

ITEM 7
INCORRECT REDUCTION CLAIM
PROPOSED DECISION

Former Education Code Section 72246 (Renumbered as 76355)

Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.); Statutes 1987, Chapter 1118

Health Fee Elimination

Fiscal Years 1999-2000, 2000-2001, 2001-2002

05-4206-I-05

State Center Community College District, Claimant

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SixTen and Associates Mandate Reimbursement Services

KEITH B. PETERSEN, MPA, JD, President
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September 1, 2005

RECEIVED

SEP 06 2005

**COMMISSION ON
STATE MANDATES**

Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

RE: Health Fee Elimination
Fiscal Years: 1999-00 through 2001-02
Incorrect Reduction Claim

Dear Ms. Higashi:

Enclosed is the original and two copies of the above referenced incorrect reduction claim for State Center Community College District.

SixTen and Associates has been appointed by the District as its representative for this matter and all interested parties should direct their inquiries to me, with a copy as follows:

Douglas R. Brinkley
Vice Chancellor Finance and Administration
State Center Community College District
1525 East Weldon Avenue
Fresno, CA 937045-6398

Thank-you.

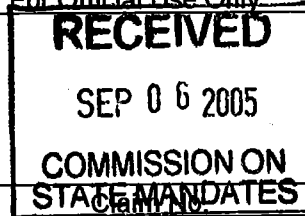
Sincerely,



Keith B. Petersen

State of California
COMMISSION ON STATE MANDATES
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562
CSM 2 (12/89)

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INCORRECT REDUCTION CLAIM FORM

Local Agency or School District Submitting Claim

STATE CENTER COMMUNITY COLLEGE DISTRICT

Contact Person

Telephone Number

Keith B. Petersen, President
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Address

Douglas R. Brinkley, Vice Chancellor
Finance and Administration
State Center Community College District
1525 East Weldon Avenue
Fresno, CA 93704-6398

Representative Organization to be Notified

Telephone Number

Robert Miyashiro, Consultant, Education Mandated Cost Network
c/o School Services of California
1121 L Street, Suite 1060
Sacramento, CA 95814

Voice: 916-446-7517
Fax: 916-446-2011
robertm@SSCal.com

This claim alleges an incorrect reduction of a reimbursement claim filed with the State Controller's Office pursuant to section 17561 of the Government Code. This incorrect reduction claim is filed pursuant to section 17561(b) of the Government Code.

CLAIM IDENTIFICATION: Specify Statute or Executive Order

HEALTH FEE ELIMINATION Chapter 1, Statutes of 1984, End E.S. Education Code Section 76355
Chapter 1118, Statutes of 1987

<u>Fiscal Year</u>	<u>Amount of the Incorrect Reduction</u>
1999-00	\$268,112
2000-01	\$329,266
2001-02	\$290,287
Total Amount	\$887,665

IMPORTANT: PLEASE SEE INSTRUCTIONS AND FILING REQUIREMENTS FOR COMPLETING AN INCORRECT REDUCTION CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative

Telephone No.

Douglas R. Brinkley, Vice Chancellor Finance and Administration

Voice: 559-244-5910
Fax: 559-243-1949
E-mail: doug.brinkley@scccd.edu

Signature of Authorized Representative

Date

X

August 25, 2005

1 Claim Prepared by:
2 Keith B. Petersen
3 SixTen and Associates
4 5252 Balboa Avenue, Suite 807
5 San Diego, California 92117
6 Voice: (858) 514-8605
7 Fax: (858) 514-8645
8

9 BEFORE THE

10 COMMISSION ON STATE MANDATES

11 STATE OF CALIFORNIA

12 INCORRECT REDUCTION CLAIM OF:)

13)

14)

No. CSM _____

15)

16)

Chapter 1, Statutes of 1984, 2nd E.S.
Chapter 1118, Statutes of 1987

17)

18)

18 STATE CENTER)
19 Community College District,)

Education Code Section 76355

20)

21)

Health Fee Elimination

22)

22 Claimant.

23)

Annual Reimbursement Claims:

24)

25)

Fiscal year 1999-00

26)

Fiscal Year 2000-01

27)

Fiscal Year 2001-02

28)

29 _____)

INCORRECT REDUCTION CLAIM FILING

30 PART I. AUTHORITY FOR THE CLAIM

31 The Commission on State Mandates has the authority pursuant to Government
32 Code Section 17551(d) to " . . . to hear and decide upon a claim by a local agency or
33 school district, filed on or after January 1, 1985, that the Controller has incorrectly
34 reduced payments to the local agency or school district pursuant to paragraph (2) of
35 subdivision (d) of Section 17561." State Center Community College District (hereafter

**Incorrect Reduction Claim of State Center Community College District
1/84; 1118/87 Health Fee Elimination**

1 "district" or "claimant") is a school district as defined in Government Code Section
2 17519.¹ Title 2, CCR, Section 1185 (a), requires the claimant to file an incorrect
3 reduction claim with the Commission.

4 This incorrect reduction claim is timely filed. Title 2, CCR, Section 1185 (b),
5 requires incorrect reduction claims to be filed no later than three years following the
6 date of the Controller's remittance advice notifying the claimant of a reduction. A
7 Controller's audit report dated September 17, 2004 has been issued, but no remittance
8 advices have been issued. The audit report constitutes a demand for repayment and
9 adjudication of the claim. On May 11, 2005, the Controller issued "results of review
10 letters" reporting the audit results and amounts due the state and this constitutes a
11 payment action.

12 There is no alternative dispute resolution process available from the Controller's
13 office. In response to an audit issued March 10, 2004, Foothill-De Anza Community
14 College attempted to utilize the informal audit review process established by the
15 Controller to resolve factual disputes. Foothill-De Anza was notified by the Controller's
16 legal counsel by letter of July 15, 2004 (attached as Exhibit "A"), that the Controller's
17 informal audit review process was not available for mandate audits and that the proper

¹ Government Code Section 17519, added by Chapter 1459, Statutes of 1984,
Section 1:

"School district" means any school district, community college district, or county
superintendent of schools."

Incorrect Reduction Claim of State Center Community College District
1/84; 1118/87 Health Fee Elimination

forum was the Commission on State Mandates.

PART II. SUMMARY OF THE CLAIM

The Controller conducted a field audit of District's annual reimbursement claims for the District's actual costs of complying with the legislatively mandated Health Fee Elimination Program (Chapter 1, Statutes of 1984, 2nd Extraordinary Session and Chapter 1118, Statutes of 1987) for the period of July 1, 1999 through June 30, 2002. As a result of the audit, the Controller determined that \$887,665 of the claimed costs for were unallowable:

<u>Fiscal Year</u>	<u>Amount Claimed</u>	<u>Audit Adjustment</u>	<u>SCO Payments</u>	<u>Amount Due <State> District</u>
1999-00	\$521,769	\$268,112	\$521,769	<\$268,112>
2000-01	\$517,084	\$329,266	\$165,514	\$ 22,304
2001-02	<u>\$604,202</u>	<u>\$290,287</u>	<u>\$131,954</u>	<u>\$181,961</u>
Totals	\$1,643,055	\$887,665	\$819,237	<\$63,847>

Since the District has been paid \$819,237 for these claims, the audit report concludes that the amount of \$63,847 is due the State.

PART III. PREVIOUS INCORRECT REDUCTION CLAIMS

The District has not filed any previous incorrect reduction claims for this mandate program. The District is not aware of any other incorrect reduction claims having been adjudicated on the specific issues or subject matter raised by this incorrect reduction claim.

/

quarter for health supervision and services, including direct or indirect medical and hospitalization services, or the operation of a student health center or centers, or both.

The governing board of each community college district may increase this fee by the same percentage increase as the Implicit Price Deflator for State and Local Government Purchase of Goods and Services. Whenever that calculation produces an increase of one dollar (\$1) above the existing fee, the fee may be increased by one dollar (\$1).

(b) If, pursuant to this section, a fee is required, the governing board of the district shall decide the amount of the fee, if any, that a part-time student is required to pay. The governing board may decide whether the fee shall be mandatory or optional.

(c) The governing board of a district maintaining a community college shall adopt rules and regulations that exempt the following students from any fee required pursuant to subdivision (a):

(1) Students who depend exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization.

(2) Students who are attending a community college under an approved apprenticeship training program.

(3) Low-income students, including students who demonstrate financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid and students who demonstrate eligibility according to income standards established by the board of governors and contained in Section 58620 of Title 5 of the California Code of Regulations.

(d) All fees collected pursuant to this section shall be deposited in the fund of the district designated by the California Community Colleges Budget and Accounting Manual. These fees shall be expended only to provide health services as specified in regulations adopted by the board of governors.

Authorized expenditures shall not include, among other things, athletic trainers' salaries, athletic insurance, medical supplies for athletics, physical examinations for intercollegiate athletics, ambulance services, the salaries of health professionals for athletic events, any deductible portion of accident claims filed for athletic team members, or any other expense that is not available to all students. No student shall be denied a service supported by student health fees on account of participation in athletic programs.

(e) Any community college district that provided health services in the 1986-87 fiscal year shall maintain health services, at the level provided during the 1986-87 fiscal year, and each fiscal year thereafter. If the cost to maintain that level of service exceeds the limits specified in subdivision (a), the excess cost shall be borne by the

**Incorrect Reduction Claim of State Center Community College District
1/84; 1118/87 Health Fee Elimination**

1 Section 72246, effective April 15, 1993.

2 2. **Test Claim**

3 On December 2, 1985, Rio Hondo Community College District filed a test claim
4 alleging that Chapter 1, Statutes of 1984, 2nd Extraordinary Session, by eliminating the
5 authority to levy a fee and by requiring a maintenance of effort, mandated additional
6 costs by mandating a new program or the higher level of service of an existing program
7 within the meaning of California Constitution Article XIII B, Section 6.

8 On November 20, 1986, the Commission on State Mandates determined that
9 Chapter 1, Statutes of 1984, 2nd Extraordinary Session, imposed a new program upon
10 community college districts by requiring any community college district, which provided
11 health services for which it was authorized to charge a fee pursuant to former Section
12 72246 in the 1983-1984 fiscal year, to maintain health services at that level in the
13 1984-1985 fiscal year and each fiscal year thereafter.

14 At a hearing on April 27, 1989, the Commission of State Mandates determined
15 that Chapter 1118, Statutes of 1987, amended this maintenance of effort requirement to
16 apply to all community college districts which provided health services in fiscal year
17 1986-1987 and required them to maintain that level of health services in fiscal year

district.

(f) A district that begins charging a health fee may use funds for startup costs from other district funds and may recover all or part of those funds from health fees collected within the first five years following the commencement of charging the fee.

(g) The board of governors shall adopt regulations that generally describe the types of health services included in the health service program.”

1 1987-1988 and each fiscal year thereafter.

2 3. Parameters and Guidelines

3 On August 27, 1987, the original parameters and guidelines were adopted. On
4 May 25, 1989, those parameters and guidelines were amended. A copy of the
5 parameters and guidelines, as amended on May 25, 1989, is attached as Exhibit "B."
6 So far as is relevant to the issues presented below, the parameters and guidelines
7 state:

8 "V. REIMBURSABLE COSTS

9 A. Scope of Mandate

10 Eligible community college districts shall be reimbursed for
11 the costs of providing a health services program. Only
12 services provided in 1986-87 fiscal year may be claimed.
13 ...

14 VI. CLAIM PREPARATION

15 ...
16 B...

17 3. Allowable Overhead Cost

18 Indirect costs may be claimed in the manner
19 described by the State Controller in his claiming
20 instructions.

21 VII. SUPPORTING DATA

22 For auditing purposes, all costs claimed must be traceable to
23 source documents and/or worksheets that show evidence of the
24 validity of such costs....

25 VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

26 Any offsetting savings the claimant experiences as a direct result
27 of this statute must be deducted from the costs claimed. In

1 addition, reimbursement for this mandate received from any
2 source, e.g., federal, state, etc., shall be identified and deducted
3 from this claim. This shall include the amount of \$7.50 per full-time
4 student per semester, \$5.00 per full-time student for summer
5 school, or \$5.00 per full-time student per quarter, as authorized by
6 Education Code section 72246(a). This shall also include
7 payments (fees) received from individuals other than students who
8 are not covered by Education Code Section 72246 for health
9 services. ...”

10 4. Claiming Instructions

11 The Controller has annually issued or revised claiming instructions for the
12 Health Fee Elimination mandate. A copy of the September 1997 revision of the
13 claiming instructions is attached as Exhibit “C.” The September 1997 claiming
14 instructions are believed to be, for the purposes and scope of this incorrect reduction
15 claim, substantially similar to the version extant at the time the claims which are the
16 subject of this Incorrect reduction claim were filed. However, since the Controller’s
17 claim forms and instructions have not been adopted as regulations, they have no force
18 of law, and, therefore, have no effect on the outcome of this incorrect reduction claim.

19 PART V. STATE CONTROLLER CLAIM ADJUDICATION

20 The Controller conducted an audit of District’s annual reimbursement claims for
21 fiscal years 1999-00, 2000-01 and 2001-02. The audit concluded that 46% of the
22 District’s costs, as claimed, were allowable. A copy of the September 17, 2004-audit
23 report and the District’s response is attached as Exhibit “D.”

24 VI. CLAIMANT’S RESPONSE TO THE STATE CONTROLLER

25 By letter dated July 26, 2004, the Controller transmitted a copy of its draft audit

1 report. By letter dated August 10, 2004, the District objected to the proposed
2 adjustments set forth in the draft audit report. A copy of District's letter of August 10,
3 2004, is attached as Exhibit "E." The Controller then issued its final audit report without
4 change to the adjustments as stated in the draft audit report.

5 **PART VII. STATEMENT OF THE ISSUES**

6 **Finding 1: Unallowable Salary Costs**

7 The District is not disputing these adjustments.

8 **Finding 2: Unallowable Services and Supplies Costs**

9 The District is not disputing these adjustments.

10 **Finding 3 - Overstated Indirect Cost Rates Claimed**

11 The Controller asserts that the district overstated its indirect cost rates and costs
12 in the amount of \$415,502 for all three fiscal years. This finding is based upon the
13 report's statement that "... the district prepared indirect cost rate proposals (IRCP) for
14 each fiscal year. However, the district did not obtain federal approval of its IRCPs."

15 Federal Approval

16 The audit report states: "The SCO claiming instructions require that districts
17 obtain federal approval of ICRPs prepared according to Office of Management and
18 Budget (OMB) Circular A-21." Contrary to the Controller's ministerial preferences,
19 there is no requirement in law that the district's indirect cost rate must be "federally"
20 approved, and neither the Commission nor the Controller has ever specified the federal

Incorrect Reduction Claim of State Center Community College District
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1 agencies which have the authority to approve indirect cost rates. Further, it should be
2 noted that the Controller did not determine that the District's rate was excessive or
3 unreasonable, just that it wasn't federally approved.

4 CCFS-311

5 In fact, both the District's method and the Controller's method utilized the same
6 source document, the CCFS-311 annual financial and budget report required by the
7 state. The difference in the claimed and audited methods is in the determination of
8 which of those cost elements are direct costs and which are indirect costs. Indeed,
9 federally "approved" rates which the Controller will accept without further action, are
10 "negotiated" rates calculated by the district and submitted for approval, indicating that
11 the process is not an exact science, but a determination of the relevance and
12 reasonableness of the cost allocation assumptions made for the method used.

13 Regulatory Requirements

14 No particular indirect cost rate calculation is required by law. The parameters
15 and guidelines state that "Indirect costs *may be claimed* in the manner described by the
16 Controller in his claiming instructions." The district claimed these indirect costs "in the
17 manner" described by the Controller. The correct forms were used and the claimed
18 amounts were entered at the correct locations. Further, "may" is not "shall"; the
19 parameters and guidelines do not require that indirect costs be claimed in the manner
20 described by the Controller. However, the Controller asserts that the "phrase 'may be
21 claimed' is permissive; it allows the district to claim indirect costs. If the district claims

1 indirect costs, the costs must adhere to the SCO's claiming instructions." The logic is
2 specious. Claimants have the option of filing the *entire* claim for reimbursement and
3 there is no logic to isolating the indirect cost rates as permissive, nor is there is
4 language regarding "adhering" to the claiming instructions if costs are claimed. It is
5 not quite clear what the legal significance of "adhering" to the claiming instructions
6 means, however, since the Controller's claiming instructions were never adopted as
7 law, or regulations pursuant to the Administrative Procedure Act, the claiming
8 instructions are merely a statement of the ministerial interests of the Controller and not
9 law.

10 Unreasonable or Excessive

11 Government Code Section 17561(d)(2) requires the Controller to pay claims,
12 provided that the Controller may audit the records of any school district to verify the
13 actual amount of the mandated costs, and may reduce any claim that the Controller
14 determines is excessive or unreasonable. The Controller is authorized to reduce a
15 claim only if it determines the claim to be excessive or unreasonable. Here, the District
16 has computed its ICRPs utilizing cost accounting principles from the Office of
17 Management and Budget Circular A-21, and the Controller has disallowed it without a
18 determination of whether the product of the District's calculation would, or would not, be
19 excessive, unreasonable, or inconsistent with cost accounting principles.

20 The District reported indirect cost rates of 38.74%, 37.73%, and 35.06% for the
21 three fiscal years audited. Subsequent to the audit, the District performed the complex

1 cost accounting and time consuming negotiation process to receive a federally
2 approved rate of 36.5% from the Department of Health and Human Services, for use in
3 fiscal years beginning 2004-05. The three rates used on the audited claims are less
4 than three percentage points different from the federally negotiated rate. It can be
5 clearly seen that the OMB A-21 cost accounting methods are not the intellectual
6 property of the federal government and can be competently utilized by claimants to
7 generate a reasonable indirect cost rate without the need for federal approval.

8 Neither State law nor the parameters and guidelines made compliance with the
9 Controller's claiming instructions a condition of reimbursement. The district has
10 followed the parameters and guidelines. The burden of proof is on the Controller to
11 prove that the product of District's calculation is unreasonable, not to recalculate the
12 rate according to its unenforceable ministerial preferences. Therefore, Controller
13 made no determination as to whether the method used by the District was reasonable,
14 but, merely substituted its FAM-29C method for the method reported by the District.
15 The substitution of the FAM-29C method is an arbitrary choice of the Controller, not a
16 "finding" enforceable either by fact or law. The Controller's insistence that OMB A-21
17 costs accounting is the sole province of the federal government is both legally incorrect
18 and factually refuted.

19 **Finding 4 - Understated Authorized Health Service Fees**

20 This finding is based upon the report's statement that "the district understated

Incorrect Reduction Claim of State Center Community College District
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1 authorized health service fees” because the “district reported actual revenue received
2 rather than health fees the district was authorized to collect.” The adjustments are
3 based on the Controller’s recalculation of the student health services fees which may
4 have been “collectible” which was then compared to the District’s student health fee
5 revenues actually received, resulting in a total adjustment of \$385,753 for the three
6 fiscal years. The Controller alleges that claimants must compute the total student
7 health fees collectible and reduce claimed costs by this amount even if those fees are
8 not collected in full or part.

9 Education Code Section 76355

10 Education Code Section 76355, subdivision (a), in relevant part, provides: “The
11 governing board of a district maintaining a community college *may require* community
12 college students to pay a fee . . . for health supervision and services . . .” There is no
13 requirement that community colleges levy these fees. The permissive nature of the
14 provision is further illustrated in subdivision (b) which states “*If, pursuant to this*
15 *Section, a fee is required, the governing board of the district shall decide the amount of*
16 *the fee, if any, that a part-time student is required to pay. The governing board may*
17 *decide whether the fee shall be mandatory or optional.*”

18 Parameters and Guidelines

19 This Controller states that the “*Parameters and Guidelines* requires that the
20 district deduct authorized health fees from claimed costs.” The parameters and
21 guidelines do not state this but instead state:

1 "Any offsetting savings that the claimant experiences as a direct result of
2 this statute must be deducted from the costs claimed. In addition,
3 reimbursement for this mandate received from any source, e.g., federal, state,
4 etc., shall be identified and deducted from this claim. This shall include the
5 amount of [student fees] as authorized by Education Code Section 72246(a)³."

6 In order for the district to "experience" these "offsetting savings" the district must
7 actually have collected these fees. Student fees actually collected must be used to
8 offset costs, but not student fees that could have been collected and were not. The use
9 of the term "*any offsetting savings*" further illustrates the permissive nature of the fees.

10 Government Code Section 17514

11 The Controller relies upon Government Code Section 17514 for the conclusion
12 that "[t]o the extent community college districts can charge a fee, they are not required
13 to incur a cost." Government Code Section 17514, as added by Chapter 1459, Statutes
14 of 1984, actually states:

15 "Costs mandated by the state" means any increased costs which a local
16 agency or school district is required to incur after July 1, 1980, as a result of any
17 statute enacted on or after January 1, 1975, or any executive order
18 implementing any statute enacted on or after January 1, 1975, which mandates
19 a new program or higher level of service of an existing program within the
20 meaning of Section 6 of Article XIII B of the California Constitution."

21 There is nothing in the language of the statute regarding the authority to charge a fee,
22 any nexus of fee revenue to increased cost, nor any language which describes the
23 legal effect of fees collected.

³ Former Education Code Section 72246 was repealed by Chapter 8, Statutes of 1993, Section 29, and was replaced by Education Code Section 76355.

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1 Government Code Section 17556

2 The Controller relies upon Government Code Section 17556 for the conclusion
3 that "the COSM shall not find costs mandated by the State if the school district has the
4 authority to levy fees to pay for the mandated program or increased level of service."

5 Government Code Section 17556 as last amended by Chapter 589/89 actually states:

6 "The commission shall not find costs mandated by the state, as defined in
7 Section 17514, in any claim submitted by a local agency or school district, if after
8 a hearing, the commission finds that: . . .

9 (d) The local agency or school district has the authority to levy service
10 charges, fees, or assessments sufficient to pay for the mandated program or
11 increased level of service. . . ."

12 The Controller misrepresents the law. Government Code Section 17556 prohibits the
13 Commission on State Mandates from finding costs subject to reimbursement, that is
14 approving a test claim activity for reimbursement, where there is authority to levy fees
15 in an amount sufficient to offset the entire mandated costs. Here, the Commission has
16 already approved the test claim and made a finding of a new program or higher level of
17 service for which the claimants do not have the ability to levy a fee in an amount
18 sufficient to offset the entire mandated costs.

19 Student Health Services Fee Amount

20 The Controller asserts that the district should have collected a student health
21 service fee each semester from non-exempt students in the amount of \$8, \$9, \$11 or
22 \$12, depending on the fiscal year and whether the student is enrolled full time or part
23 time. Districts receive notice of these fee amounts from the Chancellor of the

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1 California Community Colleges. An example of one such notice is the letter dated
2 March 5, 2001, attached as Exhibit "F." While Education Code Section 76355
3 provides for an increase in the student health service fee, it did not grant the
4 Chancellor the authority to establish mandatory fee amounts or mandatory fee
5 increases. No state agency was granted that authority by the Education Code, and no
6 state agency has exercised its rulemaking authority to establish mandatory fees
7 amounts. It should be noted that the Chancellor's letter properly states that increasing
8 the amount of the fee is at the option of the district, and that the Chancellor is not
9 asserting that authority. Therefore, the Controller cannot rely upon the Chancellor's
10 notice as a basis to adjust the claim for "collectible" student health services fees.

11 Fees Collected vs. Fees Collectible

12 This issue is one of student health fees revenue actually received, rather than
13 student health fees which might be collected. The Commission determined, as stated
14 in the parameters and guidelines that the student fees "experienced" (*collected*) would
15 reduce the amount subject to reimbursement. Student fees not collected are student
16 fees not "experienced" and as such should not reduce reimbursement. Further, the
17 amount 'collectible' will never equal actual revenues collected due to changes in
18 student's BOGG eligibility, bad debt accounts, and refunds.

19 Because districts are not required to collect a fee from students for student
20 health services, and if such a fee is collected, the amount is to be determined by the
21 District and not the Controller, the Controller's adjustment is without legal basis. What

Incorrect Reduction Claim of State Center Community College District
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1 claimants are required by the parameters and guidelines to do is to reduce the amount
2 of their claimed costs by the amount of student health services fee revenue actually
3 received. Therefore, student health fees are merely collectible, they are not
4 mandatory, and it is inappropriate to reduce claim amounts by revenues not received.

5 **Statute of Limitations for Audit**

6 This issue is not a finding of the Controller. The District asserts that the first two
7 years of the three claim years audited, fiscal years 1999-00 and 2000-01, were beyond
8 the statute of limitations for an audit when the Controller issued its audit report on
9 September 17, 2004. The District raised this issue at the beginning of the audit and in
10 its letter dated August 10, 2004 in response to the draft audit report.

