (AB 29))

1. Identify pupils who have engaged in or are reasonably suspected to have engaged in any of the acts described in Education Code sections 48900.2 (sexual harassment), 48900.3 (hate violence), 48900.4 (harassment, threats, or intimidation), and 48900.7 (terroristic threats against school officials or school property) during the previous three school years from records maintained by the district in its ordinary course of business or received from a law enforcement agency, and identify the pupils' teachers.
2. Inform teachers on a regular and timely basis of each pupil who has engaged in or is reasonably suspected to have engaged in any of the acts listed below during the previous three school years from records maintained by the district in its ordinary course of business or received from a law enforcement agency:
 - a. Sexual harassment, as defined in Education Code section 48900.2.
 - b. Hate violence, as defined in Education Code section 48900.3.
 - c. Harassment, threats, or intimidation, as defined in Education Code section 48900.4.
 - d. Terroristic threats against school officials or school property, or both, as defined in Education Code section 48900.7.

³ Exhibit A, parameters and guidelines.

The information provided to teachers pursuant to Education Code section 49079 shall be made in a manner designed to maintain confidentiality of this information.

Maintaining separate records or information about pupils engaged in or reasonably suspected to have engaged in the acts described in Education Code sections 48900.2, 48900.3, 48900.4, and 48900.7 is not reimbursable.

B. Transfer Student Notifications (Ed. Code, § 48201, as amended by Stats. 2000, ch. 345 (AB 29))

- 1 For a receiving school district in which the pupil is transferring, to request from the school district in which the pupil was last enrolled any records the district maintains in its ordinary course of business or receives from a law enforcement agency regarding acts committed by the transferring pupil that resulted in the pupil's suspension from school or expulsion from the school district. (Ed. Code, § 48201, subd. (b)(1).)
2. For a sending school district in which the pupil was last enrolled, to provide upon request to the school district in which the pupil is transferring any suspension records the district maintains in its ordinary course of business or receives from a law enforcement agency regarding the acts committed by the transferring pupil that resulted in the pupil's suspension from school.

Providing expulsion records is not reimbursable under this mandated program.

3. Upon receipt of information regarding acts committed by the transferring pupil that resulted in suspension from school or expulsion from the school district, inform any teacher of the pupil that the pupil was suspended from school or expelled from the school district, and inform the teacher of the act that resulted in that action. (Ed. Code, § 48201, subd. (b)(1).)

Statewide Cost Estimate

Staff reviewed the State Controller's (SCO) report on claims filed by 31 school districts, and two county superintendents of schools. The actual claims data showed that 97 claims were filed for fiscal years 2000-2001 through 2007-2008 for a total of \$1,516,057.⁴ Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program.

Assumptions

1. *The actual amount claimed for reimbursement for the initial claiming period will not increase because the deadline to file late or amended initial reimbursement claims was February 9, 2010.*

There are 973 K-12 school districts and 58 county offices of education in California. Of those, only 31 school districts and two county offices of education filed initial reimbursement claims for this program. The deadline to file late or amended claims was February 9, 2010. Therefore, the actual amount claimed for initial reimbursement will not increase because it is too late for claimants to file late or amended claims.

2. *Non-claiming local agencies did not file claims because:(1) they did not incur more than \$1,000 in increased costs for this program; or (2) did not have supporting documentation to file a reimbursement claim.*

More than half the claims filed by school districts were for amounts that were less than \$2,000. Many of these claims were just over the \$1,000 minimum.

⁴ Claims data reported as of September 22, 2010.

3. For each claimant, the costs claimed will vary by fiscal year, based on:
- The number of transfer pupils with records (school district or law enforcement) of acts committed by the transferring pupil that resulted in the pupil's suspension from school or expulsion from the school district.
 - The number of transfer pupils entering a district school that were suspended or expelled from their previous school.
 - The number of records maintained by the district (for three years) or received from a law enforcement agency that document a pupil who has engaged in or is reasonably suspected to have engaged in any of the acts described in Education Code sections 48900.2;⁵ 48900.3;⁶ 48900.4;⁷ and 48900.7.⁸
4. There is a wide variation in costs claimed for this program. The total amount of reimbursement for this program may be lower than the statewide cost estimate, because the SCO may reduce any reimbursement claim for this program.

If the SCO audits this program and deems any reimbursement claim to be excessive or unreasonable, it may be reduced.

Methodology

Fiscal Years 2001-2002 through 2007-2008

The proposed statewide cost estimate for fiscal years 2001-2002 through 2007-2008 was developed by totaling the 97 unaudited reimbursement claims filed with the SCO for these years.

Following is a breakdown of estimated total costs per fiscal year:

Fiscal Year	Number of School District Claims Filed with SCO	Estimated Cost
2000-2001	4	\$23,166
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The proposed statewide cost estimate includes eight fiscal years for a total of \$1,516,057 for the *Pupil Discipline Records, Notification to Teachers: Pupils Subject to Suspension or Expulsion II* program. This averages to \$189,507 annually in costs for the state for this eight-year period.

⁵ Education Code section 48900.2 refers to sexual harassment, as specified.

⁶ Education Code section 48900.3 refers to hate violence, as specified.

⁷ Education Code section 48900.4 refers to harassment, threats or intimidation, as specified.

⁸ Education Code section 48900.7 refers to terroristic threats against school officials or school property, or both, as specified.

Comments on the Draft Staff Analysis and Proposed Statewide Cost Estimate

Commission staff issued a draft staff analysis and proposed statewide cost estimate on October 6, 2010. No comments were filed.

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$1,516,057 for costs incurred in complying with the *Pupil Discipline Records, Notification to Teachers: Pupils Subject to Suspension or Expulsion II* program.