11 Chronology of Claim Action Dates

12	January 13, 2001	FY 1999-00 claim filed by the District (certified mail)
13	December 27, 2001	FY 2000-01 claim filed by the District (certified mail)
14	May 12, 2003	Entrance conference date. FY 2002-03, filed four weeks
15		previously, added to the audit.
16	December 31, 2003	FY 1999-00 and FY 2000-01 statute of limitations for audit
17		expires
18	September 17, 2004	Controller's final audit report issued

19 The District's fiscal year 1999-00 claim was mailed to the Controller on January
20 13, 2001. The District's fiscal year 2000-01 claim was mailed to the Controller on

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1 December 27, 2001. According to Government Code Section 17558.5, these claims
2 were subject to audit no later than December 31, 2003. The audit was not completed
3 by this date. Therefore, the audit adjustments for Fiscal Year 1999-00 and 2000-01
4 are barred by the statute of limitations set forth in Government Code Section 17558.5.

5 In its final audit report, the Controller responded as follows: "No statutory
6 language defines when the SCO must issue an audit report. We initiated the audit by
7 conducting an entrance conference with the district on May 12, 2003, within the statute
8 of limitations." Note that the Controller considers the audit "initiated" on the date of the
9 entrance conference. Thus, the Controller is thus asserting that date when the audit
10 was "initiated" is relevant to the period of limitations, and not the date of the audit
11 report. In any case, a review of the legislative history of Government Code Section
12 17558.5 indicates that the matter of the audit "initiation" date is not relevant to any
13 fiscal year claims which are the subject of this audit.

14 Statutory History

15 Prior to January 1, 1994, no statute specifically governed the statute of
16 limitations for audits of mandate reimbursement claims. Statutes of 1993, Chapter 906,
17 Section 2, operative January 1, 1994, added Government Code Section 17558.5 to
18 establish for the first time a specific statute of limitations for audit of mandate
19 reimbursement claims:

20 "(a) A reimbursement claim for actual costs filed by a local agency or school
21 district pursuant to this chapter is subject to audit by the Controller no later than
22 four years after the end of the calendar year in which the reimbursement claim is

Incorrect Reduction Claim of State Center Community College District
1/84; 1118/87 Health Fee Elimination.

1 filed or last amended. However, if no funds are appropriated for the program for
2 the fiscal year for which the claim is made, the time for the Controller to initiate
3 an audit shall commence to run from the date of initial payment of the claim.”

4 Thus, there are two standards. A funded claim is “subject to audit” for four year after
5 the end of the calendar year in which the claim was filed. An “unfunded” claim must
6 have its audit “initiated” within four years of first payment.

7 Statutes of 1995, Chapter 945, Section 13, operative July 1, 1996, repealed and
8 replaced Section 17558.5, changing only the period of limitations:

9 “(a) A reimbursement claim for actual costs filed by a local agency or school
10 district pursuant to this chapter is subject to audit by the Controller no later than
11 two years after the end of the calendar year in which the reimbursement claim is
12 filed or last amended. However, if no funds are appropriated for the program for
13 the fiscal year for which the claim is made, the time for the Controller to initiate
14 an audit shall commence to run from the date of initial payment of the claim.”

15 All of the annual claims which are the subject of the audit are subject to the two-year
16 statute of limitations established by Chapter 945/95. The claims for the first two fiscal
17 years (FY 1999-00 and FY 2000-01) were beyond audit when the audit report was
18 issued. The third year (FY 2001-02) was still subject to audit when the audit report
19 was issued. Since funds were appropriated for the program for all the fiscal years
20 which are the subject of the audit, the alternative measurement date is not applicable,
21 and the potential factual issue of when the audit is initiated is not relevant.

22 Statutes of 2002, Chapter 1128, Section 14.5, operative January 1, 2003
23 amended Section 17558.5 to state:

24 “(a) A reimbursement claim for actual costs filed by a local agency or school
25 district pursuant to this chapter is subject to the initiation of an audit by the

Incorrect Reduction Claim of State Center Community College District
1/84; 1118/87 Health Fee Elimination

1 Controller no later than three years after the ~~end of the calendar year in which~~
2 the date that the actual reimbursement claim is filed or last amended, whichever
3 is later. However, if no funds are appropriated or no payment is made to a
4 claimant for the program for the fiscal year for which the claim is made filed, the
5 time for the Controller to initiate an audit shall commence to run from the date of
6 initial payment of the claim.”

7 None of the fiscal period claims which are the subject of the audit are subject to
8 this amended version of Section 17558.5. The amendment is pertinent since it
9 indicates this is the first time that the factual issue of the date the audit is “initiated” for
10 mandate programs for which funds are appropriated is introduced. Therefore, at the
11 time the claim is filed, it is impossible for the claimant to know when the statute of
12 limitations will expire, which is contrary to the purpose of a statute of limitations.

13 Statutes of 2004, Chapter 890, Section 18, operative January 1, 2005 amended
14 Section 17558.5 to state:

15 “(a) A reimbursement claim for actual costs filed by a local agency or school
16 district pursuant to this chapter is subject to the initiation of an audit by the
17 Controller no later than three years after the date that the actual reimbursement
18 claim is filed or last amended, whichever is later. However, if no funds are
19 appropriated or no payment is made to a claimant for the program for the fiscal
20 year for which the claim is filed, the time for the Controller to initiate an audit
21 shall commence to run from the date of initial payment of the claim. In any case,
22 an audit shall be completed not later than two years after the date that the audit
23 is commenced.”

24 None of the fiscal period claims which are the subject of the audit are subject to
25 this amended version of Section 17558.5. The amendment is pertinent since it
26 indicates this is the first time that the Controller audits may be completed at a time
27 other than the stated period of limitations.

1 Initiation of An Audit

2 The audit report states that the Controller's staff "initiated the audit" with the
3 entrance conference on May 12, 2003. Initiation of the audit is not relevant to the
4 annual claims which are the subject of this incorrect reduction claim. The words
5 "initiate an audit" are used only in the second sentence of Section 17558.5, that is, in a
6 situation when no funds are appropriated for the program for the fiscal year for which
7 the claim is made. Then, and only then, is the Controller authorized to "initiate an
8 audit" within two years from the date of initial payment. The claims at issue here were
9 not subject to the "no funds appropriated" provision, they were subject only to the first
10 sentence of the statute, i.e., they were only "subject to audit" through December 2003
11 and 2004. The words of the statute are quite clear and unambiguous: these claims
12 were no longer subject to audit after December 31, 2003 and 2004. The unmistakable
13 language of Section 17558.5 is confirmed by the later actions of the Legislature.
14 Chapter 1128, Statutes of 2002, amended subdivision (a) of Government Code Section
15 17558.5 to change the "subject to audit" language of the first sentence to "subject to the
16 initiation of an audit." Had the Legislature intended the former Section to mean "subject
17 to the initiation of an audit," there would have been no need to amend the statute to
18 now say "subject to the initiation of an audit."

19 The Controller did not complete the audit within the statutory period allowed for
20 the first two fiscal year claims included in this audit. The date the audit was "initiated"
21 is not relevant, only the date the audit was completed as evidenced by the Controller's

1 audit report. The audit findings are therefore void for those two claims.

2 **PART VIII. RELIEF REQUESTED**

3 The District filed its annual reimbursement claims within the time limits
4 prescribed by the Government Code. The amounts claimed by the District for
5 reimbursement of the costs of implementing the program imposed by Chapter 1,
6 Statutes of 1984, 2nd E.S., Chapter 1118, Statutes of 1987, and Education Code
7 Section 76355 represent the actual costs incurred by the District to carry out this
8 program. These costs were properly claimed pursuant to the Commission's parameters
9 and guidelines. Reimbursement of these costs is required under Article XIII B, Section
10 6 of the California Constitution. The Controller denied reimbursement without any
11 basis in law or fact. The District has met its burden of going forward on this claim by
12 complying with the requirements of Section 1185, Title 2, California Code of
13 Regulations. Because the Controller has enforced and is seeking to enforce these
14 adjustments without benefit of statute or regulation, the burden of proof is now upon the
15 Controller to establish a legal basis for its actions.

16 The District requests that the Commission make findings of fact and law on each
17 and every adjustment made by the Controller and each and every procedural and
18 jurisdictional issue raised in this claim, and order the Controller to correct its audit
19 report findings therefrom.

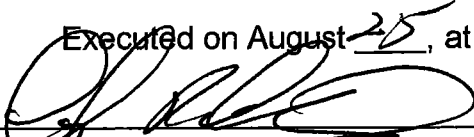
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21 /

1 PART IX. CERTIFICATION

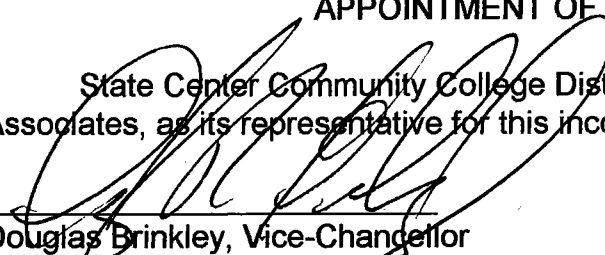
2 By my signature below, I hereby declare, under penalty of perjury under the laws
3 of the State of California, that the information in this incorrect reduction claim
4 submission is true and complete to the best of my own knowledge or information or
5 belief, and that the attached documents are true and correct copies of documents
6 received from or sent by the state agency which originated the document.

7 Executed on August 25, at Fresno, California, by

8 
9 Douglas Brinkley, Vice-Chancellor, Finance and Administration
10 State Center Community College District
11 1525 East Weldon Ave.
12 Fresno, CA 93704
13 Voice: 559-244-0910
14 Fax: 559-243-1949
15 E-Mail: doug.brinkley@scccd.edu

16 APPOINTMENT OF REPRESENTATIVE

17 State Center Community College District appoints Keith B. Petersen, SixTen and
18 Associates, as its representative for this incorrect reduction claim.

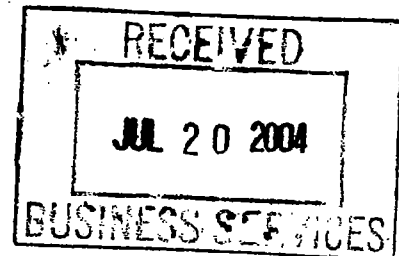
19 
20 Douglas Brinkley, Vice-Chancellor
21 Finance and Administration
22 State Center Community College District

23 
Date

23 Attachments:

24 Exhibit "A" SCO Legal Counsel's Letter dated July 15, 2004
25 Exhibit "B" Parameters and Guidelines as amended May 25, 1989
26 Exhibit "C" Controller's Claiming Instructions September 1997
27 Exhibit "D" SCO Audit Report dated September 17, 2004
28 Exhibit "E" Claimant's Letter dated August 10, 2004
29 Exhibit "F" Chancellor's Letter dated March 5, 2001

Exhibit A



STEVE WESTLY
California State Controller

July 15, 2004

Mike Brandy, Vice Chancellor
Foothill-De Anza Community College District
12345 El Monte Road
Los Altos, CA 94022

Re: Foothill-De Anza Community College District Audit

Dear Mr. Brandy:

This is in response to your letter to me dated May 13, 2004, concerning the Controller's Audit of the Health Fee claim.

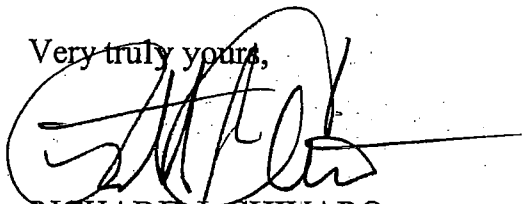
The Controller's informal audit review process was established to resolve factual disputes where no other forum for resolution, other than a judicial proceeding, is available.

The proper forum for resolving issues involving mandated cost programs is through the incorrect reduction process through the Commission on State Mandates. As such, this office will not be scheduling an informal conference for this matter.

However, in light of the concerns expressed in your letter concerning the auditors assigned and the validity of the findings, I am forwarding your letter to Vince Brown, Chief Operating Officer, for his review and response.

If you have any questions you may contact Mr. Vince Brown at (916) 445-2038.

Very truly yours,



RICHARD J. CHIVARO
Chief Counsel

RJC/st

cc: Vincent P. Brown, Chief Operating Officer, State Controller's Office
Jeff Brownfield, Chief, Division of Audits, State Controller's Office

Exhibit B

Adopted: 8/27/87
Amended: 5/25/89

PARAMETERS AND GUIDELINES
Chapter 1, Statutes of 1984, 2nd E.S.
Chapter 1118, Statutes of 1987
Health Fee Elimination

I. SUMMARY OF MANDATE

Chapter 1, Statutes of 1984, 2nd E.S. repealed Education Code Section 72246 which had authorized community college districts to charge a health fee for the purpose of providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers. This statute also required that health services for which a community college district charged a fee during the 1983-84 fiscal year had to be maintained at that level in the 1984-85 fiscal year and every year thereafter. The provisions of this statute would automatically repeal on December 31, 1987, which would reinstate the community colleges districts' authority to charge a health fee as specified.

Chapter 1118, Statutes of 1987, amended Education Code section 72246 to require any community college district that provided health services in 1986-87 to maintain health services at the level provided during the 1986-87 fiscal year in 1987-88 and each fiscal year thereafter.

II. COMMISSION ON STATE MANDATES' DECISION

At its hearing on November 20, 1986, the Commission on State Mandates determined that Chapter 1, Statutes of 1984, 2nd E.S. imposed a "new program" upon community college districts by requiring any community college district which provided health services for which it was authorized to charge a fee pursuant to former Section 72246 in the 1983-84 fiscal year to maintain health services at the level provided during the 1983-84 fiscal year in the 1984-85 fiscal year and each fiscal year thereafter. This maintenance of effort requirement applies to all community college districts which levied a health services fee in the 1983-84 fiscal year, regardless of the extent to which the health services fees collected offset the actual costs of providing health services at the 1983-84 fiscal year level.

At its hearing of April 27, 1989, the Commission determined that Chapter 1118, Statutes of 1987, amended this maintenance of effort requirement to apply to all community college districts which provided health services in fiscal year 1986-87 and required them to maintain that level in fiscal year 1987-88 and each fiscal year thereafter.

III. ELIGIBLE CLAIMANTS

Community college districts which provided health services in 1986-87 fiscal year and continue to provide the same services as a result of this mandate are eligible to claim reimbursement of those costs.

IV. PERIOD OF REIMBURSEMENT

Chapter 1, Statutes of 1984, 2nd E.S., became effective July 1, 1984. Section 17557 of the Government Code states that a test claim must be submitted on or before November 30th following a given fiscal year to establish for that fiscal year. The test claim for this mandate was filed on November 27, 1985; therefore, costs incurred on or after July 1, 1984, are reimbursable. Chapter 1118, Statutes of 1987, became effective January 1, 1988. Title 2, California Code of Regulations, section 1185.3(a) states that a parameters and guidelines amendment filed before the deadline for initial claims as specified in the Claiming Instructions shall apply to all years eligible for reimbursement as defined in the original parameters and guidelines; therefore, costs incurred on or after January 1, 1988, for Chapter 1118, Statutes of 1987, are reimbursable.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim if applicable. Pursuant to Section 17561(d)(3) of the Government Code, all claims for reimbursement of costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code Section 17564.

V. REIMBURSABLE COSTS

A. Scope of Mandate

Eligible community college districts shall be reimbursed for the costs of providing a health services program. Only services provided in 1986-87 fiscal year may be claimed.

B. Reimbursable Activities

For each eligible claimant, the following cost items are reimbursable to the extent they were provided by the community college district in fiscal year 1986-87:

ACCIDENT REPORTS

APPOINTMENTS

- College Physician - Surgeon
- Dermatology, Family Practice, Internal Medicine
- Outside Physician
- Dental Services
- Outside Labs (X-ray, etc.)
- Psychologist, full services
- Cancel/Change Appointments
- R.N.
- Check Appointments

ASSESSMENT, INTERVENTION & COUNSELING

Birth Control
Lab Reports
Nutrition
Test Results (office)
VD
Other Medical Problems
CD
URI
ENT
Eye/Vision
Derm./Allergy
Gyn/Pregnancy Services
Neuro
Ortho
GU
Dental
GI
Stress Counseling
Crisis Intervention
Child Abuse Reporting and Counseling
Substance Abuse Identification and Counseling
Aids
Eating Disorders
Weight Control
Personal Hygiene
Burnout

EXAMINATIONS (Minor Illnesses)

Recheck Minor Injury

HEALTH TALKS OR FAIRS - INFORMATION

Sexually Transmitted Disease
Drugs
Aids
Child Abuse
Birth Control/Family Planning
Stop Smoking
Etc.
Library - videos and cassettes

FIRST AID (Major Emergencies)

FIRST AID (Minor Emergencies)

FIRST AID KITS (Filled)

IMMUNIZATIONS

Diphtheria/Tetanus
Measles/Rubella
Influenza
Information

INSURANCE

On Campus Accident
Voluntary
Insurance Inquiry/Claim Administration

LABORATORY TESTS DONE

Inquiry/Interpretation
Pap Smears

PHYSICALS

Employees
Students
Athletes

MEDICATIONS (dispensed OTC for misc. illnesses)

Antacids
Antidiarrhial
Antihistamines
Aspirin, Tylenol, etc.
Skin rash preparations
Misc.
Eye drops
Ear drops
Toothache - Oil cloves
Stingkill
Midol - Menstrual Cramps

PARKING CARDS/ELEVATOR KEYS

Tokens
Return card/key
Parking inquiry
Elevator passes
Temporary handicapped parking permits

REFERRALS TO OUTSIDE AGENCIES

Private Medical Doctor
Health Department
Clinic
Dental
Counseling Centers
Crisis Centers
Transitional Living Facilities (Battered/Homeless Women)
Family Planning Facilities
Other Health Agencies

TESTS

Blood Pressure
Hearing
Tuberculosis
 Reading
 Information
Vision
Glucometer
Urinalysis

Hemoglobin
E.K.G.
Strep A testing
P.G. testing
Monospot
Hemacult
Misc.

MISCELLANEOUS

Absence Excuses/PE Waiver
Allergy Injections
Band-aids
Booklets/Pamphlets
Dressing Change
Rest
Suture Removal
Temperature
Weigh
Misc.
Information
Report/Form
Wart Removal

COMMITTEES

Safety
Environmental
Disaster Planning

SAFETY DATA SHEETS

Central file

X-RAY SERVICES

COMMUNICABLE DISEASE CONTROL

BODY FAT MEASUREMENTS

MINOR SURGERIES

SELF-ESTEEM GROUPS

MENTAL HEALTH CRISIS

AA GROUP

ADULT CHILDREN OF ALCOHOLICS GROUP

WORKSHOPS

Test Anxiety
Stress Management
Communication Skills
Weight Loss
Assertiveness Skills

VI. CLAIM PREPARATION

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a list of each item for which reimbursement is claimed under this mandate.

A. Description of Activity

1. Show the total number of full-time students enrolled per semester/quarter.
2. Show the total number of full-time students enrolled in the summer program.
3. Show the total number of part-time students enrolled per semester/quarter.
4. Show the total number of part-time students enrolled in the summer program.

B. Actual Costs of Claim Year for Providing 1986-87 Fiscal Year Program Level of Service

Claimed costs should be supported by the following information:

1. Employee Salaries and Benefits

Identify the employee(s), show the classification of the employee(s) involved, describe the mandated functions performed and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study.

2. Services and Supplies

Only expenditures which can be identified as a direct cost of the mandate can be claimed. List cost of materials which have been consumed or expended specifically for the purpose of this mandate.

3. Allowable Overhead Cost

Indirect costs may be claimed in the manner described by the State Controller in his claiming instructions.

VII. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of the validity of such costs. This would include documentation for the fiscal year 1986-87 program to substantiate a maintenance of effort. These documents must be kept on file by the agency submitting the claim for a period of no

less than three years from the date of the final payment of the claim pursuant to this mandate, and made available on the request of the State Controller or his agent.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, e.g., federal, state, etc., shall be identified and deducted from this claim. This shall include the amount of \$7.50 per full-time student per semester, \$5.00 per full-time student for summer school, or \$5.00 per full-time student per quarter, as authorized by Education Code section 72246(a). This shall also include payments (fees) received from individuals other than students who are not covered by Education Code Section 72246 for health services.

IX. REQUIRED CERTIFICATION

The following certification must accompany the claim:

I DO HEREBY CERTIFY under penalty of perjury:

THAT the foregoing is true and correct:

THAT Section 1090 to 1096, inclusive, of the Government Code and other applicable provisions of the law have been complied with;

and

THAT I am the person authorized by the local agency to file claims for funds with the State of California.

Signature of Authorized Representative

Date

Title

Telephone No.

0350d

Exhibit C

HEALTH FEE ELIMINATION

1. Summary of Chapters 1/84, 2nd E.S., and Chapter 1118/87

Chapter 1, Statutes of 1984, 2nd E.S., repealed Education Code § 72246 which authorized community college districts to charge a fee for the purpose of providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers. The statute also required community college districts that charged a fee in the 1983/84 fiscal year to maintain that level of health services in the 1984/85 fiscal year and each fiscal year thereafter. The provisions of this statute would automatically repeal on December 31, 1987, which would reinstate the community college districts' authority to charge a health fee as specified.

Chapter 1118, Statutes of 1987 amended Education Code § 72246 to require any community college district that provided health services in the 1986/87 fiscal year to maintain health services at that level in the 1986/87 fiscal year and each fiscal year thereafter. Chapter 8, Statutes of 1993, has revised the numbering of § 72246 to § 76355.

2. Eligible Claimants

Any community college district incurring increased costs as a result of this mandate is eligible to claim reimbursement of these costs.

3. Appropriations

To determine if current funding is available for this program, refer to the schedule "Appropriations for State Mandated Cost Programs" in the "Annual Claiming Instructions for State Mandated Costs" issued in mid-September of each year to community college presidents.

4. Types of Claims

A. Reimbursement and Estimated Claims

A claimant may file a reimbursement claim and/or an estimated claim. A reimbursement claim details the costs actually incurred for a prior fiscal year. An estimated claim shows the costs to be incurred for the current fiscal year.

B. Minimum Claim

Section 17564(a), Government Code, provides that no claim shall be filed pursuant to Section 17561 unless such a claim exceeds \$200 per program per fiscal year.

5. Filing Deadline

- (1) Refer to Item 3 "Appropriations" to determine if the program is funded for the current fiscal year. If funding is available, an estimated claim must be filed with the State Controller's Office and postmarked by November 30, of the fiscal year in which costs are to be incurred. Timely filed estimated claims will be paid before late claims.

After having received payment for an estimated claim, the claimant must file a reimbursement claim by November 30, of the following fiscal year regardless whether the payment was more or less than the actual costs. If the local agency fails to file a reimbursement claim, monies received must be returned to the State. If no estimated claim was filed, the local agency may file a reimbursement

claim detailing the actual costs incurred for the fiscal year, provided there was an appropriation for the program for that fiscal year. (See item 3 above).

- (2) A reimbursement claim detailing the actual costs must be filed with the State Controller's Office and postmarked by November 30 following the fiscal year in which costs were incurred. If the claim is filed after the deadline but by November 30 of the succeeding fiscal year, the approved claim must be reduced by a late penalty of 10%, not to exceed \$1,000. Claims filed more than one year after the deadline will not be accepted.

6. Reimbursable Components

Eligible claimants will be reimbursed for health service costs at the level of service provided in the 1986/87 fiscal year. The reimbursement will be reduced by the amount of student health fees authorized per the Education Code § 76355.

After January 1, 1993, pursuant to Chapter 8, Statutes of 1993, the fees students were required to pay for health supervision and services were not more than:

\$10.00 per semester

\$5.00 for summer school

\$5.00 for each quarter

Beginning with the summer of 1997, the fees are:

\$11.00 per semester

\$8.00 for summer school or

\$8.00 for each quarter

The district may increase fees by the same percentage increase as the Implicit Price Deflator (IPD) for the state and local government purchase of goods and services.

Whenever the IPD calculates an increase of one dollar (\$1) above the existing amount, the fees may be increased by one dollar (\$1).

7. Reimbursement Limitations

- A. If the level at which health services were provided during the fiscal year of reimbursement is less than the level of health services that were provided in the 1986/87 fiscal year, no reimbursement is forthcoming.
- B. Any offsetting savings or reimbursement the claimant received from any source (e.g. federal, state grants, foundations, etc.) as a result of this mandate, shall be identified and deducted so only net local costs are claimed.

8. Claiming Forms and Instructions

The diagram "Illustration of Claim Forms" provides a graphical presentation of forms required to be filed with a claim. A claimant may submit a computer generated report in substitution for forms HFE-1.0, HFE-1.1, and form HFE-2 provided the format of the report and data fields contained within the report are identical to the claim forms included in these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file estimated and reimbursement claims. The State Controller's Office will revise the manual and claim forms as necessary. In such instances, new replacement forms will be mailed to claimants.

A. Form HFE-2, Health Services

This form is used to list the health services the community college provided during the 1986/87 fiscal year and the fiscal year of the reimbursement claim.

B. Form HFE-1.1, Claim Summary

This form is used to compute the allowable increased costs an individual college of the community college district has incurred to comply with the state mandate. The level of health services reported on this form must be supported by official financial records of the community college district. A copy of the document must be submitted with the claim. The amount shown on line (13) of this form is carried to form HFE-1.0.

C. Form HFE-1.0, Claim Summary

This form is used to list the individual colleges that had increased costs due to the state mandate and to compute a total claimable cost for the district. The "Total Amount Claimed", line (04) on this form is carried forward to form FAM-27, line 13, for the reimbursement claim, or line (07) for the estimated claim.

D. Form FAM-27, Claim for Payment

This form contains a certification that must be signed by an authorized representative of the local agency. All applicable information from form HFE-1.0 and HFE 1.1 must be carried forward to this form for the State Controller's Office to process the claim for payment.

Illustration of Claim Forms

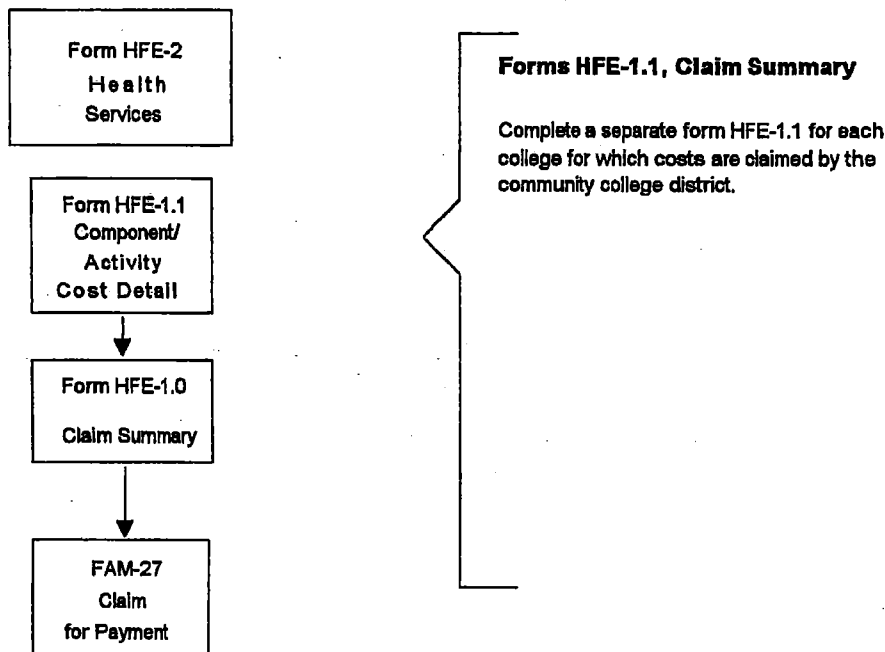


Exhibit D

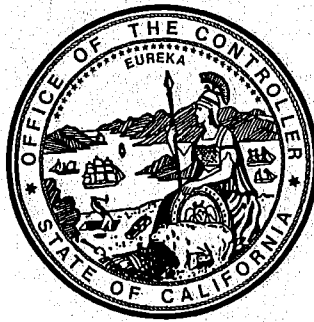
STATE CENTER COMMUNITY COLLEGE DISTRICT

Audit Report

HEALTH FEE ELIMINATION PROGRAM

Chapter 1, Statutes of 1984, 2nd Extraordinary Session,
and Chapter 1118, Statutes of 1987

July 1, 1999, through June 30, 2002



STEVE WESTLY
California State Controller

September 2004



STEVE WESTLY
California State Controller

September 17, 2004

Thomas A. Crow, Ph.D., Chancellor
State Center Community College District
1525 East Weldon Avenue
Fresno, CA 93704

Dear Dr. Crow:

The State Controller's Office audited the claims filed by State Center Community College District for costs of the legislatively mandated Health Fee Elimination Program (Chapter 1, Statutes of 1984, 2nd Extraordinary Session, and Chapter 1118, Statutes of 1987) for the period of July 1, 1999, through June 30, 2002.

The district claimed \$1,643,055 for the mandated program. Our audit disclosed that \$755,390 is allowable and \$887,665 is unallowable. The unallowable costs occurred primarily because the district overstated its indirect cost rates and understated authorized health service fees. The State paid the district \$819,237. The district should return \$63,847 to the State.

If you have any questions, please contact Jim L. Spano, Chief, Compliance Audits Bureau, at (916) 323-5849.

Sincerely,

A handwritten signature in cursive script that reads "Vincent P. Brown".

VINCENT P. BROWN
Chief Operating Officer

VPB:JVB/jj

cc: (See page 2)

cc: Edwin Eng
 Director of Finance
 State Center Community College District
Lorrie Hopper
 Accounting Manager
 State Center Community College District
Ron Walls
 Accountant-Auditor
 State Center Community College District
Ed Monroe, Program Assistant
 Fiscal Accountability Section
 Chancellor's Office
 California Community Colleges
Jeannie Oropeza, Program Budget Manager
 Education Systems Unit
 Department of Finance
Charles Pillsbury, School Apportionment Specialist
 Department of Finance

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Audit Report

Summary

The State Controller's Office (SCO) audited the claims filed by State Center Community College District for costs of the legislatively mandated Health Fee Elimination Program (Chapter 1, Statutes of 1984, 2nd Extraordinary Session [E.S.], and Chapter 1118, Statutes of 1987) for the period of July 1, 1999, through June 30, 2002. The last day of fieldwork was June 17, 2004.

The district claimed \$1,643,055 for the mandated program. The audit disclosed that \$755,390 is allowable and \$887,665 is unallowable. The unallowable costs occurred primarily because the district overstated its indirect cost rates and understated authorized health service fees. The district was paid \$819,237. The amount paid in excess of allowable costs claimed totals \$63,847.

Background

Chapter 1, Statutes of 1984, 2nd E.S., repealed *Education Code* Section 72246, which authorized community college districts to charge a health fee for providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers. This statute also required that health services for which a community college district charged a fee during fiscal year (FY) 1983-84 had to be maintained at that level in FY 1984-85 and every year thereafter. The provisions of this statute would automatically sunset on December 31, 1987, reinstating community colleges districts' authority to charge a health fee as specified. Chapter 1118, Statutes of 1987, amended *Education Code* Section 72246 to require any community college district that provided health services in FY 1986-87 to maintain health services at the level provided during that year in FY 1987-88 and each fiscal year thereafter.

On November 20, 1986, the Commission on State Mandates (COSM) determined that Chapter 1, Statutes of 1984, 2nd E.S., imposed a "new program" upon community college districts by requiring any community college district that provided health services for which it was authorized to charge a fee pursuant to former *Education Code* Section 72246 in FY 1983-84 to maintain health services at the level provided during that year in FY 1984-85 and each fiscal year thereafter. This maintenance-of-effort requirement applies to all community college districts that levied a health service fee in FY 1983-84, regardless of the extent to which the health service fees collected offset the actual costs of providing health services at the FY 1983-84 level. On April 27, 1989, the COSM determined that Chapter 1118, Statutes of 1987, amended this maintenance-of-effort requirement to apply to all community college districts that provided health services in FY 1986-87 and required them to maintain that level in FY 1987-88 and each fiscal year thereafter.

Parameters and Guidelines, adopted by COSM on August 27, 1987 (and amended on May 25, 1989), establishes the state mandate and defines criteria for reimbursement. In compliance with *Government Code* Section 17558, the SCO issues claiming instructions for each mandate requiring state reimbursement to assist school districts and local agencies in claiming reimbursable costs.

Objective, Scope, and Methodology

The audit objective was to determine whether costs claimed are increased costs incurred as a result of the Health Fee Elimination Program for the period of July 1, 1999, through June 30, 2002.

The auditors performed the following procedures:

- Reviewed the costs claimed to determine if they were increased costs resulting from the mandated program;
- Traced the costs claimed to the supporting documentation to determine whether the costs were properly supported;
- Confirmed that the costs claimed were not funded by another source; and
- Reviewed the costs claimed to determine that the costs were not unreasonable and/or excessive.

The SCO conducted the audit in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States, and under the authority of *Government Code* Section 17558.5. The SCO did not audit the district's financial statements. The scope was limited to planning and performing audit procedures necessary to obtain reasonable assurance concerning the allowability of expenditures claimed for reimbursement. Accordingly, transactions were examined, on a test basis, to determine whether the amounts claimed for reimbursement were supported.

Review of the district's internal controls was limited to gaining an understanding of the transaction flow and claim preparation process as necessary to develop appropriate auditing procedures.

The SCO requested the district to submit a written representation letter regarding its accounting procedures, financial records, and mandated cost claiming procedures, as recommended by *Government Auditing Standards*. However, the district declined the SCO's request.

Conclusion

The audit disclosed instances of noncompliance with the requirements outlined above. These instances are described in the accompanying Summary of Program Costs (Schedule 1) and in the Findings and Recommendations section of this report.

For the audit period, the State Center Community College District claimed \$1,643,055 for costs of the Health Fee Elimination Program. The audit disclosed that \$755,390 is allowable and \$887,665 is unallowable.

For fiscal year (FY) 1999-2000, the district was paid \$521,769 by the State. The audit disclosed that \$253,657 is allowable. The amount paid in excess of allowable costs claimed, totaling \$268,112, should be returned to the State.

For FY 2000-01, the district was paid \$165,514 by the State. The audit disclosed that \$187,818 is allowable. Allowable costs claimed in excess of the amount paid, totaling \$22,304, will be paid by the State based on available appropriations.

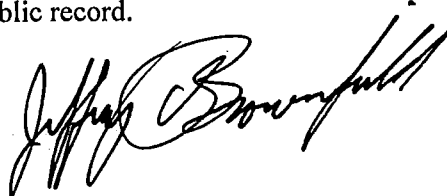
For FY 2001-02, the district was paid \$131,954 by the State. The audit disclosed that \$313,915 is allowable. Allowable costs claimed in excess of the amount paid, totaling \$181,961, will be paid by the State based on available appropriations.

Views of Responsible Official

We issued a draft audit report on July 26, 2004. Thomas A. Crow, Ph.D., Chancellor, responded by letter dated August 10, 2004, disagreeing with the audit results. The final audit report includes the district's response.

Restricted Use

This report is solely for the information and use of the State Center Community College District, the California Department of Education, the California Community Colleges Chancellor's Office, the California Department of Finance, and the SCO; it is not intended to be and should not be used by anyone other than these specified parties. This restriction is not intended to limit distribution of this report, which is a matter of public record.



JEFFREY V. BROWNFIELD
Chief, Division of Audits

**Schedule 1—
Summary of Program Costs
July 1, 1999, through June 30, 2002**

Cost Elements	Actual Costs Claimed	Allowable per Audit	Audit Adjustments	Reference ¹
July 1, 1999, through June 30, 2000				
Salaries	\$ 421,993	\$ 420,647	\$ (1,346)	Finding 1
Benefits	73,424	73,424	—	
Services and supplies	89,380	72,007	(17,373)	Finding 2
Subtotals	584,797	566,078	(18,719)	
Indirect costs	226,550	79,648	(146,902)	Findings 1, 2, 3
Total health service costs	811,347	645,726	(165,621)	
Less authorized health service fees	(289,578)	(392,069)	(102,491)	Finding 4
Less offsetting savings/reimbursements	—	—	—	
Total costs	<u>\$ 521,769</u>	253,657	<u>\$ (268,112)</u>	
Less amount paid by the State		(521,769)		
Allowable costs claimed in excess of (less than) amount paid			<u>\$ (268,112)</u>	
July 1, 2000, through June 30, 2001				
Salaries	\$ 406,357	\$ 400,416	\$ (5,941)	Finding 1
Benefits	78,945	78,945	—	
Services and supplies	88,755	70,022	(18,733)	Finding 2
Subtotals	574,057	549,383	(24,674)	
Indirect costs	216,592	79,001	(137,591)	Findings 1, 2, 3
Total health service costs	790,649	628,384	(162,265)	
Less authorized health service fees	(268,179)	(435,180)	(167,001)	Finding 4
Less offsetting savings/reimbursements	(5,386)	(5,386)	—	
Total costs	<u>\$ 517,084</u>	187,818	<u>\$ (329,266)</u>	
Less amount paid by the State		(165,514)		
Allowable costs claimed in excess of (less than) amount paid			<u>\$ 22,304</u>	
July 1, 2001, through June 30, 2002				
Salaries	\$ 530,669	\$ 530,311	\$ (358)	Finding 1
Benefits	90,720	90,720	—	
Services and supplies	94,282	75,052	(19,230)	Finding 2
Subtotals	715,671	696,083	(19,588)	
Indirect costs	250,914	96,476	(154,438)	Findings 1, 2, 3
Total health service costs	966,585	792,559	(174,026)	
Less authorized health service fees	(353,893)	(470,154)	(116,261)	Finding 4
Less offsetting savings/reimbursements	(8,490)	(8,490)	—	
Total costs	<u>\$ 604,202</u>	313,915	<u>\$ (290,287)</u>	
Less amount paid by the State		(131,954)		
Allowable costs claimed in excess of (less than) amount paid			<u>\$ 181,961</u>	

Schedule 1 (continued)

<u>Cost Elements</u>	<u>Actual Costs Claimed</u>	<u>Allowable per Audit</u>	<u>Audit Adjustments</u>	<u>Reference¹</u>
<u>Summary: July 1, 1999, through June 30, 2002</u>				
Salaries	\$1,359,019	\$1,351,374	\$ (7,645)	Finding 1
Benefits	243,089	243,089	—	
Services and supplies	272,417	217,081	(55,336)	Finding 2
Subtotals	1,874,525	1,811,544	(62,981)	
Indirect costs	694,056	255,125	(438,931)	Findings 1, 2, 3
Total health service costs	2,568,581	2,066,669	(501,912)	
Less authorized health service fees	(911,650)	(1,297,403)	(385,753)	Finding 4
Less offsetting savings/reimbursements	(13,876)	(13,876)	—	
Total costs	<u>\$1,643,055</u>	755,390	<u>\$ (887,665)</u>	
Less amount paid by the State		<u>(819,237)</u>		
Allowable costs claimed in excess of (less than) amount paid		<u>\$ (63,847)</u>		

¹ See the Findings and Recommendations section.

Findings and Recommendations

FINDING 1— Unallowable salary costs

The district claimed unallowable salary costs totaling \$7,645 for the audit period. The unallowable salary costs result in unallowable indirect costs totaling \$2,889, based on claimed indirect cost rates.

The district’s labor distribution report did not support salary costs of \$7,645 for the audit period. The following table summarizes the audit adjustment for salaries and indirect costs.

	Fiscal Year			Total
	1999-2000	2000-01	2001-02	
Unallowable salary costs	\$ (1,346)	\$ (5,941)	\$ (358)	
Indirect cost rate	× 38.74%	× 37.73%	× 35.06%	
Related indirect costs	(521)	(2,242)	(126)	\$ (2,889)
Unallowable salary costs from above	(1,346)	(5,941)	(358)	(7,645)
Audit adjustment	\$ (1,867)	\$ (8,183)	\$ (484)	\$(10,534)

Parameters and Guidelines requires that all claimed costs be traceable to source documents and/or worksheets that validate such costs. In addition, *Parameters and Guidelines* allows the district to claim only services the district provided in FY 1986-87.

Recommendation

The SCO recommends that the district claim only those costs supported by source documentation.

District’s Response

In one instance, the report states that certain costs were “not supported by source documentation.” In other instances, the report recommends that costs be “supported by source documentation.”

It appears as if the audit report is applying some previously unpublished definition to the term “source documents.” In fact, the definition applied by the audit report is still undefined and unpublished because no where in the report does it state what kind of “source documents” would satisfy its unpublished demands.

Please identify and provide the district with any and all written instructions, memorandums, or other writings in effect and applicable during the claiming period which defines “source documents.”

SCO’s Comment

The finding and recommendation remain unchanged. *Parameters and Guidelines* states that all costs claimed must be traceable to source documents and/or worksheets that show evidence of the validity of such costs. In addition, the SCO issues annual claiming instructions for mandated programs in accordance with *Government Code* Section 17558. The SCO’s claiming instructions for the audit period include the

same guidance for supporting documentation as stated in *Parameters and Guidelines*. We provided copies of *Parameters and Guidelines* and the SCO's claiming instructions to the district on August 25, 2004. For Findings 1 and 2, the district's documentation did not show evidence of the validity of costs claimed.

**FINDING 2—
Unallowable services
and supplies costs**

The district claimed unallowable services and supplies totaling \$55,336 for the audit period. The unallowable services and supplies costs result in unallowable indirect costs totaling \$20,540, based on claimed indirect cost rates.

The district claimed non-reimbursable athletic insurance costs totaling \$55,295. In addition, the district claimed \$41 for various services and supplies expenditures that are not supported by source documentation.

The following table summarizes the audit adjustment.

	Fiscal Year			Total
	1999-2000	2000-01	2001-02	
Unallowable services and supplies	\$(17,373)	\$(18,733)	\$(19,230)	
Indirect cost rate	× 38.74%	× 37.73%	× 35.06%	
Related indirect costs	(6,730)	(7,068)	(6,742)	\$(20,540)
Unallowable services and supplies from above	<u>(17,373)</u>	<u>(18,733)</u>	<u>(19,230)</u>	<u>(55,336)</u>
Audit adjustment	<u>\$(24,103)</u>	<u>\$(25,801)</u>	<u>\$(25,972)</u>	<u>\$(75,876)</u>

Parameters and Guidelines requires that all claimed costs be traceable to source documents and/or worksheets that validate such costs. In addition, the district may only claim expenditures identified as direct costs of the mandate program. Also, *Education Code* Section 76355(d) states that authorized expenditures shall not include athletic insurance.

Recommendation

The SCO recommends that the district ensure that claimed health services costs are reimbursable under the mandate program and supported by source documentation.

District's Response

Refer to the district's response to Finding 1

SCO's Comments

Refer to the SCO's comment to Finding 1

**FINDING 3—
Overstated indirect
cost rates claimed**

The district overstated its indirect cost rates, thus overstating indirect costs by \$415,502 for the audit period.

To claim indirect costs, the district prepared indirect cost rate proposals (ICRP) for each fiscal year. However, the district did not obtain federal approval of its ICRPs. The SCO auditor used the alternate methodology allowed by the SCO claiming instructions to calculate allowable indirect cost rates. The allowable indirect cost rates do not support the claimed rates. The following table summarizes the allowable and claimed indirect cost rates.

	Fiscal Year		
	1999-2000	2000-01	2001-02
Allowable indirect cost rate	14.07%	14.38%	13.86%
Less claimed indirect cost rate	<u>(38.74)%</u>	<u>(37.73)%</u>	<u>(35.06)%</u>
Unsupported indirect cost rate	<u>(24.67)%</u>	<u>(23.35)%</u>	<u>(21.20)%</u>

The following table summarizes the audit adjustments that result from the unsupported indirect cost rates:

	Fiscal Year			Total
	1999-2000	2000-01	2001-02	
Allowable direct costs claimed	\$ 566,078	\$ 549,383	\$ 696,083	
Unsupported indirect cost rate	<u>×(24.67)%</u>	<u>×(23.35)%</u>	<u>×(21.20)%</u>	
Audit adjustment	<u>\$ (139,651)</u>	<u>\$ (128,281)</u>	<u>\$ (147,570)</u>	<u>\$ (415,502)</u>

Parameters and Guidelines allows community college districts to claim indirect costs according to the SCO claiming instructions. The SCO claiming instructions require that districts obtain federal approval of ICRPs prepared according to Office of Management and Budget (OMB) Circular A-21. Alternately, districts may use form FAM-29C to compute indirect cost rates. Form FAM-29C uses total expenditures reported on the *California Community Colleges Annual Financial and Budget Report, Expenditures by Activity (CCFS-311)*.

Recommendation

The SCO recommends that the district use the SCO claiming instructions to calculate indirect cost rates. The district should obtain federal approval when it prepares ICRPs using OMB Circular A-21. Alternately, the district should use Form FAM-29C to prepare ICRPs.

District's Response

This finding is based upon the report's statement that "... the district prepared indirect cost rate proposals (ICRP) for each fiscal year. However, the district did not obtain federal approval of its ICRPs." The report goes on to say: "The SCO claiming instructions require that districts obtain federal approval of ICRPs prepared according to Office of Management and Budget (OMB) Circular A-21."

The Parameters and Guidelines for Health Fee Elimination (as last amended on 5/25/89) state that "Indirect costs *may be claimed* in the manner described by the State Controller in his claiming instructions." It does not require that indirect costs be claimed in the manner described by the State Controller.

SCO's Comment

The finding and recommendation remain unchanged. The district interpreted *Parameters and Guidelines* language incorrectly. The phrase "may be claimed" is permissive; it allows the district to claim indirect costs. If the district claims indirect costs, the costs must adhere to the SCO's claiming instructions.

**FINDING 4—
Understated
authorized health
service fees**

For the audit period, the district understated authorized health service fees by \$385,753. The district reported actual revenue received rather than health fees the district was authorized to collect.

The district's Institutional Research Office (IRO) provided student enrollment data for each fiscal year. The IRO also identified students who received Board of Governors Grants (BOGG waivers) and were exempt from health fees. Using the student enrollment and exemption data, the following table calculates authorized health fees the district was authorized to collect.

	<u>Fall</u>	<u>Spring</u>	<u>Summer</u>	<u>Total</u>
<u>Fiscal Year 1999-2000</u>				
Student enrollment	29,315	27,511	11,930	
Less allowable health fee exemptions	<u>(14,278)</u>	<u>(13,037)</u>	<u>(3,499)</u>	
Subtotals	15,037	14,474	8,431	
Authorized student health fee	× \$(11)	× \$(11)	× \$(8)	
Authorized health service fees	<u>\$(165,407)</u>	<u>\$(159,214)</u>	<u>\$(67,448)</u>	<u>\$(392,069)</u>
<u>Fiscal Year 2000-01</u>				
Student enrollment	30,769	29,335	12,734	
Less allowable health fee exemptions	<u>(14,228)</u>	<u>(13,605)</u>	<u>(3,823)</u>	
Subtotals	16,541	15,730	8,911	
Authorized student health fee	× \$(11)	× \$(11)	× \$(9)	
Authorized health service fees	<u>\$(181,951)</u>	<u>\$(173,030)</u>	<u>\$(80,199)</u>	<u>\$(435,180)</u>
<u>Fiscal Year 2001-02</u>				
Student enrollment	31,923	31,214	13,271	
Less allowable health fee exemptions	<u>(15,538)</u>	<u>(15,243)</u>	<u>(4,173)</u>	
Subtotals	16,385	15,971	9,098	
Authorized student health fee	× \$(12)	× \$(12)	× \$(9)	
Authorized health service fees	<u>\$(196,620)</u>	<u>\$(191,652)</u>	<u>\$(81,882)</u>	<u>\$(470,154)</u>

The following table summarizes the resulting audit adjustment.

	Fiscal Year			Total
	1999-2000	2000-01	2001-02	
Health fee claimed	\$ 289,578	\$ 268,179	\$ 353,893	
Less authorized health service fees	<u>(392,069)</u>	<u>(435,180)</u>	<u>(470,154)</u>	
Audit adjustment	<u>\$ (102,491)</u>	<u>\$ (167,001)</u>	<u>\$ (116,261)</u>	<u>\$ (385,753)</u>

Parameters and Guidelines requires that the district deduct authorized health fees from claimed costs. *Education Code* Section 76355(c) authorizes health fees for all students except those students who: (1) depend exclusively on prayer for healing; (2) attend a community college under an approved apprenticeship training program; or (3) demonstrate financial need. (*Education Code* Section 76355(a) increased authorized health fees by \$1 effective with the Summer 2001 session.)

Also, *Government Code* Section 17514 states that costs mandated by the State means any increased costs which a school district is required to incur. To the extent community college districts can charge a fee, they are not required to incur a cost. In addition, *Government Code* Section 17556 states that COSM shall not find costs mandated by the State if the school district has the authority to levy fees to pay for the mandated program or increased level of service.

Recommendation

The SCO recommends that the district deduct authorized health service fees from allowable health service program costs on the mandate claim. The district should maintain records to support its calculation of authorized health service fees. This includes records that identify actual student enrollment and students exempt from health fees pursuant to *Education Code* Section 76355(c).

District's Response

This finding is based upon the report's statement that the district "reported actual revenue received rather than health fees the district was authorized to collect."

Education Code Section 76355, subdivision (a), in relevant part, provides: "The governing board of a district maintaining a community college may require community college students to pay a fee...for health supervision and services..." There is no requirement that community colleges levy these fees. The permissive nature of the provision is further illustrated in subdivision (b) which states "if, pursuant to this section, a fee is required, the governing board of the district shall decide the amount of the fee, if any, that a part-time student is required to pay. The governing board may decide whether the fee shall be mandatory or optional." (Emphasis supplied)

The finding is also based upon the report's statement that the "*Parameters and Guidelines* require that the district deduct authorized health fees from claimed costs." This is a misstatement of the *Parameters and Guidelines*. The *Parameters and Guidelines*, as last

amended on 5/25/89, state, in relevant part, "Any offsetting savings . . . must be deducted from the costs claimed. . . This shall include the amount of (student fees) as authorized by Education Code Section 72246(a)¹." The use of the term "any offsetting savings" further illustrates the permissive nature of the fees. Student fees actually collected must be used to offset costs, but not student fees that could have been collected and were not.

¹ Former Education Code Section 72246 was repealed by Chapter 8, Statutes of 1993, Section 29, and was replaced by Education Code Section 76355.

SCO's Comment

The finding and recommendation remain unchanged. We agree that community college districts may choose not to levy a health services fee. However, *Education Code* Section 76355 provides the district the authority to levy a health services fee. Therefore, the related health services costs are not mandated costs as defined by *Government Code* Section 17514. Health services costs recoverable through an authorized fee are not costs the district is required to incur. *Government Code* Section 17556 states that the COSM shall not find costs mandated by the State as defined in *Government Code* Section 17514 if the district has authority to levy fees to pay for the mandated program or increased level of service.

OTHER ISSUE— Statute of limitations

The district's response included comments regarding our authority to audit costs claimed for FY 1999-2000 and FY 2000-01. The district's response and SCO's comment are as follows:

District's Response

The district's 1999-2000 claim was filed on January 13, 2001. The district's 2000-2001 claim was filed on December 27, 2001. The Draft Audit Report is dated July 2004 and indicates that the last day of field work was June 17, 2004. These two claims were only subject to audit until December 31, 2003. Therefore, the proposed audit adjustments for these years are barred by the statute of limitations set forth in *Government Code* Section 17558.5.

SCO's Comment

Our audit scope remains unchanged. *Government Code* Section 17558.5(a), effective July 1, 1996, states that a district's reimbursement claim is subject to audit no later than two years after the end of the calendar year in which the claim is filed or last amended. No statutory language defines when the SCO must issue an audit report. We initiated the audit by conducting an entrance conference with the district on May 12, 2003, within the statute of limitations. *Government Code* Section 17558.5(c) states, "Nothing in this section shall be construed to limit the adjustment of payments . . . when a delay in the completion of an audit is the result of willful acts by the claimant or inability to reach agreement on terms of final settlement."

**Attachment—
District's Response to
Draft Audit Report**



State Center Community College District

1525 East Weldon Avenue • Fresno, California 93704-6398
Telephone (559) 226-0720

August 10, 2004

**CERTIFIED MAIL -
RETURN RECEIPT REQUESTED**

Mr. Jim L. Spano, Chief
Compliance Audits Bureau
California State Controller
Division of Audits
P.O. Box 942850
Sacramento, CA 94250-5874

Re: Health Fee Elimination Audit

Dear Mr. Spano:

This letter is the response of State Center Community College District to the letter of Vincent P. Brown dated July 26, 2004, which enclosed a Draft Copy of your Audit Report of the district's Health Fee Elimination program, Chapter 1, Statutes of 1984, and Chapter 1118, Statutes of 1987, for the period of July 1, 1999 through June 30, 2002.

Statute of Limitations

The district's 1999-2000 claim was filed on January 13, 2001. The district's 2000-2001 claim was filed on December 27, 2001. The Draft Audit Report is dated July 2004 and indicates that the last day of field work was June 17, 2004. These two claims were only subject to audit until December 31, 2003. Therefore, the proposed audit adjustments for these years are barred by the statute of limitations set forth in Government Code Section 17558.5.

Finding 3 - Overstated Indirect Cost Rates Claimed

This finding is based upon the report's statement that "...the district prepared indirect cost rate proposals (IRCP) for each fiscal year. However, the district did not obtain federal approval of its IRCPs." The report goes on to say: "The SCO claiming instructions require that districts obtain federal approval of ICRPs prepared according to Office of Management and Budget (OMB) Circular A-21."

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Jim L. Spano, Chief
Compliance Audits Bureau
August 10, 2004

The Parameters and Guidelines for Health Fee Elimination (as last amended on 5/25/89) state that "Indirect costs *may be claimed* in the manner described by the State Controller in his claiming instructions." It does not require that indirect costs be claimed in the manner described by the State Controller.

Finding 4 - Understated Authorized Health Service Fees

This finding is based upon the report's statement that the district "reported actual revenue received rather than health fees the district was authorized to collect."

Education Code Section 76355, subdivision (a), in relevant part, provides: "The governing board of a district maintaining a community college *may require* community college students to pay a fee...for health supervision and services..." There is no requirement that community colleges levy these fees. The permissive nature of the provision is further illustrated in subdivision (b) which states "*If*, pursuant to this section, a fee is required, the governing board of the district shall decide the amount of the fee, *if any*, that a part-time student is required to pay. The governing board may decide whether the fee shall be mandatory or optional." (Emphasis supplied)

This finding is also based upon the report's statement that the "*Parameters and Guidelines* require that the district deduct authorized health fees from claimed costs." This is a misstatement of the Parameters and Guidelines. The Parameters and Guidelines, as last amended on 5/25/89, state, in relevant part, "*Any* offsetting savings...must be deducted from the costs claimed...This shall include the amount of (student fees) as authorized by Education Code Section 72246(a)¹." The use of the term "*any* offsetting savings" further illustrates the permissive nature of the fees. Student fees actually collected must be used to offset costs, but not student fees that could have been collected and were not.

¹ Former Education Code Section 72246 was repealed by Chapter 8, Statutes of 1993, Section 29, and was replaced by Education Code Section 76355.

Jim L. Spano, Chief
Compliance Audits Bureau
August 10, 2004

Source Documents

In one instance, the report states that certain costs were "not supported by source documentation." In other instances, the report recommends that costs be "supported by source documentation."

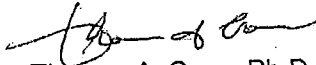
It appears as if the audit report is applying some previously unpublished definition to the term "source documents." In fact, the definition applied by the audit report is still undefined and unpublished because no where in the report does it state what kind of "source documents" would satisfy its unpublished demands.

Please identify and provide the district with any and all written instructions, memorandums, or other writings in effect and applicable during the claiming period which defines "source documents."

Government Code Section 6253, subdivision (c), requires you, within 10 days from receipt of a request for a copy of records, to determine whether the request, in whole or in part, seeks copies of disclosable public records in your possession and promptly notify the district of that determination and the reasons therefor. Also, as required, when so notifying the district, please state the estimated date and time when the records will be made available.

For the reasons stated herein, State Center Community College District respectfully submits that the proposed audit report be corrected as to the facts and the law prior to its final issuance.

Sincerely,



Thomas A. Crow, Ph.D.
Chancellor

C: Vincent P. Brown, Chief Operation Officer
State Controller's Office

Edwin Eng, Director of Finance

Lorrie Hopper, Accounting Manager

Ron Walls, Accountant Auditor

**State Controller's Office
Division of Audits
Post Office Box 942850
Sacramento, California 94250-5874**

<http://www.sco.ca.gov>

S03-MCC-038



Exhibit E



State Center Community College District

1525 East Weldon Avenue • Fresno, California 93704-6398
Telephone (559) 226-0720

August 10, 2004

**CERTIFIED MAIL -
RETURN RECEIPT REQUESTED**

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This letter is the response of State Center Community College District to the letter of Vincent P. Brown dated July 26, 2004, which enclosed a Draft Copy of your Audit Report of the district's Health Fee Elimination program, Chapter 1, Statutes of 1984, and Chapter 1118, Statutes of 1987, for the period of July 1, 1999 through June 30, 2002.

Statute of Limitations

The district's 1999-2000 claim was filed on January 13, 2001. The district's 2000-2001 claim was filed on December 27, 2001. The Draft Audit Report is dated July 2004 and indicates that the last day of field work was June 17, 2004. These two claims were only subject to audit until December 31, 2003. Therefore, the proposed audit adjustments for these years are barred by the statute of limitations set forth in Government Code Section 17558.5.

Finding 3 - Overstated Indirect Cost Rates Claimed

This finding is based upon the report's statement that "...the district prepared indirect cost rate proposals (IRCP) for each fiscal year. However, the district did not obtain federal approval of its IRCPs." The report goes on to say: "The SCO claiming instructions require that districts obtain federal approval of ICRPs prepared according to Office of Management and Budget (OMB) Circular A-21."

Equal Opportunity / Affirmative Action Employer
• FRESNO CITY COLLEGE • REEDLEY COLLEGE • OAKHURST CENTER • VOCATIONAL TRAINING CENTER • CLOVIS CENTER • MADERA CENTER •

Steve Westly • California State Controller

Jim L. Spano, Chief
Compliance Audits Bureau
August 10, 2004

The Parameters and Guidelines for Health Fee Elimination (as last amended on 5/25/89) state that "Indirect costs *may be claimed* in the manner described by the State Controller in his claiming instructions." It does not require that indirect costs be claimed in the manner described by the State Controller.

Finding 4 - Understated Authorized Health Service Fees

This finding is based upon the report's statement that the district "reported actual revenue received rather than health fees the district was authorized to collect."

Education Code Section 76355, subdivision (a), in relevant part, provides: "The governing board of a district maintaining a community college may require community college students to pay a fee...for health supervision and services..." There is no requirement that community colleges levy these fees. The permissive nature of the provision is further illustrated in subdivision (b) which states "If, pursuant to this section, a fee is required, the governing board of the district shall decide the amount of the fee, if any, that a part-time student is required to pay. The governing board may decide whether the fee shall be mandatory or optional." (Emphasis supplied)

This finding is also based upon the report's statement that the "Parameters and Guidelines require that the district deduct authorized health fees from claimed costs." This is a misstatement of the Parameters and Guidelines. The Parameters and Guidelines, as last amended on 5/25/89, state, in relevant part, "Any offsetting savings...must be deducted from the costs claimed...This shall include the amount of (student fees) as authorized by Education Code Section 72246(a)¹." The use of the term "any offsetting savings" further illustrates the permissive nature of the fees. Student fees actually collected must be used to offset costs, but not student fees that could have been collected and were not.

¹ Former Education Code Section 72246 was repealed by Chapter 8, Statutes of 1993, Section 29, and was replaced by Education Code Section 76355.

Jim L. Spano, Chief
Compliance Audits Bureau
August 10, 2004

Source Documents

In one instance, the report states that certain costs were "not supported by source documentation." In other instances, the report recommends that costs be "supported by source documentation."

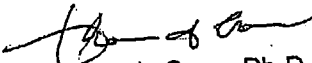
It appears as if the audit report is applying some previously unpublished definition to the term "source documents." In fact, the definition applied by the audit report is still undefined and unpublished because no where in the report does it state what kind of "source documents" would satisfy its unpublished demands.

Please identify and provide the district with any and all written instructions, memorandums, or other writings in effect and applicable during the claiming period which defines "source documents."

Government Code Section 6253, subdivision (c), requires you, within 10 days from receipt of a request for a copy of records, to determine whether the request, in whole or in part, seeks copies of disclosable public records in your possession and promptly notify the district of that determination and the reasons therefor. Also, as required, when so notifying the district, please state the estimated date and time when the records will be made available.

For the reasons stated herein, State Center Community College District respectfully submits that the proposed audit report be corrected as to the facts and the law prior to its final issuance.

Sincerely,



Thomas A. Crow, Ph.D.
Chancellor

C: Vincent P. Brown, Chief Operation Officer
State Controller's Office

Edwin Eng, Director of Finance

Lorrie Hopper, Accounting Manager

Ron Walls, Accountant Auditor

Exhibit F

CALIFORNIA COMMUNITY COLLEGES

CHANCELLOR'S OFFICE

1102 Q STREET
SACRAMENTO, CA 95814-6511
(916) 445-8752
HTTP://WWW.CCCCO.EDU



March 5, 2001

To: Superintendents/Presidents
Chief Business Officers
Chief Student Services Officers
Health Services Program Directors
Financial Aid Officers
Admissions and Records Officers
Extended Opportunity Program Directors

From: Thomas J. Nussbaum
Chancellor

Subject: Student Health Fee Increase

Education Code Section 76355 provides the governing board of a community college district the option of increasing the student health services fee by the same percentage as the increase in the Implicit Price Deflator for State and Local Government Purchase of Goods and Services. Whenever that calculation produces an increase of one dollar above the existing fee, the fee may be increased by \$1.00.

Based on calculations by the Financial, Economic, and Demographic Unit in the Department of Finance, the Implicit Price Deflator Index has now increased enough since the last fee increase of March 1997 to support a one dollar increase in the student health fees. Effective with the Summer Session of 2001, districts may begin charging a maximum fee of \$12.00 per semester, \$9.00 for summer session, \$9.00 for each intersession of at least four weeks, or \$9.00 for each quarter.

For part-time students, the governing board shall decide the amount of the fee, if any, that the student is required to pay. The governing board may decide whether the fee shall be mandatory or optional.

The governing board operating a health services program must have rules that exempt the following students from any health services fee:

- Students who depend exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization.

- Students who are attending a community college under an approved apprenticeship training program.
- Students who receive Board of Governors Enrollment Fee Waivers, including students who demonstrate financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid and students who demonstrate eligibility according to income standards established by the board of governors and contained in Section 58620 of Title 5 of the California Code of Regulations.

All fees collected pursuant to this section shall be deposited in the Student Health Fee Account in the Restricted General Fund of the district. These fees shall be expended only to provide health services as specified in regulations adopted by the board of governors. Allowable expenditures include health supervision and services, including direct or indirect medical and hospitalization services, or the operation of a student health center or centers, or both. Allowable expenditures exclude athletic-related salaries, services, insurance, insurance deductibles, or any other expense that is not available to all students. No student shall be denied a service supported by student health fee on account of participation in athletic programs.

If you have any questions about this memo or about student health services, please contact Mary Gill, Dean, Enrollment Management Unit at 916.323.5951. If you have any questions about the fee increase or the underlying calculations, please contact Patrick Ryan in Fiscal Services Unit at 916.327.6223.

CC: Patrick J. Lenz
Ralph Black
Judith R. James
Frederick E. Harris

I:\Fisc\FiscUnit\01StudentHealthFees\011StuHealthFees.doc

Annual Reimbursement Claims

CLAIM F PAYMENT
Pursuant to Government Code Section 17561
HEALTH FEE ELIMINATION

(19) Program Number 00029
(20) Date Filed _____
(21) LRS Input _____

L
A
B
E
L

H
E
R
E

(01) Claimant Identification Number
S10225
(02) Mailing Address
State Center Community College District
Claimant Name
State Center Community College District
County of Location
Fresno
Street Address or P.O. Box
1525 East Weldon Avenue
City State Zip Code
Fresno CA 93704-6398

Reimbursement Claim Data	
(22) HFE-1.0, (04)(b)	521,769
(23)	
(24)	
(25)	
(26)	
(27)	
(28)	
(29)	
(30)	
(31)	
(32)	
(33)	
(34)	
(35)	
(36)	
(37)	

Type of Claim	Estimated Claim	Reimbursement Claim
	(03) Estimated <input checked="" type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>
	(05) Amended <input type="checkbox"/>	(11) Amended <input checked="" type="checkbox"/>
Fiscal Year of Cost	(06) <u>2000/2001</u>	(12) <u>1999/2000</u>
Total Claimed Amount	(07) <u>573,500</u>	(13) <u>521,769</u>
Less: 10% Late Penalty, not to exceed \$1,000		(14) <u>0</u>
Less: Estimated Claim Payment Received		(15) <u>143,384</u>
Net Claimed Amount		(16) <u>378,385</u>
Due from State	(08) <u>573,500</u>	(17) <u>378,385</u>
Due to State		(18)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code § 17561, I certify that I am the person authorized by the local agency to file claims with the State of California for costs mandated by Chapter 1, Statutes of 1984 and Chapter 1118/87, Statutes of 1987; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of services of an existing program mandated by Chapter 1, Statutes of 1984 and Chapter 1118, Statutes of 1987.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 1, Statutes of 1984 and Chapter 1118, Statutes of 1987, set forth on the attached statements.

Signature of Authorized Representative

Date

Jon Sharpe

1/9/87
Executive Vice Chancellor

Type or Print Name

Title

(39) Name of Contact Person for Claim

Telephone Number (858) 514-8605 Ext. _____

SixTen and Associates

E-mail Address _____

**MANDATED COSTS
HEALTH FEE ELIMINATION
CLAIM SUMMARY**

**FORM
HFE-1.0**

(01) Claimant:	(02) Type of Claim:		Fiscal Year
Claimant Name	Reimbursement	<input checked="" type="checkbox"/>	
State Center Community College District	Estimated	<input type="checkbox"/>	1999-2000

(03) List all the colleges of the community college district identified in form HFE-1.1, line (03)

(a) Name of College	(b) Claimed Amount
1. Fresno City College	\$ 315,133.12
2. Reedley College	\$ 206,636.24
3.	\$ -
4.	\$ -
5.	\$ -
6.	\$ -
7.	\$ -
8.	\$ -
9.	\$ -
10.	\$ -
11.	\$ -
12.	\$ -
13.	\$ -
14.	\$ -
15.	\$ -
16.	\$ -
17.	\$ -
18.	\$ -
19.	\$ -
20.	\$ -
21.	\$ -
(04) Total Amount Claimed	\$ 521,769
	[Line (3.1b) + line (3.2b) + line (3.3b) + ...line (3.21b)]

MANDATED COSTS HEALTH FEE ELIMINATION CLAIM SUMMARY	FORM HFE-1.1
--	-------------------------------

(01) Claimant: State Center Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 1999-2000
--	---	------------------------------

(03) Name of College Fresno City College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, **STOP**, do not complete the form. **No reimbursement is allowed.**

LESS SAME MORE

	Direct Cost	Indirect Cost of: 38.74%	Total
(05) Cost of Health Services for the Fiscal year of Claim	\$ 375,070	\$ 145,302	\$ 520,372
(06) Cost of providing current fiscal year health services which are in excess of the level provided in 1986/87	\$ -	\$ -	\$ -
(07) Cost of providing current fiscal year health services at the 1986/87 level [Line (05) - line (06)]	\$ 375,070	\$ 145,302	\$ 520,372

(08) Complete Columns (a) through (g) to provide detail data for health fees

Period for which health fees were collected	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code § 76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code § 76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per fall semester	6,777	14,112					\$ 90,867
2. Per spring semester	6,102	13,455					\$ 85,063
3. Per summer session	282	9,082					\$ 29,309
4. Per first quarter						\$ -	\$ -
5. Per second quarter						\$ -	\$ -
6. Per third quarter				\$ -		\$ -	\$ -

(09) Total health fee that could have been collected [Line (8.1g) + (8.2g) +(8.6g)] \$ 205,239

(10) Sub-total [Line (07) - line (09)] \$ 315,133

Cost Reduction	
(11) Less: Offsetting Savings, if applicable	\$ -
(12) Less: Other Reimbursements, if applicable	\$ -
(13) Total Amount Claimed [Line (10) - (line (11) + line (12))]	\$ 315,133

MANDATED COSTS HEALTH FEE ELIMINATION CLAIM SUMMARY	FORM HFE-1.2
--	-------------------------------

(01) Claimant: State Center Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/> Fiscal Year 1999-2000
--	---

(03) Name of College Reedley College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, **STOP**, do not complete the form. No reimbursement is allowed.

LESS SAME MORE

	Direct Cost	Indirect Cost of: 38.74%	Total
(05) Cost of Health Services for the Fiscal year of Claim	\$ 209,727	\$ 81,248	\$ 290,975
(06) Cost of providing current fiscal year health services which are in excess of the level provided in 1986/87	\$ -	\$ -	\$ -
(07) Cost of providing current fiscal year health services at the 1986/87 level [Line (05) - line (06)]	\$ 209,727	\$ 81,248	\$ 290,975

(08) Complete Columns (a) through (g) to provide detail data for health fees

Period for which health fees were collected	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code § 76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code § 76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per fall semester	3,740	5,604					\$ 38,631
2. Per spring semester	3,463	5,650					\$ 37,676
3. Per summer session	48	2,626					\$ 8,032
4. Per first quarter						\$ -	\$ -
5. Per second quarter				\$ -		\$ -	\$ -
6. Per third quarter				\$ -		\$ -	\$ -

(09) Total health fee that could have been collected [Line (8.1g) + (8.2g) +(8.6g)] \$ 84,339

(10) Sub-total [Line (07) - line (09)] \$ 206,636

Cost Reduction	
(11) Less: Offsetting Savings, if applicable	\$ -
(12) Less: Other Reimbursements, if applicable	\$ -
(13) Total Amount Claimed [Line (10) - {(line (11) + line (12))}]	\$ 206,636

STATE CENTER COMMUNITY COLLEGE DISTRICT
 Account Availability Report Ending 06/30/00
 Options - Available/Met/Exceeded Budget

LOCATION: 20 - FRESNO CITY COLLEGE

09/07/00

Fiscal Year: 2000

GL Account	Allocated Budget	Actual	Encumbrances	%Committed	Available
11-20-311100-91215-XX0 HEALTH SERVICES : REG-COUNSELOR	32,893.00	32,892.84	0.00	100.00	0.16
11-20-311100-91220-XX0 HEALTH SERVICES : REG NON-MANA	147,045.00	145,605.00	0.00	99.02	1,440.00
11-20-311100-91410-XX0 HEALTH SERVICES : HRLY-MANAGER	31,240.00	7,518.86	0.00	24.07	23,721.14
11-20-311100-91415-XX0 HEALTH SERVICES : HRLY NON-MAN	27,275.00	53,193.93	0.00	195.03	25,918.93
Totals for MAJ.OBJ: 91 - ACADEMIC SALARIES	238,453.00	239,210.63	0.00	100.32	757.63
11-20-311100-92110-XX0 HEALTH SERVICES : REG-CLASSIFI	20,194.00	14,526.16	0.00	71.93	5,667.84
11-20-311100-92150-XX0 HEALTH SERVICES : O/T-CLASSIFI	68.00	67.32	0.00	99.00	0.68
11-20-311100-92310-XX0 HEALTH SERVICES : HOURLY	3,924.00	10,338.33	0.00	263.46	6,414.33
11-20-311100-92510-XX0 HEALTH SERVICES : HRLY NON-INS	3,708.00	2,904.62	0.00	78.33	803.38
Totals for MAJ.OBJ: 92 - CLASSIFIED SALARIES	27,894.00	27,836.43	0.00	99.79	57.57
11-20-311100-93110-XX0 HEALTH SERVICES : STRS-INSTRUC	0.00	0.00	0.00	0.00	0.00
11-20-311100-93130-XX0 HEALTH SERVICES : STRS NON-INS	15,959.00	19,220.35	0.00	120.44	3,261.35
11-20-311100-93310-XX0 HEALTH SERVICES : OASDI-INSTRU	0.00	0.00	0.00	0.00	0.00
11-20-311100-93330-XX0 HEALTH SERVICES : CASDI NON-IN	3,171.00	2,017.04	0.00	63.61	1,153.96
11-20-311100-93410-XX0 HEALTH SERVICES : H&W-INSTRUCT	0.00	0.00	0.00	0.00	0.00
11-20-311100-93430-XX0 HEALTH SERVICES : H&W NON-INST	23,348.00	20,314.17	0.00	87.01	3,033.83
11-20-311100-93510-XX0 HEALTH SERVICES : SUI-INSTRUCT	0.00	0.00	0.00	0.00	0.00
11-20-311100-93530-XX0 HEALTH SERVICES : SUI NON-INST	157.00	156.54	0.00	99.71	0.46
11-20-311100-93610-XX0 HEALTH SERVICES : WORK COMP-IN	0.00	0.00	0.00	0.00	0.00
11-20-311100-93630-XX0 HEALTH SERVICES : WORK COMP NO	3,463.00	3,471.61	0.00	100.25	8.61
11-20-311100-93730-XX0 HEALTH SERVICES : PARS NON-INS	1,373.00	233.77	0.00	17.02	1,139.23
Totals for MAJ.OBJ: 93 - EMPLOYEE BENEFITS	47,471.00	44,945.94	0.00	94.68	2,525.06
11-20-311100-94210-XX0 HEALTH SERVICES : TEXT BOOKS	0.00	75.00	0.00	0.00	75.00
11-20-311100-94290-XX0 HEALTH SERVICES : OTHER BOOKS	200.00	32.36	0.00	16.18	167.64
11-20-311100-94310-XX0 HEALTH SERVICES : INSTR SUPPLI	0.00	200.00	0.00	0.00	200.00
11-20-311100-94410-XX0 HEALTH SERVICES : OFFICE SUPPLI	12,062.00	10,094.81	0.00	83.69	1,967.19
11-20-311100-94490-XX0 HEALTH SERVICES : OTHER SUPPLI	100.00	67.43	0.00	67.43	32.57
11-20-311100-94530-XX0 HEALTH SERVICES : PUBLICATIONS	48.00	48.00	0.00	100.00	0.00
Totals for MAJ.OBJ: 94 - SUPPLIES & MATERIALS	12,410.00	10,517.60	0.00	84.75	1,892.40
11-20-311100-95210-XX0 HEALTH SERVICES : EQUIPMENT RE	609.00	0.00	0.00	0.00	609.00
11-20-311100-95225-XX0 HEALTH SERVICES : EQUIP REPR &	450.00	902.30	0.00	200.51	452.30
11-20-311100-95310-XX0 HEALTH SERVICES : CONFERENCE	0.00	794.00	0.00	0.00	794.00
11-20-311100-95315-XX0 HEALTH SERVICES : MILEAGE	400.00	0.00	0.00	0.00	400.00
11-20-311100-95320-XX0 HEALTH SERVICES : CHARTER SERV	0.00	99.60	0.00	0.00	99.60
11-20-311100-95410-XX0 HEALTH SERVICES : DURS/MEMBERS	2,000.00	96.01	0.00	4.80	1,903.99
11-20-311100-95520-XX0 HEALTH SERVICES : CONSULTANT S	1,000.00	500.00	0.00	50.00	500.00
11-20-311100-95525-XX0 HEALTH SERVICES : MEDICAL SERV	1,000.00	3,196.00	0.00	319.60	2,196.00
11-20-311100-95530-XX0 HEALTH SERVICES : CONTRACT LAB	0.00	74.05	0.00	0.00	74.05
11-20-311100-95640-XX0 HEALTH SERVICES : STUDENT INS	50,664.00	46,867.00	0.00	92.51	3,797.00
11-20-311100-95725-XX0 HEALTH SERVICES : POSTAGE/SHIP	0.00	30.70	0.00	0.00	30.70
Totals for MAJ.OBJ: 95 - OTHER OPER EXP & SERVICES	56,123.00	52,559.66	0.00	93.65	3,563.34
Totals for LOCATION: 20 - FRESNO CITY COLLEGE	382,351.00	375,070.26	0.00	98.10	7,280.74

STATE CENTER COMMUNITY COLLEGE DISTRICT
Account Availability Report Ending 06/30/00
Options - Available/Met/Exceeded Budget

LOCATION: 30 - REEDLEY COLLEGE

09/07/00

Fiscal Year: 2000

GL Account	Allocated Budget	Actual	Encumbrances	%Committed	Available
11-30-311100-91215-XX0 HEALTH SERVICES : REG-COUNSELO	8,224.00	8,223.24	0.00	99.99	0.76
11-30-311100-91220-XX0 HEALTH SERVICES : REG NON-MANA	71,002.00	70,600.75	0.00	99.43	401.25
11-30-311100-91330-XX0 HEALTH SERVICES : HRLY-SUMMER	0.00	1,883.94	0.00	0.00	1,883.94
11-30-311100-91415-XX0 HEALTH SERVICES : HRLY NON-MAN	43,301.00	46,096.88	0.00	106.46	2,795.88
Totals for MAJ.OBJ: 91 - ACADEMIC SALARIES	122,527.00	126,804.81	0.00	103.49	4,277.81
11-30-311100-92110-XX0 HEALTH SERVICES : REG-CLASSIFI	27,177.00	24,741.25	0.00	91.04	2,435.75
11-30-311100-92310-XX0 HEALTH SERVICES : HOURLY	3,312.00	3,399.71	0.00	102.65	87.71
Totals for MAJ.OBJ: 92 - CLASSIFIED SALARIES	30,489.00	28,140.96	0.00	92.30	2,348.04
11-30-311100-93110-XX0 HEALTH SERVICES : STRS-INSTRUC	0.00	47.34	0.00	0.00	47.34
11-30-311100-93130-XX0 HEALTH SERVICES : STRS NON-INS	7,441.00	10,129.76	0.00	136.13	2,688.76
11-30-311100-93310-XX0 HEALTH SERVICES : OASDI-INSTRU	0.00	27.32	0.00	0.00	27.32
11-30-311100-93330-XX0 HEALTH SERVICES : OASDI NON-IN	2,740.00	2,451.46	0.00	89.47	288.54
11-30-311100-93410-XX0 HEALTH SERVICES : H&W-INSTRUC	0.00	0.00	0.00	0.00	0.00
11-30-311100-93430-XX0 HEALTH SERVICES : H&W NON-INSTR	14,421.00	13,582.95	0.00	94.19	838.05
11-30-311100-93510-XX0 HEALTH SERVICES : SUL-INSTRUC	0.00	1.13	0.00	0.00	1.13
11-30-311100-93530-XX0 HEALTH SERVICES : SUI NON-INSTR	92.00	91.77	0.00	99.75	0.23
11-30-311100-93610-XX0 HEALTH SERVICES : WORK COMP-IN	0.00	24.49	0.00	0.00	24.49
11-30-311100-93630-XX0 HEALTH SERVICES : WORK COMP NO	1,989.00	1,990.05	0.00	100.05	1.05
11-30-311100-93710-XX0 HEALTH SERVICES : PARS-INSTRUC	0.00	24.73	0.00	0.00	24.73
11-30-311100-93730-XX0 HEALTH SERVICES : PARS NON-INS	1,118.00	107.41	0.00	9.61	1,010.59
Totals for MAJ.OBJ: 93 - EMPLOYEE BENEFITS	27,801.00	28,478.41	0.00	102.44	677.41
11-30-311100-94290-XX0 HEALTH SERVICES : OTHER BOOKS	300.00	32.31	0.00	10.77	267.69
11-30-311100-94410-XX0 HEALTH SERVICES : OFFICE SUPPL	3,082.00	6,141.38	0.00	199.27	3,059.38
11-30-311100-94415-XX0 HEALTH SERVICES : SOFTWARE NON	150.00	1,882.50	0.00	1,255.00	1,732.50
11-30-311100-94490-XX0 HEALTH SERVICES : OTHER SUPPLI	400.00	121.52	0.00	30.38	278.48
11-30-311100-94510-XX0 HEALTH SERVICES : NEWSPAPERS	50.00	0.00	0.00	0.00	50.00
11-30-311100-94525-XX0 HEALTH SERVICES : RECORDS/TAPE	200.00	681.89	0.00	0.00	200.00
11-30-311100-94530-XX0 HEALTH SERVICES : PUBLICATIONS	300.00	681.89	0.00	227.30	381.89
Totals for MAJ.OBJ: 94 - SUPPLIES & MATERIALS	4,482.00	8,859.60	0.00	197.67	4,377.60
11-30-311100-95225-XX0 HEALTH SERVICES : EQUIP REPR &	300.00	126.00	0.00	42.00	174.00
11-30-311100-95310-XX0 HEALTH SERVICES : CONFERENCE	900.00	712.40	0.00	79.16	187.60
11-30-311100-95315-XX0 HEALTH SERVICES : MILEAGE	1,000.00	696.34	0.00	69.63	303.66
11-30-311100-95320-XX0 HEALTH SERVICES : CHARTER SERV	0.00	0.00	0.00	0.00	0.00
11-30-311100-95410-XX0 HEALTH SERVICES : DUES/MEMBERS	210.00	50.00	0.00	23.81	160.00
11-30-311100-95520-XX0 HEALTH SERVICES : CONSULTANT S	350.00	368.95	0.00	105.41	18.95
11-30-311100-95525-XX0 HEALTH SERVICES : MEDICAL SERV	300.00	181.50	0.00	60.50	118.50
11-30-311100-95640-XX0 HEALTH SERVICES : STUDENT INS	15,121.00	15,308.00	0.00	101.24	187.00
Totals for MAJ.OBJ: 95 - OTHER OPER EXP & SERVICES	18,181.00	17,443.19	0.00	95.94	737.81
Totals for LOCATION: 30 - REEDLEY COLLEGE	203,480.00	209,726.97	0.00	103.07	6,246.97

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STATE CENTER COMMUNITY COLLEGE DISTRICT
 Account Availability Report Ending 06/30/00
 Options - Available/Met/Exceeded Budget

10/02/00 Page 1
 Fiscal Year: 2000 OBJECT: 88760 - HEALTH FEES

GL Account	Allocated Budget	Actual	Encumbrances	%Committed	Availabl
11-10-000000-88760-000 GENERAL HEALTH FEES	290,000.00	283,142.12	0.00	97.64	6,857.88
11-20-000000-88760-000 GENERAL HEALTH FEES	0.00	0.00	0.00	0.00	0.00
11-21-000000-88760-000 GENERAL HEALTH FEES	7,000.00	6,736.00	0.00	91.94	564.00
11-30-000000-88760-000 GENERAL HEALTH FEES	0.00	0.00	0.00	0.00	0.00
Totals for OBJECT: 88760 - HEALTH FEES	297,000.00	289,878.12	0.00	97.50	7,121.88

Page: 1 of 0,0 => Enter: L:R:U:D:P:T:O:S:W:F: <RETURN> or FINISH:

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STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY00

Classification of Expenses	Audit Expenditures			Reclassifications			Reclassified Expenditures		
	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total
General Fund									
Instructional Divisions	40,555,364	4,837,954	45,393,318	(902,013)	(551,920)	(1,453,933)	39,653,351	4,286,034	43,939,385
Academic Support	3,720,962	2,302,773	6,023,735	-	-	-	3,720,962	2,302,773	6,023,735
Institutional Support	3,400,358	1,905,456	5,305,814	-	-	-	3,400,358	1,905,456	5,305,814
Student Services	15,303,680	3,732,869	19,036,549	-	-	-	15,303,680	3,732,869	19,036,549
Maintenance & Operations	5,171,161	4,075,041	9,246,202	-	-	-	5,171,161	4,075,041	9,246,202
Public Information	359,055	431,461	790,516	-	-	-	359,055	431,461	790,516
Depts				569,905	527,560	1,097,465	569,905	527,560	1,097,465
General Administrative	3,655,585	3,085,535	6,741,120	-	-	-	3,655,585	3,085,535	6,741,120
Library	2,287,027	713,867	3,000,894	-	-	-	2,287,027	713,867	3,000,894
Department Administration				332,108	24,340	356,448	332,108	24,340	356,448
Co-Curricular Activities	13,531	247,069	260,600	-	-	-	13,531	247,069	260,600
Computer Center	762,174	1,060,787	1,822,961	-	-	-	762,174	1,060,787	1,822,961
Total General Fund	75,228,697	22,392,812	97,621,709	-	-	-	75,228,697	22,392,812	97,621,709
Auxiliary Enterprises									
ateria	341,768	264,358	606,126	-	-	-	341,768	264,358	606,126
Residence Hall	157,757	56,234	213,991	-	-	-	157,757	56,234	213,991
Debt Service		35,100	35,100	-	-	-	-	35,100	35,100
Bookstore	719,639	529,941	1,249,580	-	-	-	719,639	529,941	1,249,580
Total Auxiliary Enterprises	1,219,164	885,633	2,104,797	-	-	-	1,219,164	885,633	2,104,797

STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY00

	Audit Expenditures	Reclassifications	Reclassified Expenditures
Trust Funds			
Associated Students	60,911	-	60,911
Scholarship & Loan	247,455	-	247,455
Student Financial Aid	20,976,981	-	20,976,981
Total Trust Funds	21,285,347	-	21,285,347
Capital Projects	17,143,726	-	17,143,726
Self Insurance	62,087	-	62,087
Total Other Funds	17,205,813	-	17,205,813
Totals	76,489,109	-	76,489,109
			138,258,714

STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY00

Classification of Expenses	Reclassified Expenditures			Adjustments			Direct Costs			Adjusted Costs		
	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total
Instructional Divisions	39,653,351	4,286,034	43,939,385				39,653,351		4,286,034			
Academic Support	3,720,982	2,302,773	6,023,735				3,720,982		2,302,773			
Institutional Support	3,400,358	1,905,456	5,305,814		(582,951)							1,322,505
Student Services	15,303,680	3,732,869	19,036,549	(1,087,737)	(113,728)		14,215,943		3,619,141			2,893,276
Maintenance & Operations	5,171,161	4,075,041	9,246,202		(1,161,765)							
Public Information	359,055	431,461	790,516	(359,055)	(431,461)							201,288
Deans	569,905	527,580	1,097,485		(326,292)							2,854,719
General Administrative	3,655,585	3,085,535	6,741,120	(253,331)	(230,816)							434,507
Library	2,287,027	713,867	3,000,894		(279,360)							332,108
Department Administration	332,108	24,340	356,448		(13,927)							
Co-Curricular Activities	13,531	247,069	260,600									
Computer Center	762,174	1,060,787	1,822,961									
Total General Fund	75,228,897	22,392,812	97,621,709	(1,700,123)	(3,160,303)		58,352,430		11,268,735			15,162,813
Auxiliary Enterprises												
Cafeteria	341,768	264,358	606,126									264,358
Student Center	157,757	56,234	213,991									56,234
Bookstore	719,659	529,941	1,249,580									529,941
Total Auxiliary Enterprises	1,219,184	850,533	2,069,717				1,219,184					850,533

STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY00

	Reclassified Expenditures	Adjustments	Direct Costs	F & A Costs
Trust Funds				
Associated Students	60,911			60,911
Scholarship & Loan	247,455			247,455
Student Financial Aid	20,976,981	(20,976,981)		
Total Trust Funds	21,285,347	(20,976,981)		308,366
Capital Projects	17,143,726	(17,179,724)		35,998
Self Insurance	62,087	67,137		5,950
Total Other Funds	17,205,813	(17,045,679)		41,049
Totals	61,769,605	(1,700,123)	59,571,594	15,203,861
	138,258,714	(41,182,960)	12,427,634	7,676,842

F & A Cost Rate Computation

F & A Costs	
Salaries and Benefits	15,203,661
Other	7,876,842
Total F & A Costs	23,080,703
Direct Salaries and Benefits	59,571,594
F & A Cost Rate:	$\frac{23,080,703}{59,571,594}$
	38.74%

MANDATED COSTS HEALTH FEE ELIMINATION COMPONENT/ACTIVITY COST DETAIL		FORM HFE-2.1	
(01) Claimant STATE CENTER COMMUNITY COLLEGE DISTRICT		Fiscal Year 1999-2000	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.		(a) FY 1986/87	(b) FY of Claim
Accident Reports		X	X
Appointments			
College Physician, surgeon		X	X
Dermatology, Family practice			
Internal Medicine			
Outside Physician			
Dental Services		X	X
Outside Labs, (X-ray, etc.,)		X	X
Psychologist, full services		X	X
Cancel/Change Appointments		X	X
Registered Nurse		X	X
Check Appointments		X	X
Assessment, Intervention and Counseling			
Birth Control		X	X
Lab Reports			
Nutrition		X	X
Test Results, office			
Venereal Disease		X	X
Communicable Disease		X	X
Upper Respiratory Infection		X	X
Eyes, Nose and Throat		X	X
Eye/Vision		X	X
Dermatology/Allergy		X	X
Gynecology/Pregnancy Service		X	X
Neuralgic		X	X
Orthopedic		X	X
Genito/Urinary		X	X
Dental		X	X
Gastro-Intestinal		X	X
Stress Counseling		X	X
Crisis Intervention		X	X
Child Abuse Reporting and Counseling		X	X
Sunstance Abuse Identification and Counseling		X	X
Eating Disorders		X	X
Weight Control		X	X
Personal Hygiene		X	X
Burnout		X	X
Other Medical Problems, list		X	X
Examinations, minor illnesses			
Recheck Minor Injury		X	X
Health Talks or Fairs, Information			
Sexually Transmitted Disease		X	X
Drugs		X	X
Acquired Immune Deficiency Syndrome		X	X
Child Abuse		X	X

MANDATED COSTS HEALTH FEE ELIMINATION COMPONENT/ACTIVITY COST DETAIL		FORM HFE-2.1	
(01) Claimant		Fiscal Year 1999-2000	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.		(a) FY 1986/87	(b) FY of Claim
Birth Control/Family Planning		X	X
Stop Smoking		X	X
Library, Videos and Cassettes		X	X
First Aid, Major Emergencies		X	X
First Aid, Minor Emergencies		X	X
First Aid Kits, Filled		X	X
Immunizations			
Diphtheria/Tetanus			X
Measles/Rubella			X
Influenza		X	X
Information		X	X
Insurance			
On Campus Accident		X	X
Voluntary		X	X
Insurance Inquiry/Claim Administration		X	
Laboratory Tests Done			
Inquiry/Interpretation			
Pap Smears			
Physical Examinations			
Employees			
Students			
Athletes		X	X
Medications			
Antacids		X	X
Antidiarrheal		X	X
Aspirin, Tylenol, etc.,		X	X
Skin Rash Preparations		X	X
Eye Drops		X	X
Ear Drops		X	X
Toothache, oil cloves		X	X
Stingkill		X	X
Midol, Menstrual Cramps		X	X
Other, list--> tolinaftate, cortisone, CTN, pseudoephedrine HCE, diphenhydramine pediculosis control, cough syrup, lozenges			
Parking Cards/Elevator Keys			
Tokens			
Return Card/Key			
Parking Inquiry			
Elevator Passes			
Temporary Handicapped Parking Permits			

MANDATED COSTS HEALTH FEE ELIMINATION COMPONENT/ACTIVITY COST DETAIL		FORM HFE-2.1	
(01) Claimant		Fiscal Year	
		1999-2000	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.		(a) FY 1986/87	(b) FY of Claim
Referrals to Outside Agencies			
Private Medical Doctor		X	X
Health Department		X	X
Clinic		X	X
Dental		X	X
Counseling Centers		X	X
Crisis Centers		X	X
Transitional Living Facilities, battered/homeless women		X	X
Family Planning Facilities		X	X
Other Health Agencies		X	X
Tests			
Blood Pressure		X	X
Hearing		X	X
Tuberculosis		X	X
Reading		X	X
Information		X	X
Vision		X	X
Glucometer			
Urinalysis			
Hemoglobin		X	X
EKG			
Strep A Testing			
PG Testing			
Monospot			
Hemacult			
Others, list Psychological testing		X	X
Miscellaneous			
Absence Excuses/PE Waiver		X	X
Allergy Injections			
Band-aids		X	X
Booklets/Pamphlets		X	X
Dressing Change		X	X
Rest		X	X
Suture Removal		X	X
Temperature		X	X
Weigh		X	X
Information		X	X
Report/Form		X	X
Wart Removal			
Others, list			
Committees			
Safety		X	X
Environmental			
Disaster Planning		X	X
Skin Rash Preparations			
Others: Campus Committees		X	X

State of California

CLAIM FOR PAYMENT
Pursuant to Government Code Section 17561
HEALTH FEE ELIMINATION

For State Controller Use only
(19) Program Number 00029
(20) Date File ____/____/____
(21) LRS Input ____/____/____

L
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Reimbursement Claim Data

(01) Claimant Identification Number: S10225

(02) Mailing Address:

Claimant Name: State Center Community College District

County of Location: Fresno

Street Address: 1525 East Weldon Avenue

City: Fresno State: CA Zip Code: 93704-6398

(22) HFE - 1.0, (04)(b) \$ 517,084

(23)

(24)

(25)

(26)

Claim File Copy

Type of Claim	Estimated Claim	Reimbursement Claim	
(03) Estimated <input checked="" type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(27)	
(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(28)	
(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(29)	
(06) 2001-02	(12) 2000-01	(30)	
(07) Total Claimed Amount \$ 565,000	(13) \$ 517,084	(31)	
Less: 10% Late Penalty, but not to exceed \$1000	(14) \$ -	(32)	
Less: Estimate Claim Payment Received	(15) \$ 165,514	(33)	
Net Claimed Amount	(16) \$ 351,570	(34)	
(08) Due from State \$ 565,000	(17) \$ 351,570	(35)	
Due to State	(18) \$ -	(36)	
		(37)	

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code Section 17561, I certify that I am the person authorized by the local agency to file claims with the State of California for costs mandated by Chapter 309, Statutes of 1995, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of services of an existing program mandated by Chapter 309, Statutes of 1995.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 309, Statutes of 1995, set forth on the attached statements.

Signature of Authorized Representative: *[Signature]* Date: 12/18/01

Jon Sharpe Executive Vice-Chancellor

Type of Print Name Title

(39) Name of Contact Person or Claim Telephone Number

SixTen & Associates (858) 514-8605

Claim File Copy

**MANDATED COSTS
HEALTH FEE ELIMINATION
CLAIM SUMMARY**

**FORM
HFE-1.0**

(01) Claimant:	(02) Type of Claim:		Fiscal Year
Claimant Name	Reimbursement <input checked="" type="checkbox"/>	<input type="checkbox"/>	
State Center Community College District	Estimated <input type="checkbox"/>	<input type="checkbox"/>	2000-01

(03) List all the colleges of the community college district identified in form HFE-1.1, line (03)

(a) Name of College	(b) Claimed Amount
1. Fresno City College	\$ 317,378.96
2. Reedley College	\$ 199,704.75
3.	\$ -
4.	\$ -
5.	\$ -
6.	\$ -
7.	\$ -
8.	\$ -
9.	\$ -
10.	\$ -
11.	\$ -
12.	\$ -
13.	\$ -
14.	\$ -
15.	\$ -
16.	\$ -
17.	\$ -
18.	\$ -
19.	\$ -
20.	\$ -
21.	\$ -
(04) Total Amount Claimed	\$ 517,084

[Line (3.1b) + line (3.2b) + line (3.3b) + ...line (3.21b)]

**MANDATED COSTS
HEALTH FEE ELIMINATION
CLAIM SUMMARY**

**FORM
HFE-1.1**

(01) Claimant: State Center Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2000-01
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(03) Name of College Fresno City College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, STOP, do not complete the form. No reimbursement is allowed.

LESS SAME MORE

	Direct Cost	Indirect Cost of. 37.73%	Total
(05) Cost of Health Services for the Fiscal year of Claim	\$ 366,830	\$ 138,405	\$ 505,235
(06) Cost of providing current fiscal year health services which are in excess of the level provided in 1986/87	\$ -	\$ -	\$ -
(07) Cost of providing current fiscal year health services at the 1986/87 level [Line (05) - line (06)]	\$ 366,830	\$ 138,405	\$ 505,235

(08) Complete Columns (a) through (g) to provide detail data for health fees

Period for which health fees were collected	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code § 76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code § 76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per fall semester	7,205	8,338		\$ -		\$ -	\$ 78,753
2. Per spring semester	6,588	8,181		\$ -		\$ -	\$ 74,830
3. Per summer session	145	6,067		\$ -		\$ -	\$ 31,473
4. Per first quarter				\$ -		\$ -	\$ -
5. Per second quarter				\$ -		\$ -	\$ -
6. Per third quarter				\$ -		\$ -	\$ -
(09) Total health fee that could have been collected				[Line (8.1g) + (8.2g) +(8.6g)]			\$ 185,056
(10) Sub-total				[Line (07) - line (09)]			\$ 320,179
Cost Reduction							
(11) Less: Offsetting Savings, if applicable							\$ 2,800.00
(12) Less: Other Reimbursements, if applicable							\$ -
(13) Total Amount Claimed				[Line (10) - (line (11) + line (12))]			\$ 317,379

**STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY01**

Classification of Expenses	Reclassified Expenditures			Adjustments			Direct Costs			Adjusted Costs F & A Costs		
	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total
Instructional Divisions	44,549,155	6,467,957	51,017,112	-	(970,900)	(970,900)	44,549,155	6,467,957	51,017,112	3,632,594	1,520,164	5,152,758
Academic Support	2,339,414	1,312,408	3,651,822	(363,848)	-	(363,848)	2,339,414	1,312,408	3,651,822	3,632,594	1,520,164	5,152,758
Institutional Support	3,632,594	1,884,012	5,516,606	(850,555)	-	(850,555)	3,632,594	1,884,012	5,516,606	3,632,594	1,520,164	5,152,758
Student Services	16,934,668	3,424,031	20,358,699	(253,305)	(970,900)	(1,224,205)	16,934,668	3,424,031	20,358,699	3,632,594	1,520,164	5,152,758
Maintenance & Operations	5,497,258	4,249,319	9,746,577	(56,736)	(352,463)	(409,200)	5,497,258	4,249,319	9,746,577	5,497,258	3,398,764	8,896,022
Public Information	352,463	253,305	605,768	(854,950)	(327,167)	(1,182,117)	352,463	253,305	605,768	696,178	105,125	801,303
Deans	696,178	161,861	858,039	(854,950)	(327,167)	(1,182,117)	696,178	161,861	858,039	3,375,436	2,921,217	6,296,653
General Administrative	3,702,603	3,776,167	7,478,770	(628,864)	(46,890)	(675,754)	3,702,603	3,776,167	7,478,770	2,451,199	578,782	3,030,001
Library	2,451,199	1,207,646	3,658,845	(46,890)	-	(46,890)	2,451,199	1,207,646	3,658,845	279,457	15,879	2,914,381
Department Administration	279,457	62,769	342,226	-	-	342,226	279,457	62,769	342,226	7,222	445,392	452,618
Co-Curricular Activities	7,222	445,392	452,614	-	-	452,614	7,222	445,392	452,614	962,673	714,771	1,677,444
Computer Center	962,673	714,771	1,677,444	-	-	1,677,444	962,673	714,771	1,677,444	7,222	445,392	1,420,058
Total General Fund	81,404,884	23,959,638	105,364,522	(1,650,530)	(3,055,148)	(4,705,678)	81,404,884	23,959,638	105,364,522	63,822,232	12,364,559	76,186,791
Auxiliary Enterprises												
Cafeteria	353,209	290,663	643,872	-	-	643,872	353,209	290,663	643,872	353,209	290,663	643,872
Residence Hall	209,509	89,889	299,398	-	-	299,398	209,509	89,889	299,398	209,509	89,889	299,398
Debt Service	-	48,796	48,796	-	-	48,796	-	48,796	48,796	-	48,796	48,796
Bookstore	941,412	560,509	1,501,921	-	-	1,501,921	941,412	560,509	1,501,921	941,412	560,509	1,501,921
Total Auxiliary Enterprises	1,504,130	989,857	2,493,987	-	-	2,493,987	1,504,130	989,857	2,493,987	1,504,130	989,857	2,493,987

**STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY01**

	Reclassified Expenditures	Adjustments	Direct Costs	F & A Costs
Trust Funds	-	-	-	-
Associated Students	-	-	-	-
Scholarship & Loan	92,673	(92,673)	-	-
Student Financial Aid	291,812	-	291,812	-
Total Trust Funds	25,350,223	(25,350,223)	-	-
	25,734,708	(25,442,896)	291,812	-
Capital Projects	5,332	4,732,519	4,737,851	5,332
Self Insurance	8,503	99,449	107,952	8,503
Total Other Funds	13,835	4,831,968	4,845,803	13,835
Totals	82,922,849	55,516,171	138,439,020	(1,650,530)
			65,326,362	15,945,957
			13,646,228	8,705,337
			165,406	165,406

F & A Cost Rate Computation

F & A Costs	15,945,957
Salaries and Benefits	8,705,337
Other	24,651,294
Total F & A Costs	65,326,362
Direct Salaries and Benefits	24,651,294
F & A Cost Rate:	37.73%

**MANDATED COSTS
HEALTH FEE ELIMINATION
CLAIM SUMMARY**

**FORM
HFE-1.2**

(01) Claimant: State Center Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2000-01
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(03) Name of College Reedley College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, **STOP**, do not complete the form. No reimbursement is allowed.

LESS SAME MORE

	Direct Cost	Indirect Cost of: 37.73%	Total
(05) Cost of Health Services for the Fiscal year of Claim	\$ 207,227	\$ 78,187	\$ 285,414
(06) Cost of providing current fiscal year health services which are in excess of the level provided in 1986/87	\$ -	\$ -	\$ -
(07) Cost of providing current fiscal year health services at the 1986/87 level [Line (05) - line (06)]	\$ 207,227	\$ 78,187	\$ 285,414

(08) Complete Columns (a) through (g) to provide detail data for health fees

Period for which health fees were collected	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code § 76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code § 76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per fall semester	4,098	2,898		\$ -		\$ -	\$ 36,160
2. Per spring semester	3,937	2,983		\$ -		\$ -	\$ 35,765
3. Per summer session	72	2,095		\$ -		\$ -	\$ 11,198
4. Per first quarter				\$ -		\$ -	\$ -
5. Per second quarter				\$ -		\$ -	\$ -
6. Per third quarter				\$ -		\$ -	\$ -
(09) Total health fee that could have been collected				[Line (8.1g) + (8.2g) +(8.6g)]			\$ 83,123
(10) Sub-total				[Line (07) - line (09)]			\$ 202,291
Cost Reduction							
(11) Less: Offsetting Savings, if applicable							\$ 2,586.00
(12) Less: Other Reimbursements, if applicable							\$ -
(13) Total Amount Claimed				[Line (10) - {(line (11) + line (12))}]			\$ 199,705

GL Account Date	Sc Ref. No	Description	Allocated Budget	Revenue/Expenses	Unexpended Balance	Encumbrances	Unencumbered Balance/Pcnt
11-20-000000	88935-000	GENERAL : HEALTH SERVICES					
		Opening Balances -->					
04/12	JE J006182	CORR HEP B VACCINATIONS		2,280.00-			
06/29	JE J006706	EXP TRFAN #7894 HEP B VAC		2,520.00-			
		Current Period Totals -->	0.00	2,800.00-	2,800.00	0.00	2,800.00
		To Date Totals -->					
		Future Totals -->					
		Fiscal Totals -->	0.00	2,800.00-	2,800.00	0.00	2,800.00
11-20-000000	88935-000	GENERAL : HEALTH SERVICES					
		Opening Balances -->					
06/26	JE J006561	RECLASS HEP B SHOTS		1,450.00-			
06/29	JE J006573	RC CC/FLU SHOTS,ETC. 197-'00		1,135.50-			
		Current Period Totals -->	0.00	2,585.50-	2,585.50	0.00	2,585.50
		To Date Totals -->					
		Future Totals -->					
		Fiscal Totals -->	0.00	2,585.50-	2,585.50	0.00	2,585.50

Totals for FUND: 11 - UNRESTRICTED (X10,LTO,PFE)							
		To Date Totals -->	0.00	5,385.50-	5,385.50	0.00	5,385.50
		Future Totals -->	0.00	0.00	0.00	0.00	0.00
		Fiscal Totals -->	0.00	5,385.50-	5,385.50	0.00	5,385.50

Needlem

*Revenue
 OFFICE
 5/21/01*

*REVENUE
 OFFICE
 5/21/01*

STATE CENTER COMMUNITY COLLEGE DISTRICT
Health Fee Elimination - Mandated Cost Claim
BOGG/Health Fee Revenue Adjustments Worksheet
FY 2000-2001

A) BOGG split based on % of total FT and PT students.

FCC	FT	PT	Total	%	FCC-split BOGG #
Su 2000	145	8,449	8,594	0.1700738	2,382
F2000	7,205	14,299	21,504	0.4255605	5,961
Sp2001	6,588	13,845	20,433	0.4043656	5,664
			50,531		14,008

FC BOGG # 14,008

RC	FT	PT	Total	%	RC-split BOGG #
Su 2000	72	3,049	3,121	0.1347175	954
F2000	4,098	5,980	10,078	0.4350153	3,082
Sp2001	3,937	6,031	9,968	0.4302672	3,048
			23,167		7,084

RC BOGG # 7,084

31,473
 78,753
 74,830
 185,056

\$ 11,198
 36,160
 35,765
 83,123

B) HEALTH FEE REVENUE SPLIT

based on % total students

				VTC HF	HF-Split Total
FCC	50,531	0.6856495	\$ 181,305	\$ 3,751	\$ 185,056
RC	23,167	0.3143505	\$ 83,123	\$ -	\$ 83,123
	73,698		\$ 264,428	\$ 3,751	\$ 268,179

HF Revenue \$ 264,428

Fiscal Year: 2001

LOCATION: 20 - FRESNO CITY COLLEGE

GL Account	Allocated Budget	Actual	% Used	Available
11-20-311100-91215-XX0	74,009.00	54,912.17	74.20	19,096.83
11-20-311100-91220-XX0	147,045.00	110,889.11	75.41	36,155.89
11-20-311100-91410-XX0	0.00	0.00	0.00	0.00
11-20-311100-91415-XX0	58,515.00	53,287.55	91.07	5,227.45
11-20-311100-92110-XX0	24,000.00	19,321.45	80.51	4,678.55
11-20-311100-92310-XX0	7,189.00	13,497.13	187.75	6,308.13
11-20-311100-93110-XX0	0.00	0.00	0.00	0.00
11-20-311100-93130-XX0	18,237.00	23,015.70	126.20	4,778.70
11-20-311100-93310-XX0	0.00	0.00	0.00	0.00
11-20-311100-93330-XX0	7,837.00	2,400.06	30.62	5,436.94
11-20-311100-93410-XX0	0.00	0.00	0.00	0.00
11-20-311100-93430-XX0	33,653.00	20,570.36	61.12	13,082.64
11-20-311100-93510-XX0	193.00	204.72	106.07	11.72
11-20-311100-93530-XX0	4,193.00	3,206.06	76.46	986.94
11-20-311100-93610-XX0	0.00	0.00	0.00	0.00
11-20-311100-93710-XX0	1,618.00	246.64	15.24	1,371.36
11-20-311100-94210-XX0	0.00	0.00	0.00	0.00
11-20-311100-94290-XX0	200.00	0.00	0.00	200.00
11-20-311100-94410-XX0	12,086.00	11,148.60	92.24	937.40
11-20-311100-94490-XX0	100.00	49.99	49.99	50.01
11-20-311100-94530-XX0	200.00	48.00	24.00	152.00
11-20-311100-95210-XX0	250.00	0.00	0.00	250.00
11-20-311100-95225-XX0	1,050.00	1,567.23	149.26	517.23
11-20-311100-95235-XX0	0.00	95.79	0.00	95.79
11-20-311100-95310-XX0	0.00	49.00	0.00	49.00
11-20-311100-95315-XX0	200.00	114.54	57.27	85.46
11-20-311100-95320-XX0	200.00	148.70	74.35	51.30
11-20-311100-95410-XX0	2,000.00	450.00	22.50	1,550.00
11-20-311100-95520-XX0	1,000.00	500.00	50.00	500.00
11-20-311100-95525-XX0	154.00	0.00	0.00	154.00
11-20-311100-95530-XX0	0.00	52.00	0.00	52.00
11-20-311100-95640-XX0	51,510.00	51,055.00	99.12	455.00
Totals for LOCATION: 20 - FRESNO CITY COLLEGE	445,439.00	366,829.80	82.35	78,609.20



STATE CENTER COMMUNITY COLLEGE DISTRICT
Budget to Actual Report Ending 06/30/2001
Options - Available/Met/Exceeded Budget

LOCATION: 30 - REEDLEY COLLEGE

FL Account	Allocated Budget	Actual	% Used	Available
11-30-311100-91215-XX0	8,223.00	8,719.72	106.04	496.72-
11-30-311100-91220-XX0	77,019.00	88,058.26	114.33	11,039.26-
11-30-311100-91330-XX0	792.00	459.68	58.04	332.32
11-30-311100-91415-XX0	42,018.00	46,234.09	110.03	4,216.09-
11-30-311100-92110-XX0	33,612.00	0.10	0.00	33,611.90
11-30-311100-92310-XX0	3,312.00	10,977.63	331.45	7,665.63-
11-30-311100-93110-XX0	0.00	0.00	0.00	0.00
11-30-311100-93130-XX0	7,032.00	11,846.36	168.46	4,814.36-
11-30-311100-93310-XX0	52.00	6.67	12.83	45.33
11-30-311100-93330-XX0	4,424.00	521.18	11.78	3,902.82
11-30-311100-93410-XX0	0.00	0.00	0.00	0.00
11-30-311100-93430-XX0	14,423.00	14,528.49	100.73	105.49-
11-30-311100-93510-XX0	2.00	0.28	14.00	1.72
11-30-311100-93530-XX0	97.00	128.19	132.15	31.19-
11-30-311100-93610-XX0	46.00	5.98	13.00	40.02
11-30-311100-93630-XX0	2,099.00	2,001.81	95.37	97.19
11-30-311100-93710-XX0	114.00	0.00	0.00	114.00
11-30-311100-93730-XX0	1,363.00	262.52	19.26	1,100.48
11-30-311100-94210-XX0	0.00	57.51	0.00	57.51-
11-30-311100-94290-XX0	300.00	0.00	0.00	300.00
11-30-311100-94410-XX0	4,429.00	5,161.01	116.53	732.01-
11-30-311100-94415-XX0	150.00	0.00	0.00	150.00
11-30-311100-94490-XX0	149.00	25.43	17.07	123.57
11-30-311100-94510-XX0	50.00	146.91	293.82	96.91-
11-30-311100-94525-XX0	200.00	0.00	0.00	200.00
11-30-311100-94530-XX0	300.00	60.37	20.12	239.63
11-30-311100-95125-XX0	167.00	166.80	99.88	0.20
11-30-311100-95225-XX0	384.00	680.33	177.17	296.33-
11-30-311100-95310-XX0	471.00	292.50	62.10	178.50
11-30-311100-95315-XX0	1,000.00	622.00	62.20	378.00
11-30-311100-95410-XX0	210.00	0.00	0.00	210.00
11-30-311100-95520-XX0	350.00	522.81	149.36-	872.81
11-30-311100-95525-XX0	300.00	0.00	0.00	300.00
11-30-311100-95640-XX0	15,121.00	16,774.00	110.93	1,653.00-
11-30-311100-95725-XX0	0.00	12.28	0.00	12.28-
Totals for LOCATION: 30 - REEDLEY COLLEGE	218,209.00	207,227.29	94.97	10,981.71



MANDATED COSTS HEALTH FEE ELIMINATION COMPONENT/ACTIVITY COST DETAIL		FORM HFE-2.1	
(01) Claimant		Fiscal Year	
State Center Community College District		2000-01	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.		(a) FY 1986/87	(b) FY of Claim
Accident Reports		X	X
Appointments		X	X
College Physician, surgeon			
Dermatology, Family practice			
Internal Medicine			
Outside Physician		X	X
Dental Services		X	X
Outside Labs, (X-ray, etc.,)		X	X
Psychologist, full services		X	X
Cancel/Change Appointments		X	X
Registered Nurse		X	X
Check Appointments			
Assessment, Intervention and Counseling		X	X
Birth Control			
Lab Reports		X	X
Nutrition		X	X
Test Results, office		X	X
Venereal Disease		X	X
Communicable Disease		X	X
Upper Respiratory Infection		X	X
Eyes, Nose and Throat		X	X
Eye/Vision		X	X
Dermatology/Allergy		X	X
Gynecology/Pregnancy Service		X	X
Neuralgic		X	X
Orthopedic		X	X
Genito/Urinary		X	X
Dental		X	X
Gastro-Intestinal		X	X
Stress Counseling		X	X
Crisis Intervention		X	X
Child Abuse Reporting and Counseling		X	X
Sunstance Abuse Identification and Counseling		X	X
Eating Disorders		X	X
Weight Control		X	X
Personal Hygiene		X	X
Burnout		X	X
Other Medical Problems, list Hypertension, Cardio-Vascular, Seizure Disorder, Pulmonary		X	X
Examinations, minor illnesses		X	X
Recheck Minor Injury			
Health Talks or Fairs, Information		X	X
Sexually Transmitted Disease		X	X
Drugs		X	X
Acquired Immune Deficiency Syndrome		X	X
Child Abuse			

**MANDATED COSTS
HEALTH FEE ELIMINATION
COMPONENT/ACTIVITY COST DETAIL**

**FORM
HFE-2.1**

(01) Claimant

State Center Community College District

Fiscal Year

2000-01

(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.

(a) FY 1986/87	(b) FY of Claim
----------------------	-----------------------

Birth Control/Family Planning	X	X
Stop Smoking	X	X
Library, Videos and Cassettes	X	X
First Aid, Major Emergencies	X	X
First Aid, Minor Emergencies	X	X
First Aid Kits, Filled	X	X
Immunizations		
Diphtheria/Tetanus	X	X
Measles/Rubella	X	X
Influenza Information	X	X
Insurance		
On Campus Accident	X	X
Voluntary Insurance Inquiry/Claim Administration	X	X
Laboratory Tests Done		
Inquiry/Interpretation		
Pap Smears		
Physical Examinations		
Employees	X	X
Students		
Athletes		
Medications		
Antacids	X	X
Antidiarrheal	X	X
Aspirin, Tylenol, etc.,	X	X
Skin Rash Preparations	X	X
Eye Drops	X	X
Ear Drops	X	X
Toothache, oil cloves	X	X
Stingkill	X	X
Midol, Menstrual Cramps	X	X
Other-List: Toinafate, Cortisone, CTM, Pseudoephedrine HCE, Diphenhydramine Pediculosis Control, Cough Syrup, Lozenges	X	X
Parking Cards/Elevator Keys		
Tokens		
Return Card/Key		
Parking Inquiry		
Elevator Passes		
Temporary Handicapped Parking Permits		

MANDATED COSTS HEALTH FEE ELIMINATION COMPONENT/ACTIVITY COST DETAIL		FORM HFE-2.1	
(01) Claimant		Fiscal Year	
State Center Community College District		2000-01	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.		(a) FY 1986/87	(b) FY of Claim
Referrals to Outside Agencies		X	X
Private Medical Doctor		X	X
Health Department		X	X
Clinic		X	X
Dental		X	X
Counseling Centers		X	X
Crisis Centers		X	X
Transitional Living Facilities, battered/homeless women		X	X
Family Planning Facilities		X	X
Other Health Agencies			
Tests		X	X
Blood Pressure		X	X
Hearing		X	X
Tuberculosis		X	X
Reading		X	X
Information		X	X
Vision			
Glucometer			
Urinalysis		X	X
Hemoglobin			
EKG			
Strep A Testing			
PG Testing			
Monospot			
Hemacult		X	X
Others, list Psychological Testing			
Miscellaneous		X	X
Absence Excuses/PE Waiver			
Allergy Injections		X	X
Band-aids		X	X
Booklets/Pamphlets		X	X
Dressing Change		X	X
Rest		X	X
Suture Removal		X	X
Temperature		X	X
Weigh		X	X
Information		X	X
Report/Form		X	X
Wart Removal			
Others, list			
Committees		X	X
Safety			
Environmental		X	X
Disaster Planning		X	X
Campus Committees			
Eye Drops			

CLAIM FOR PAYMENT
Pursuant to Government Code Section 17561
HEALTH FEE ELIMINATION

For State Controller Use only
(19) Program Number 00029
(20) Date File ___/___/___
(21) LRS Input ___/___/___

L
A
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(01) Claimant Identification Number:
S-10225

(02) Mailing Address:
Claimant Name
State Center Community College District
County of Location
Fresno
Street Address
1525 East Weldon Avenue
City State Zip Code
Fresno CA 93704-6398

Reimbursement Claim Data	
(22) HFE - 1.0, (04)(b)	\$ 604,202
(23)	
(24)	
(25)	
(26)	
(27)	
(28)	
(29)	
(30)	
(31)	
(32)	
(33)	
(34)	
(35)	
(36)	
(37)	

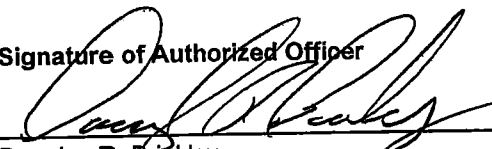
Type of Claim	Estimated Claim	Reimbursement Claim
(03) Estimated <input checked="" type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	
(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	
(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	
Fiscal Year of Cost 2002-2003	(12) 2001-2002	
Total Claimed Amount \$ 600,000	(13) \$ 604,202	
Less: 10% Late Penalty, but not to exceed \$1000	(14) \$ -	
Less: Estimate Claim Payment Received	(15) \$ 131,954	
Net Claimed Amount	(16) \$ 472,248	
Due from State \$ 600,000	(17) \$ 472,248	
Due to State	(18) \$ -	

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code § 17561, I certify that I am the officer authorized by the local agency to file claims with the State of California for costs mandated by Chapter 1, Statutes of 1984, and Chapter 1118, Statutes of 1987, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of services of an existing program mandated by Chapter 1, Statutes of 1984, and Chapter 1118, Statutes of 1987.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 1, Statutes of 1984, and Chapter 1118, Statutes of 1987, set forth on the attached statements.

Signature of Authorized Officer

Douglas R. Brinkley
Type or Print Name

Date
12/20/02
Vice Chancellor, Finance & Administration
Title

(39) Name of Contact Person or Claim
SixTen and Associates
Telephone Number (858) 514-8605
E-Mail Address kbpsixten@aol.com

*Doc
12/20/02*

**MANDATED COSTS
HEALTH FEE ELIMINATION
CLAIM SUMMARY**

**FORM
HFE-1.0**

(01) Claimant: Claimant Name State Center Community College District	(02) Type of Claim: Reimbursement	<input checked="" type="checkbox"/>	Fiscal Year
	Estimated	<input type="checkbox"/>	2001-2002

(03) List all the colleges of the community college district identified in form HFE-1.1, line (03)

(a) Name of College	(b) Claimed Amount
1. Fresno City College	\$ 427,942.57
2. Reedley College	\$ 176,259.68
3.	\$ -
4.	\$ -
5.	\$ -
6.	\$ -
7.	\$ -
8.	\$ -
9.	\$ -
10.	\$ -
11.	\$ -
12.	\$ -
13.	\$ -
14.	\$ -
15.	\$ -
16.	\$ -
17.	\$ -
18.	\$ -
19.	\$ -
20.	\$ -
21.	\$ -
(04) Total Amount Claimed	\$ 604,202

[Line (3.1b) + line (3.2b) + line (3.3b) + ...line (3.21b)]

	MANDATED COSTS	FORM HFE-1.1
	HEALTH FEE ELIMINATION	
	CLAIM SUMMARY	

(01) Claimant: State Center Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2001-2002
--	---	------------------------------

(03) Name of College Frenso City College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, STOP, do not complete the form. No reimbursement is allowed.

LESS SAME MORE

	Direct Cost	Indirect Cost of:	Total
		35.06%	
(05) Cost of Health Services for the Fiscal year of Claim	\$ 500,535	\$ 175,488	\$ 676,023
(06) Cost of providing current fiscal year health services which are in excess of the level provided in 1986/87	\$ -	\$ -	\$ -
(07) Cost of providing current fiscal year health services at the 1986/87 level [Line (05) - line (06)]	\$ 500,535	\$ 175,488	\$ 676,023

(08) Complete Columns (a) through (g) to provide detail data for health fees

Period for which health fees were collected	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code \$ 76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code \$ 76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per fall semester	5,517	11,373		\$ -		\$ -	\$ 96,756
2. Per spring semester	5,267	11,449		\$ -		\$ -	\$ 95,757
3. Per summer session	760	6,842		\$ -		\$ -	\$ 43,547
4. Per first quarter				\$ -		\$ -	\$ -
5. Per second quarter				\$ -		\$ -	\$ -
6. Per third quarter				\$ -		\$ -	\$ -

(09) Total health fee that could have been collected [Line (8.1g) + (8.2g) +(8.6g)] \$ 242,070

(10) Sub-total [Line (07) - line (09)] \$ 433,953

Cost Reduction	
(11) Less: Offsetting Savings, if applicable	\$ -
(12) Less: Other Reimbursements, if applicable	\$ 6,010
(13) Total Amount Claimed [Line (10) - (line (11) + line (12))]	\$ 427,943

**MANDATED COSTS
HEALTH FEE ELIMINATION
CLAIM SUMMARY**

**FORM
HFE-1.2**

(01) Claimant: State Center Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2001-2002
--	---	------------------------------

(03) Name of College Reedley College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, STOP, do not complete the form. No reimbursement is allowed.

LESS SAME MORE

	Direct Cost	Indirect Cost of: 35.06%	Total
(05) Cost of Health Services for the Fiscal year of Claim	\$ 215,136	\$ 75,427	\$ 290,563
(06) Cost of providing current fiscal year health services which are in excess of the level provided in 1986/87	\$ -	\$ -	\$ -
(07) Cost of providing current fiscal year health services at the 1986/87 level [Line (05) - line (06)]	\$ 215,136	\$ 75,427	\$ 290,563

(08) Complete Columns (a) through (g) to provide detail data for health fees

Period for which health fees were collected	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code § 76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code § 76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per fall semester	3,208	4,753		\$ -		\$ -	
2. Per spring semester	2,946	4,803		\$ -		\$ -	
3. Per summer session	248	2,240		\$ -		\$ -	
4. Per first quarter				\$ -		\$ -	\$ -
5. Per second quarter				\$ -		\$ -	\$ -
6. Per third quarter				\$ -		\$ -	\$ -

(09) Total health fee that could have been collected [Line (8.1g) + (8.2g) +(8.6g)] \$ 111,823

(10) Sub-total [Line (07) - line (09)] \$ 178,740

Cost Reduction		
(11) Less: Offsetting Savings, if applicable		\$ -
(12) Less: Other Reimbursements, if applicable		\$ 2,480
(13) Total Amount Claimed	[Line (10) - {(line (11) + line (12))}]	\$ 176,260

Schedule 2
STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY02

Classification of Expenses	Reclassified Expenditures			Adjustments			Adjusted Costs		
	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total
Instructional Divisions	49,194,526	5,240,256	54,434,782				49,194,526	5,240,256	54,434,782
Academic Support	3,214,235	909,614	4,123,849				3,214,235	909,614	4,123,849
Institutional Support	3,870,220	1,821,379	5,691,599	(239,765)	(887,379)	(1,127,144)	3,630,455	934,000	4,564,455
Student Services	19,627,525	3,479,131	23,106,656	(1,334,900)	(38,537)	(1,373,437)	18,292,625	3,440,594	21,733,219
Maintenance & Operations	5,981,949	6,158,553	12,140,502	-	(2,244,188)	(2,244,188)	5,981,949	3,914,365	9,896,314
Public Information	547,070	733,375	1,280,445	(547,070)	(733,375)	(1,280,445)			
Deans	749,235	94,219	843,454		(10,926)	(10,926)	749,235	83,293	832,528
General Administrative	5,199,671	1,966,839	7,166,510	(218,206)	(380,046)	(598,252)	4,981,465	1,586,793	6,568,258
Library	2,753,290	820,259	3,573,549		(393,038)	(393,038)	2,753,290	427,221	3,180,511
Department Administration	399,714	18,555	418,269		(7,039)	(7,039)	399,714	11,516	411,230
Co-Curricular Activities	4,888	504,556	509,444				4,888	504,556	509,444
Computer Center	1,060,592	725,232	1,785,824				1,060,592	725,232	1,785,824
Total General Fund	92,602,915	22,471,968	115,074,883	(2,339,941)	(4,694,528)	(7,034,469)	71,766,866	10,820,252	82,587,118
Auxiliary Enterprises									
Cafeteria	380,119	326,328	706,447				380,119	326,328	706,447
Residence Hall	214,715	91,514	306,229				214,715	91,514	306,229
Debt Service	-	33,300	33,300				-	33,300	33,300
Bookstore	968,694	634,114	1,602,808				968,694	634,114	1,602,808
Total Auxiliary Enterprises	1,563,528	1,085,256	2,648,784				1,563,528	1,085,256	2,648,784

P1 of 2

Schedule 2
**STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY02**

	Reclassified Expenditures	Adjustments	Direct Costs	F & A Costs
Trust Funds	-	-	-	-
Associated Students	-	-	-	-
Scholarship & Loan	108,060	(108,060)	-	-
Student Financial Aid	185,136	-	185,136	-
Total Trust Funds	31,922,660	(31,922,660)	-	-
	32,215,856	(32,030,720)	-	185,136
Capital Projects	-	-	-	-
Self Insurance	10,536	(16,252,755)	-	10,536
Total Other Funds	9,876	168,354	-	9,876
	20,412	(16,252,755)	-	20,412
Totals	94,186,855	(2,339,941)	73,330,394	18,516,520
	72,262,114	(52,978,003)	12,090,644	7,193,467

F & A Cost Rate Computation

F & A Costs	18,516,520
Salaries and Benefits	7,193,467
Other	25,709,987
Total F & A Costs	73,330,394

Direct Salaries and Benefits

F & A Cost Rate:	25,709,987
	73,330,394
	35.06%

L.Hopper
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P2 of 2

**STATE CENTER COMMUNITY COLLEGE DISTRICT
Health Fee Elimination - Mandated Cost Claim
BOGG/Health Fee Revenue Adjustments Worksheet
FY 2001-2002**

A) BOGG split based on % of total FT and PT students.

FCC	FCC BOGG Split		Total	%	FCC BOGG Split		
	FT	PT			BOGG #	FT	PT
Su 2001	1,032	9,293	10,325	0.1844738	2,723	272	2,451
F2001	7,494	15,447	22,941	0.4098803	6,051	1,977	4,074
Sp2002	7,154	15,550	22,704	0.4056459	5,988	1,887	4,101
			55,970		14,762	4,136	10,626

FC BOGG # 14,762

RC	RC BOGG Split		Total	%	RC BOGG Split		
	FT	PT			BOGG #	FT	PT
Su 2001	353	3,182	3,535	0.136724	1,047	105	942
F2001	4,558	6,753	11,311	0.4374782	3,349	1,350	2,000
Sp2002	4,185	6,824	11,009	0.4257977	3,260	1,239	2,021
			25,855		7,656	2,693	4,963

RC BOGG # 7,656

B) HEALTH FEE REVENUE SPLIT

based on % total students

			CTC HF		HF-Split
			Total		Total
FCC	55,970	0.6840208	\$ 242,070	\$ -	\$ 242,070
RC	25,855	0.3159792	\$ 111,823	\$ -	\$ 111,823
	81,825		\$ 353,893	\$ -	\$ 353,893

HF Revenue \$ 353,893

SIX TEN & ASSOC.
 2002 OCT 11 PM 12:05

State Center Community College District
Account Availability Report Ending 06/30/2002
Options - Available/Met/Exceeded Budget

LOCATION: 20 - FRESNO CITY COLLEGE

Account	Allocated Budget	Actual	Encumbrances %Committed	Available
-20-311100-91215-XX0 HEALTH SERVICES : REG-COUNSELO	82,794.00	83,104.33	0.00	100.37
-20-311100-91220-XX0 HEALTH SERVICES : REG NON-MANA	164,499.00	165,109.01	0.00	100.37
-20-311100-91415-XX0 HEALTH SERVICES : HRLY NON-MAN	58,515.00	75,010.52	0.00	128.19
-20-311100-92110-XX0 HEALTH SERVICES : REG-CLASSIFI	28,729.00	27,963.75	0.00	97.34
-20-311100-92150-XX0 HEALTH SERVICES : O/T-CLASSIFI	0.00	2,586.87	0.00	2,586.87
-20-311100-92310-XX0 HEALTH SERVICES : HOURLY	3,660.00	15,380.77	0.00	11,720.77
-20-311100-93110-XX0 HEALTH SERVICES : STRS-INSTRUC	0.00	0.00	0.00	0.00
-20-311100-93130-XX0 HEALTH SERVICES : STRS NON-INS	20,402.00	26,075.64	0.00	127.81
-20-311100-93310-XX0 HEALTH SERVICES : CASDI-INSTRU	0.00	0.00	0.00	0.00
-20-311100-93330-XX0 HEALTH SERVICES : OASDI NON-IN	8,663.00	3,174.94	0.00	36.65
-20-311100-93410-XX0 HEALTH SERVICES : H&W-INSTRUCT	0.00	0.00	0.00	0.00
-20-311100-93430-XX0 HEALTH SERVICES : H&W NON-INST	36,299.00	31,181.11	0.00	85.90
-20-311100-93510-XX0 HEALTH SERVICES : SUI-INSTRUCT	0.00	0.00	0.00	0.00
-20-311100-93530-XX0 HEALTH SERVICES : SUI NON-INST	207.00	455.98	0.00	220.28
-20-311100-93610-XX0 HEALTH SERVICES : WORK COMP-IN	0.00	0.00	0.00	0.00
-20-311100-93630-XX0 HEALTH SERVICES : WORK COMP NO	4,646.00	4,762.90	0.00	102.52
-20-311100-93710-XX0 HEALTH SERVICES : PARS-INSTRUC	0.00	0.00	0.00	0.00
-20-311100-93730-XX0 HEALTH SERVICES : PARS NON-INS	1,580.00	88.29	0.00	5.59
-20-311100-94210-XX0 HEALTH SERVICES : TEXT BOOKS	125.00	0.00	0.00	125.00
-20-311100-94290-XX0 HEALTH SERVICES : OTHER BOOKS	0.00	0.00	0.00	0.00
-20-311100-94410-XX0 HEALTH SERVICES : OFFICE SUPPL	12,466.00	12,047.36	0.00	96.64
-20-311100-94415-XX0 HEALTH SERVICES : SOFTWARE NON	0.00	0.00	0.00	0.00
-20-311100-94490-XX0 HEALTH SERVICES : OTHER SUPPLI	160.00	156.12	0.00	97.58
-20-311100-94525-XX0 HEALTH SERVICES : RECORDS/TAPE	17.00	16.14	0.00	94.94
-20-311100-94530-XX0 HEALTH SERVICES : PUBLICATIONS	75.00	64.58	0.00	86.11
-20-311100-95210-XX0 HEALTH SERVICES : EQUIPMENT RE	212.00	0.00	0.00	0.00
-20-311100-95225-XX0 HEALTH SERVICES : EQUIP REPR &	1,755.00	1,741.93	0.00	99.26
-20-311100-95235-XX0 HEALTH SERVICES : COMPUTER HW/	97.00	96.01	0.00	98.98
-20-311100-95310-XX0 HEALTH SERVICES : CONFERENCE	200.00	200.00	0.00	100.00
-20-311100-95315-XX0 HEALTH SERVICES : MILEAGE	103.00	0.00	0.00	0.00
-20-311100-95320-XX0 HEALTH SERVICES : CHARTER SERV	20.00	0.00	0.00	20.00
-20-311100-95410-XX0 HEALTH SERVICES : DUES/MEMBERS	673.00	525.00	0.00	78.01
-20-311100-95520-XX0 HEALTH SERVICES : CONSULTANT S	1,000.00	500.00	0.00	50.00
-20-311100-95525-XX0 HEALTH SERVICES : MEDICAL SERV	154.00	0.00	0.00	154.00
-20-311100-95640-XX0 HEALTH SERVICES : STUDENT INS	51,860.00	53,147.57	0.00	102.48
-20-311100-95990-XX0 HEALTH SERVICES : MISCELLANEOU	200.00	152.85	0.00	76.43
-20-311100-96410-XX0 HEALTH SERVICES : CONSTRUCTION	0.00	0.00	0.00	0.00
-20-311100-96515-XX0 HEALTH SERVICES : NEW NON-INST	264.00	0.00	0.00	264.00
Totals for LOCATION: 20 - FRESNO CITY COLLEGE	479,375.00	498,367.93	0.00	103.96

2167.05 ← Medevac Center Costs

500,534.98

2002 OCT 11 PM 12:06
SIX TEN 8 ASSOC.

State Center Community College District
Account Availability Report Ending 06/30/2002
Options - Available/Met/Exceeded Budget

2/26/02
Fiscal Year: 2002

LOCATION: 30 - REEDLEY COLLEGE

Account	Allocated Budget	Actual	Encumbrances	%Committed	Available
-30-311100-91215-XX0 HEALTH SERVICES : REG-COUNSELOR	9,199.00	9,230.66	0.00	100.34	31.66-
-30-311100-91220-XX0 HEALTH SERVICES : REG NON-MANA	74,161.00	72,864.99	0.00	98.25	1,296.01
-30-311100-91330-XX0 HEALTH SERVICES : HELY-SUMMER	846.00	0.00	0.00	0.00	846.00
-30-311100-91415-XX0 HEALTH SERVICES : HELY NON-MAN	42,018.00	56,857.22	0.00	135.32	14,839.22-
-30-311100-92110-XX0 HEALTH SERVICES : REG-CLASSIFI	25,233.00	2,784.49	0.00	11.04	22,448.51
-30-311100-92310-XX0 HEALTH SERVICES : HOURLY	13,312.00	22,999.73	0.00	172.77	9,687.73-
-30-311100-93110-XX0 HEALTH SERVICES : STRS-INSTRUC	7,867.00	10,370.19	0.00	131.82	2,503.19-
-30-311100-93130-XX0 HEALTH SERVICES : STRES NON-INS	49.00	0.00	0.00	0.00	49.00
-30-311100-93310-XX0 HEALTH SERVICES : OASDI-INSTRU	4,949.00	2,341.12	0.00	47.30	2,607.88
-30-311100-93330-XX0 HEALTH SERVICES : OASDI NON-IN	0.00	0.00	0.00	0.00	0.00
-30-311100-93410-XX0 HEALTH SERVICES : H&W-INSTRUCT	16,668.00	9,271.51	0.00	55.62	7,396.49
-30-311100-93430-XX0 HEALTH SERVICES : H&W NON-INST	2.00	0.00	0.00	0.00	2.00
-30-311100-93510-XX0 HEALTH SERVICES : SUI-INSTRUCT	109.00	188.73	0.00	173.15	79.73-
-30-311100-93530-XX0 HEALTH SERVICES : SUI NON-INST	51.00	0.00	0.00	0.00	51.00
-30-311100-93610-XX0 HEALTH SERVICES : WORK COMP-IN	2,348.00	2,148.64	0.00	91.51	199.36
-30-311100-93630-XX0 HEALTH SERVICES : WORK COMP NO	128.00	0.00	0.00	0.00	128.00
-30-311100-93710-XX0 HEALTH SERVICES : PARS-INSTRUC	1,525.00	444.69	0.00	29.16	1,080.31
-30-311100-93730-XX0 HEALTH SERVICES : PARS NON-INS	50.00	49.47	0.00	98.94	0.53
-30-311100-94210-XX0 HEALTH SERVICES : TEXT BOOKS	72.00	72.00	0.00	100.00	0.00
-30-311100-94290-XX0 HEALTH SERVICES : OTHER BOOKS	5,040.00	5,100.83	0.00	101.21	60.83-
-30-311100-94410-XX0 HEALTH SERVICES : OFFICE SUPPL	24.00	28.68	0.00	119.50	4.68-
-30-311100-94415-XX0 HEALTH SERVICES : SOFTWARE NON	0.00	0.00	0.00	0.00	0.00
-30-311100-94490-XX0 HEALTH SERVICES : OTHER SUPPLI	0.00	0.00	0.00	0.00	0.00
-30-311100-94510-XX0 HEALTH SERVICES : NEWSPAPERS	0.00	0.00	0.00	0.00	0.00
-30-311100-94525-XX0 HEALTH SERVICES : RECORDS/TAPE	235.00	234.95	0.00	99.98	0.05
-30-311100-94530-XX0 HEALTH SERVICES : PUBLICATIONS	420.00	422.91	0.00	100.69	2.91-
-30-311100-95125-XX0 HEALTH SERVICES : TELE/PAGER/C	384.00	321.00	0.00	83.59	63.00
-30-311100-95225-XX0 HEALTH SERVICES : EQUIP REPR &	1,385.00	1,384.26	0.00	99.95	0.74
-30-311100-95310-XX0 HEALTH SERVICES : CONFERENCE	450.00	552.94	0.00	122.88	102.94-
-30-311100-95315-XX0 HEALTH SERVICES : MILEAGE	100.00	100.00	0.00	100.00	0.00
-30-311100-95410-XX0 HEALTH SERVICES : DUES/MEMBERS	0.00	0.00	0.00	0.00	0.00
-30-311100-95520-XX0 HEALTH SERVICES : CONSULTANT S	50.00	45.00	0.00	90.00	5.00
-30-311100-95525-XX0 HEALTH SERVICES : MEDICAL SERV	17,322.00	17,322.00	0.00	100.00	0.00
-30-311100-95640-XX0 HEALTH SERVICES : STUDENT INS	223,997.00	215,136.01	0.00	96.04	8,860.99
Total for LOCATION: 30 - REEDLEY COLLEGE					

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LOCATION: 40 - MADERA CENTER

Account	Allocated Budget	Actual	Encumbrances	%Committed	Available
1-40-311100-91415-XX0 HEALTH SERVICES : HRLY NON-MAN	0.00	1,950.00	0.00	0.00	1,950.00-
1-40-311100-93110-XX0 HEALTH SERVICES : STRS-INSTRUC	0.00	0.00	0.00	0.00	0.00
1-40-311100-93130-XX0 HEALTH SERVICES : STRS NON-INS	0.00	160.88	0.00	0.00	160.88-
1-40-311100-93310-XX0 HEALTH SERVICES : CASDI-INSTRU	0.00	0.00	0.00	0.00	0.00
1-40-311100-93330-XX0 HEALTH SERVICES : CASDI NON-IN	0.00	28.28	0.00	0.00	28.28-
1-40-311100-93510-XX0 HEALTH SERVICES : SUI-INSTRUCT	0.00	0.00	0.00	0.00	0.00
1-40-311100-93530-XX0 HEALTH SERVICES : SUI NON-INST	0.00	2.54	0.00	0.00	2.54-
1-40-311100-93610-XX0 HEALTH SERVICES : WORK COMP-IN	0.00	0.00	0.00	0.00	0.00
1-40-311100-93630-XX0 HEALTH SERVICES : WORK COMP NO	0.00	25.35	0.00	0.00	25.35-
Totals for LOCATION: 40 - MADERA CENTER	0.00	2,167.05	0.00	0.00	2,167.05-

ADP TO RUBENO CITY

2002 OCT 11 PM 12:06
 SIX TEN & ASSOC.

State Center Community College District
 Account Availability Report Ending 06/30/2002
 Options - Available/Met/Exceeded Budget

9/26/02

fiscal Year: 2002

SIX TEN & ASSOC.

OBJECT: 88760 - HEALTH FEES

2002-06-30 PM 12:05

L Account	Allocated Budget	Actual	Encumbrances	*Committed
1-10-000000-88760-000 GENERAL : HEALTH FEES	270,000.00-	353,892.50-	0.00	131.07
Totals for LOCATION: 10 - DISTRICT OFFICE	270,000.00-	353,892.50-	0.00	131.07
Totals for OBJECT: 88760 - HEALTH FEES	270,000.00-	353,892.50-	0.00	131.07

Health Service Fee Income

Fresno College
 Reedley

242,070
 111,823

 353,893 M

State Center Community College District
 Account Availability Report Ending 06/30/2002
 Options - Available/Met/Exceeded Budget
 scal Year: 2002
 OBJECT: 88935 - HEALTH SERVICES

Account	Allocated Budget	Actual	Encumbrances %Committed	Available
-20-000000-88935-000 GENERAL : HEALTH SERVICES	2,000.00-	6,010.00-	0.00 300.50	4,010.00
Totals for LOCATION: 20 - FRESNO CITY COLLEGE	2,000.00-	6,010.00-	0.00 300.50	4,010.00
-30-000000-88935-000 GENERAL : HEALTH SERVICES	0.00	2,480.00-	0.00 0.00	2,480.00
Totals for LOCATION: 30 - REEDLEY COLLEGE	0.00	2,480.00-	0.00 0.00	2,480.00
Totals for OBJECT: 88935 - HEALTH SERVICES	2,000.00-	8,490.00-	0.00 424.50	6,490.00

File Shots

6010 Fresno College
 2490 Reedley College

8,490 ✓

	MANDATED COSTS HEALTH FEE ELIMINATION COMPONENT/ACTIVITY COST DETAIL	FORM HFE-2.1
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(01) Claimant	Fiscal Year
State Center Community College District	2001-2002

(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.	(a) FY 1986/87	(b) FY of Claim
--	----------------------	-----------------------

Accident Reports	X	X
Appointments		
College Physician, surgeon		
Dermatology, Family practice		
Internal Medicine		
Outside Physician		
Dental Services	X	X
Outside Labs, (X-ray, etc.,)	X	X
Psychologist, full services	X	X
Cancel/Change Appointments	X	X
Registered Nurse	X	X
Check Appointments	X	X
Assessment, Intervention and Counseling		
Birth Control	X	X
Lab Reports		
Nutrition	X	X
Test Results, office		
Venereal Disease	X	X
Communicable Disease	X	X
Upper Respiratory Infection	X	X
Eyes, Nose and Throat	X	X
Eye/Vision	X	X
Dermatology/Allergy	X	X
Gynecology/Pregnancy Service	X	X
Neuralgic	X	X
Orthopedic	X	X
Genito/Urinary	X	X
Dental	X	X
Gastro-Intestinal	X	X
Stress Counseling	X	X
Crisis Intervention	X	X
Child Abuse Reporting and Counseling	X	X
Substance Abuse Identification and Counseling	X	X
Eating Disorders	X	X
Weight Control	X	X
Personal Hygiene	X	X
Burnout	X	X
Other Medical Problems, list	X	X
Hypertension, Cardio-Vascular, Seisure Disorder,		
Pulmonary Examinations, Minor Illnesses	X	X
Examinations, minor illnesses		
Recheck Minor Injury	X	X
Health Talks or Fairs, Information		
Sexually Transmitted Disease	X	X
Drugs	X	X
Acquired Immune Deficiency Syndrome	X	X
Child Abuse		

MANDATED COSTS HEALTH FEE ELIMINATION COMPONENT/ACTIVITY COST DETAIL		FORM HFE-2.1	
(01) Claimant State Center Community College District		Fiscal Year 2001-2002	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.		(a) FY 1986/87	(b) FY of Claim
Birth Control/Family Planning		X	X
Stop Smoking		X	X
Library, Videos and Cassettes		X	X
First Aid, Major Emergencies		X	X
First Aid, Minor Emergencies		X	X
First Aid Kits, Filled		X	X
Immunizations			
Diphtheria/Tetanus		X	X
Measles/Rubella			X
Influenza		X	X
Information		X	X
Insurance			
On Campus Accident		X	X
Voluntary		X	X
Insurance Inquiry/Claim Administration			
Laboratory Tests Done			
Inquiry/Interpretation			
Pap Smears			
Physical Examinations			
Employees			
Students		X	X
Athletes			
Medications			
Antacids			
Antidiarrheal		X	X
Aspirin, Tylenol, etc.,		X	X
Skin Rash Preparations		X	X
Eye Drops		X	X
Ear Drops		X	X
Toothache, oil cloves		X	X
Stingkill		X	X
Midol, Menstrual Cramps		X	X
Other, List Tolnaftate, Cortisone, CTM, Pseudephedrine HCE, Diphenhydramine, Pediculosis Control, Cough Syrup, Lozenges		X	X
Pediculosis Control, Cough Syrup, Lozenges		X	X
Parking Cards/Elevator Keys			
Tokens			
Return Card/Key			
Parking Inquiry			
Elevator Passes			
Temporary Handicapped Parking Permits			

MANDATED COSTS HEALTH FEE ELIMINATION COMPONENT/ACTIVITY COST DETAIL		FORM HFE-2.1	
(01) Claimant State Center Community College District		Fiscal Year 2001-2002	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.		(a) FY. 1986/87	(b) FY of Claim
Referrals to Outside Agencies			
Private Medical Doctor		X	X
Health Department		X	X
Clinic		X	X
Dental		X	X
Counseling Centers		X	X
Crisis Centers		X	X
Transitional Living Facilities, battered/homeless women		X	X
Family Planning Facilities		X	X
Other Health Agencies		X	
Tests			
Blood Pressure		X	X
Hearing		X	X
Tuberculosis		X	X
Reading		X	X
Information		X	X
Vision		X	X
Glucometer			
Urinalysis			
Hemoglobin		X	X
EKG			
Strep A Testing			
PG Testing			
Monospot			
Hemacult			
Others, list Psychological Testing		X	X
Miscellaneous			
Absence Excuses/PE Waiver		X	X
Allergy Injections			
Bandaids		X	X
Booklets/Pamphlets		X	X
Dressing Change		X	X
Rest		X	X
Suture Removal		X	X
Temperature		X	X
Weigh		X	X
Information		X	X
Report/Form			
Wart Removal			
Others, list			
Committees			
Safety		X	X
Environmental		X	X
Disaster Planning		X	X
Others. List Campus Committees		X	X



JOHN CHIANG
California State Controller

February 8, 2008

2/11/08
RECEIVED

FEB 11 2008
COMMISSION ON
STATE MANDATES

Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Keith B. Petersen
SixTen and Associates
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

Re: **Incorrect Reduction Claim**
Health Fee Elimination, 05-4206-I-05
State Center Community College District, Claimant
Education Code Section 76355
Statutes 1984, Chapter 1, 2nd E.S.; Statutes 1987, Chapter 1118
Fiscal Years 1999-00, 2000-01, and 2001-02

Dear Ms. Higashi and Mr. Petersen:

This letter is in response to the above-entitled Incorrect Reduction Claim. The subject claims were reduced primarily because the Claimant utilized an invalid ICRP and failed to accurately claim authorized fees. The reductions were appropriate and in accordance with law.

The Controller's Office is empowered to audit claims for mandated costs and to reduce those that are "excessive or unreasonable."¹ This power has been affirmed in recent cases, such as the Incorrect Reductions Claims (IRCs) for the *Graduation Requirements* mandate.² If the claimant disputes the adjustments made by the Controller pursuant to that power, the burden is upon them to demonstrate that they are entitled to the full amount of the claim. This principle likewise has been upheld in the *Graduation*

¹ See Government Code section 17561, subdivisions (d)(1)(C) and (d)(2), and Section 17564.

² See, for example, the Statement of Decision in the Incorrect Reduction Claim of San Diego Unified School District [No. CSM 4435-I-01 and 4435-I-37], adopted September 28, 2000, at page 9.

Requirements line of IRCs.³ See also Evidence Code section 500.⁴ In this case, the claimant has not come forward with source documentation or other reliable information to support all of the costs claimed. Therefore, these claimed costs are unsupported and thus, disallowed.

In its claim, the Claimant utilizes an unapproved indirect cost rate proposal. The Parameters and Guidelines provide for the use of an ICRP determined using the OMB Circular A-21 method, or the SCO's FAM-29C. Since the Claimant did not have a current ICRP, the auditors utilized the FAM-29C and determined that the allowable rate was much less than claimed. The claim was thus reduced to reflect the allowable rate.

The Claimant understated authorized health services fees, confusing collected with authorized. The Parameters and Guidelines provide that offsetting savings shall include the amount authorized for student fees. The relevant amount is not the amount charged, nor the amount collected, rather, it is the amount authorized. This is consistent with mandates law in general, and specific case law on point.⁵

The Claimant also asserts that the audit of the 1999-00 and 2000-01 FYs is precluded by the statute of limitations, specifically, Government Code section 17558.5. However, the claimant incorrectly applies the 1996 version of this statute. Even under this inappropriate version, their conclusion is based on an erroneous interpretation that attempts to rewrite that section, adding a deadline for completion of the audit where none exists. Effective July 1, 1996, Section 17558.5 provided that a claim is "subject to audit" for two years after the end of the calendar year in which the reimbursement claim is filed (or last amended). In this case, the claim for 1999-00 was filed on January 16, 2001, and the claim for 2000-01 was filed on January 2, 2002, making the 1999-00 claim subject to audit up to December 31, 2003, and the 2000-01 audit subject to audit up until December 31, 2004. Although the claimant disputes what constitutes the initiation of an audit, it is clear that the audit was initiated no later than January 16, 2003, when the entrance conference was held. This is well before the deadline of December 31, 2003. Therefore, the audit was proper, even under the 1996 version of Section 17558.5.

More important is the fact that the 1999-00 and 2000-01 audits were subject to the provisions of Section 17558.8 that were effective on January 1, 2003, not the 1996 version. Unless a statute expressly provides to the contrary, any enlargement of a statute

³ See, for example, the Statement of Decision in the Incorrect Reduction Claim of San Diego Unified School District [No. CSM 4435-I-01 and 4435-I-37], adopted September 28, 2000, at page 16.

⁴ "Except as otherwise provided by law, a party has the burden of proof as to each fact the existence or nonexistence of which is essential to the claim for relief or defense that he is asserting."

⁵ See *Connell v. Santa Margarita Water District* (1997) 59 Cal.App.4th 382, 400-03.

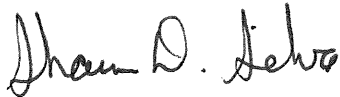
February 8, 2008

Page 3

of limitations provision applies to matters pending but not already barred.⁶ Under the 1996 version, the claims were subject to audit until December 31, 2003, and December 31, 2004, respectively, well after the January 1, 2003 effective date. Therefore, the 2003 provisions of Section 17558.5 are applicable to the claims, requiring that the 1999-00 audit be initiated by January 16, 2004, and the 2000-01 audit be initiated by January 2, 2005. Since the audit of both years was initiated no later than March 12, 2003, when the entrance conference was held, it is valid and enforceable.

Enclosed find a complete detailed analysis from our Division of Audits, exhibits, and supporting documentation with declaration.

Sincerely,



SHAWN D. SILVA
Staff Counsel

SDS/ac

Enclosures

cc: Douglas R. Brinkley, State Center Community College District
Ginny Brummels, Div. of Acctg. & Rptg., State Controller's Office (w/o encl.)
Jim Spano, Division of Audits, State Controller's Office (w/o encl.)

⁶ *Douglas Aircraft Co. v. Cranston* (1962) 58 Cal.2d 462, 465. See also, 43 Cal.Jur.3d, Limitations of Actions § 8.

1 **PROOF OF SERVICE**

2 I am employed in the County of Sacramento, State of California. At the time of service, I was at least 18
3 years of age, a United States citizen employed in the county where the mailing occurred, and not a party to the
4 within action. My business address is 300 Capitol Mall, Suite 1850, Sacramento, CA 95814.

4 On February 8, 2008, I served the foregoing document entitled:

5 **SCO'S RESPONSE TO THE INCORRECT REDUCTION CLAIM FOR**
6 **STATE CENTER COMMUNITY COLLEGE DISTRICT, CSM 05-4206-I-05**

6 on all interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope,
7 addressed as follows:

8 Paula Higashi (*original*)
9 Executive Director
10 Commission on State Mandates
11 980 Ninth Street, Suite 300
12 Sacramento, CA 95814

Douglas R. Brinkley, Vice Chancellor
Finance and Administration
State Center Community College District
1525 East Weldon Avenue
Fresno, CA 93704-6398

11 Keith B. Petersen, President
12 SixTen and Associates
13 5252 Balboa Avenue, Suite 807
14 San Diego, CA 92117

13 **BY MAIL**

14 I placed the envelope for collection and processing for mailing following this business's ordinary practice with
15 which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited
16 in the ordinary course of business with the United States Postal Service.

16 **BY PERSONAL SERVICE**

I caused to be delivered by hand to the above-listed addressees.

17 **BY OVERNIGHT MAIL/COURIER**


18 To expedite the delivery of the above-named document, said document was sent via overnight courier for next day
19 delivery to the above-listed party.

19 **BY FACSIMILE TRANSMISSION**

20 In addition to the manner of service indicated above, a copy was sent by facsimile transmission to the above-listed
21 party.

21 I declare that I am employed in the office of a member of the bar of this court at whose direction the
22 service was made. I declare under penalty of perjury under the laws of California that the foregoing is true and
23 correct.

24 Executed on February 8, 2008, at Sacramento, California.

25 
Amber A. Camarena

**RESPONSE BY THE STATE CONTROLLER'S OFFICE
TO THE INCORRECT REDUCTION CLAIM (IRC) BY
STATE CENTER COMMUNITY COLLEGE DISTRICT
Health Fee Elimination Program**

RECEIVED

FEB 10 2008

**COMMISSION ON
STATE MANDATES**

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Description

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Declaration Tab 1

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Entrance conference letter from Steve W. Van Zee to Edwin Eng (April 23, 2003) Tab 4

Commission on State Mandates Staff Analysis,
Proposed *Parameters and Guidelines* (May 25, 1989)..... Tab 5

Commission on State Mandates Meeting Minutes (May 25, 1989)..... Tab 6

Attachment—District's Comments

Incorrect Reduction Claim (August 25, 2005)

Letter from Richard J. Chivaro to Mike Brandy (July 15, 2004)..... Exhibit A

Parameters and Guidelines (amended May 25, 1989)..... Exhibit B

Claiming Instructions (updated September 1997)..... Exhibit C

State Controller's Office Final Audit Report (September 17, 2004)
(FY 1999-2000, FY 2000-01, and FY 2001-02)..... Exhibit D

Letter from Thomas A. Crow, Ph.D. to Jim L. Spano (August 10, 2004)..... Exhibit E

Memorandum from Thomas J. Nussbaum
to all Community College Districts (March 5, 2001) Exhibit F

Reimbursement Claim—FY 1999-2000 Exhibit G

Reimbursement Claim—FY 2000-01 Exhibit H

Reimbursement Claim—FY 2001-02 Exhibit I

Tab 1

1 **OFFICE OF THE STATE CONTROLLER**

2 300 Capitol Mall, Suite 1850

3 Sacramento, CA 94250

4 Telephone No.: (916) 445-6854

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BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

INCORRECT REDUCTION CLAIM ON:

Health Fee Elimination

Chapter 1, Statutes of 1984, 2nd Extraordinary
Session, and Chapter 1118, Statutes of 1987

STATE CENTER COMMUNITY
COLLEGE DISTRICT, Claimant

No.: CSM 05-4206-I-05

AFFIDAVIT OF BUREAU CHIEF

I, Jim L. Spano, make the following declarations:

- 1) I am an employee of the State Controller's Office and am over the age of 18 years.
- 2) I am currently employed as a bureau chief, and have been so since April 21, 2000. Before that, I was employed as an audit manager for two years and three months.
- 3) I am a California Certified Public Accountant (CPA).
- 4) I reviewed the work performed by the State Controller's Office (SCO) auditor.
- 5) Any attached copies of records are true copies of records, as provided by the State Center Community College District or retained at our place of business.
- 6) The records include claims for reimbursement, along with any attached supporting documentation, explanatory letters, or other documents relating to the above-entitled Incorrect Reduction Claim.

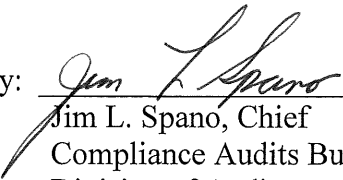
1 7) A field audit of the claims for fiscal year (FY) 1999-2000, FY 2000-01, and FY 2001-02
2 commenced on May 12, 2003, and ended on June 17, 2004.

3 I do declare that the above declarations are made under penalty of perjury and are true and
4 correct to the best of my knowledge, and that such knowledge is based on personal
5 observation, information, or belief.

6 Date: April 14, 2006

7 OFFICE OF THE STATE CONTROLLER

8
9 By: _____


10 Jim L. Spano, Chief
11 Compliance Audits Bureau
12 Division of Audits
13 State Controller's Office
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Tab 2

**STATE CONTROLLER'S OFFICE ANALYSIS AND RESPONSE
TO THE INCORRECT REDUCTION CLAIM BY
STATE CENTER COMMUNITY COLLEGE DISTRICT
For Fiscal Year (FY) 1999-2000, FY 2000-01, and FY 2001-02**

Health Fee Elimination Program

Chapter 1, Statutes of 1984, 2nd Extraordinary Session, and Chapter 1118, Statutes of 1987

SUMMARY

The following is the State Controller's Office's (SCO) response to the Incorrect Reduction Claim that the State Center Community College District submitted on August 25, 2005. The SCO audited the district's claims for costs of the legislatively mandated Health Fee Elimination Program for the period of July 1, 1999, through June 30, 2002. The SCO issued its final report on September 17, 2004 (**Exhibit D**).

The district submitted reimbursement claims totaling \$1,643,055—\$521,769 for fiscal year (FY) 1999-2000 (**Exhibit G**), \$517,084 for FY 2000-01 (**Exhibit H**), and \$604,202 for FY 2001-02 (**Exhibit I**). Subsequently, the SCO performed an audit for the period of July 1, 1999, through June 30, 2002, and determined that \$755,390 is allowable and \$887,665 is unallowable. The unallowable costs occurred primarily because the district overstated its indirect cost rates and understated authorized health services fees. The State paid the district \$819,237. The amount paid exceeds allowable costs by \$63,847. The following table summarizes the audit results.

<u>Cost Elements</u>	<u>Actual Costs Claimed</u>	<u>Allowable per Audit</u>	<u>Audit Adjustments</u>
<u>July 1, 1999, through June 30, 2000</u>			
Salaries	\$ 421,993	\$ 420,647	\$ (1,346)
Benefits	73,424	73,424	—
Services and supplies	89,380	72,007	(17,373)
Subtotals	584,797	566,078	(18,719)
Indirect costs	226,550	79,648	(146,902)
Total health service costs	811,347	645,726	(165,621)
Less authorized health service fees	(289,578)	(392,069)	(102,491)
Less offsetting savings/reimbursements	—	—	—
Total costs	<u>\$ 521,769</u>	253,657	<u>\$ (268,112)</u>
Less amount paid by the State		(521,769)	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ (268,112)</u>	
<u>July 1, 2000, through June 30, 2001</u>			
Salaries	\$ 406,357	\$ 400,416	\$ (5,941)
Benefits	78,945	78,945	—
Services and supplies	88,755	70,022	(18,733)
Subtotals	574,057	549,383	(24,674)
Indirect costs	216,592	79,001	(137,591)
Total health service costs	790,649	628,384	(162,265)
Less authorized health service fees	(268,179)	(435,180)	(167,001)
Less offsetting savings/reimbursements	(5,386)	(5,386)	—
Total costs	<u>\$ 517,084</u>	187,818	<u>\$ (329,266)</u>
Less amount paid by the State		(165,514)	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 22,304</u>	

<u>Cost Elements</u>	<u>Actual Costs Claimed</u>	<u>Allowable per Audit</u>	<u>Audit Adjustments</u>
<u>July 1, 2001, through June 30, 2002</u>			
Salaries	\$ 530,669	\$ 530,311	\$ (358)
Benefits	90,720	90,720	—
Services and supplies	94,282	75,052	(19,230)
Subtotals	715,671	696,083	(19,588)
Indirect costs	250,914	96,476	(154,438)
Total health service costs	966,585	792,559	(174,026)
Less authorized health service fees	(353,893)	(470,154)	(116,261)
Less offsetting savings/reimbursements	(8,490)	(8,490)	—
Total costs	<u>\$ 604,202</u>	313,915	<u>\$ (290,287)</u>
Less amount paid by the State		(131,954)	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 181,961</u>	
<u>Summary: July 1, 1999, through June 30, 2002</u>			
Salaries	\$ 1,359,019	\$ 1,351,374	\$ (7,645)
Benefits	243,089	243,089	—
Services and supplies	272,417	217,081	(55,336)
Subtotals	1,874,525	1,811,544	(62,981)
Indirect costs	694,056	255,125	(438,931)
Total health service costs	2,568,581	2,066,669	(501,912)
Less authorized health service fees	(911,650)	(1,297,403)	(385,753)
Less offsetting savings/reimbursements	(13,876)	(13,876)	—
Total costs	<u>\$ 1,643,055</u>	755,390	<u>\$ (887,665)</u>
Less amount paid by the State		(819,237)	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ (63,847)</u>	

The district contested the audit adjustments to its indirect cost rates and health service fees claimed. The district has not contested additional audit adjustments totaling \$86,410, comprised of salary costs (\$7,645), services and supplies costs (\$55,336) and indirect costs (\$23,429), except that the district believes the SCO did not have authority to audit FY 1999-2000 and FY 2000-01.

**I. SCO REBUTTAL TO STATEMENT OF DISPUTE—
CLARIFICATION OF REIMBURSABLE ACTIVITIES, CLAIM CRITERIA,
AND DOCUMENTATION REQUIREMENTS**

Parameters and Guidelines

On August 27, 1987, the Commission on State Mandates (Commission) adopted *Parameters and Guidelines* for Chapter 1, Statutes of 1984, 2nd Extraordinary Session. The Commission amended *Parameters and Guidelines* on May 25, 1989 (**Exhibit B**), because of Chapter 1118, Statutes of 1987.

Parameters and Guidelines (amended May 25, 1989), Section VI.B, provides the following claim preparation criteria.

VI. CLAIM PREPARATION

B. Actual Costs of Claim Year for Providing 1986-87 Fiscal Year Program Level of Service

Claimed costs should be supported by the following information:

1. Employee Salaries and Benefits

Identify the employee(s), show the classification of the employee(s) involved, describe the mandated functions performed and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study.

2. Services and Supplies

Only expenditures which can be identified as a direct cost of the mandate can be claimed. List cost of materials which have been consumed or expended specifically for the purpose of this mandate.

3. Allowable Overhead Cost

Indirect costs may be claimed in the manner described by the State Controller in his claiming instructions.

Parameters and Guidelines (amended May 25, 1989), defines supporting data as follows.

VII. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of the validity of such costs. This would include documentation for the fiscal year 1986-87 program to substantiate a maintenance of effort. These documents must be kept on file by the agency submitting the claim for a period of no less than three years from the date of the final payment of the claim pursuant to this mandate, and made available on the request of the State Controller or his agent.

Parameters and Guidelines (amended May 25, 1989) defines offsetting savings and other reimbursements as follows.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, e.g., federal, state, etc., shall be identified and deducted from this claim. This shall include the amount . . . authorized by Education Code Section 72246 for health services [now *Education Code* Section 76355].

SCO Claiming Instructions

The SCO annually issues mandated costs claiming instructions, which contain filing instructions for mandated cost programs. The September 2002 claiming instructions provide instructions for indirect costs (**Tab 3**). The September 2002 indirect cost claiming instructions are believed to be, for the purposes and scope of the audit period, substantially similar to the version extant at the time the district filed its FY 1999-2000, FY 2000-01, and FY 2001-02 mandated cost claims.

II. THE DISTRICT OVERSTATED ITS INDIRECT COST RATES CLAIMED

Issue

The district overstated its indirect cost rates, thus overstating indirect costs by \$415,502 for the audit period. The district claimed indirect costs based on indirect cost rate proposals (ICRPs) that the district prepared using Office of Management and Budget (OMB) Circular A-21 methodology. However, the district did not obtain federal approval of its ICRPs. The SCO's claiming instructions provide an alternate indirect cost rate methodology. The SCO calculated indirect cost rates using the

alternate methodology. The alternate methodology indirect cost rates did not support the rates that the district claimed.

SCO Analysis:

Parameters and Guidelines, Section VI, allows community college districts to claim indirect costs according to the SCO's claiming instructions (**Tab 3**). The claiming instructions require that districts obtain federal approval of ICRPs prepared using OMB Circular A-21 methodology. Alternatively, districts may use the SCO's Form FAM-29C to compute indirect cost rates. Form FAM-29C calculates indirect cost rates using total expenditures reported on the *California Community Colleges Annual Financial and Budget Report, Expenditures by Activity* (CCFS-311). Form FAM-29C eliminates unallowable expenses and segregates the adjusted expenses between those incurred for direct and indirect activities relative to the mandated cost program.

District's Response

Federal Approval

... Contrary to the Controller's ministerial preferences, there is no requirement in law that the district's indirect cost rate must be "federally" approved, and neither the Commission nor the Controller has ever specified the federal agencies which have the authority to approve indirect cost rates. ...

Regulatory Requirements

No particular indirect cost rate calculation is required by law. The parameters and guidelines state that "Indirect costs *may be claimed* in the manner described by the Controller in his claiming instructions." The district claimed these indirect costs "in the manner" described by the Controller. The correct forms were used and the claimed amounts were entered at the correct locations. Further, "may" is not "shall"; the parameters and guidelines do not require that indirect costs be claimed in the manner described by the Controller. However, the Controller asserts that the "phrase 'may be claimed' is permissive; it allows the district to claim indirect costs. If the district claims indirect costs, the costs must adhere to the SCO's claiming instructions." The logic is specious. Claimants have the option of filing the *entire* claim for reimbursement and there is no logic to isolating the indirect cost rates as permissive, nor is there is [*sic*] language regarding "adhering" to the claiming instructions if costs are claimed. ...

Unreasonable or Excessive

Government Code Section 17561(d)(2) requires the Controller to pay claims, provided that the Controller may audit the records of any school district to verify the actual amount of the mandated costs, and may reduce any claim that the Controller determines is excessive or unreasonable. The Controller is authorized to reduce a claim only if it determines the claim to be excessive or unreasonable. Here, the District has computed its ICRPs utilizing cost accounting principles from the Office of Management and Budget Circular A-21, and the Controller has disallowed it without a determination of whether the product of the District's calculation would, or would not, be excessive, unreasonable, or inconsistent with cost accounting principles.

The District reported indirect cost rates of 38.74%, 37.73%, and 35.06% for the three fiscal years audited. Subsequent to the audit, the District . . . receive[d] a federally approved rate of 36.5% from the Department of Health and Human Services, for use in fiscal years beginning 2004-05. The three rates used on the audited claims are less than three percentage points different from the federally negotiated rate. It can be clearly seen that the OMB A-21 cost accounting methods are not the intellectual property of the federal government and can be competently utilized by claimants to generate a reasonable indirect cost rate without the need for federal approval.

Neither State law nor the parameters and guidelines made compliance with the Controller's claiming instructions a condition of reimbursement. The district has followed the parameters and guidelines. The burden of proof is on the Controller to prove that the product of District's calculation is

unreasonable, not to recalculate the rate according to its unenforceable ministerial preferences. Therefore, Controller made no determination as to whether the method used by the District was reasonable, but, merely substituted its FAM-29C method for the method reported by the District. The substitution of the FAM-29C method is an arbitrary choice of the Controller, not a “finding” enforceable either by fact or law. . . .

SCO’s Comment

Parameters and Guidelines, Section VI, states, “Indirect costs may be claimed in the manner described by the State Controller in his claiming instructions.” The district misinterprets “may be claimed” by concluding that compliance with the claiming instructions is voluntary. Instead, “may be claimed” simply permits the district to claim indirect costs. However, if the district chooses to claim indirect costs, then the district must comply with the SCO’s claiming instructions. The district asserts that there is no logic to the SCO’s conclusion that *Parameters and Guidelines* language “permits” districts to claim indirect costs. Instead, it is the district’s argument that is illogical. It would serve no purpose to identify the SCO’s claiming instructions if compliance was voluntary. Furthermore, the district’s implication that it claimed costs “in the manner described by the Controller” by correctly completing what it interprets to be the correct forms is without merit.

The SCO’s claiming instructions state: “A college has the option of using a federally approved rate, utilizing the cost accounting principles from Office of Management and Budget Circular A-21 ‘Cost Principles for Educational Institutions,’ or the Controller’s methodology outlined in the following paragraphs [FAM-29C]. . . .” This is consistent with *Parameters and Guidelines* for other community college district mandated programs, including the following.

- Absentee Ballots
- Collective Bargaining
- Health Benefits for Survivors of Peace Officers and Firefighters
- Law Enforcement College Jurisdiction Agreements
- Mandate Reimbursement Process
- Open Meetings Act
- Photographic Record of Evidence
- Sex Offenders Disclosure by Law Enforcement Officers
- Sexual Assault Response Procedure

(Note: These *Parameters and Guidelines* provide a third option, a 7% flat rate.) Therefore, the SCO did not act arbitrarily by using the FAM-29C methodology to calculate allowable indirect cost rates.

In addition, neither this district nor any other district requested that the Commission review the SCO’s claiming instructions pursuant to Title 2, California Code of Regulations (CCR), Section 1186. Furthermore, the district may not now request a review of the claiming instructions applicable to the audit period. Title 2 CCR Section 1186(j)(2) states, “A request for review filed after the initial claiming deadline must be submitted on or before January 15 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year.”

The SCO is not responsible for identifying the district’s responsible federal agency. OMB Circular A-21 states:

[Cognizant agency responsibility] is assigned to the Department of Health and Human Services (HHS) or the Department of Defense's Office of Naval Research (DOD), normally depending on which of the two agencies (HHS or DOD) provides more funds to the educational institution for the most recent three years. . . . In cases where neither HHS nor DOD provides Federal funding to an educational institution, the cognizant agency assignment shall default to HHS.

Clearly, the district is aware of its cognizant agency, since the district states that it received a federally approved rate for FY 2004-05. However, this rate is irrelevant to the audit period.

Government Code Section 17558.5 requires the district to file a reimbursement claim for actual mandate-related costs. *Government Code* Section 17561(d)(2) allows the SCO to audit the district's records to verify actual mandate-related costs and reduce any claim that the SCO determines is excessive or unreasonable. In addition, *Government Code* Section 12410 states, "The Controller shall audit all claims against the state, and may audit the disbursement of any state money, for correctness, legality, and for sufficient provisions of law for payment." Therefore, the district's contention that the SCO "is authorized to reduce a claim only if it determines the claim to be excessive or unreasonable" is without merit.

Nevertheless, the SCO did in fact conclude that the district's indirect cost rates were excessive. "Excessive" is defined as "exceeding what is usual, proper, necessary, or normal. . . . Excessive implies an amount or degree too great to be reasonable or acceptable. . . . [emphasis added]"¹ The district did not obtain federal approval of its ICRPs. The SCO calculated indirect cost rates using the alternate methodology identified in the SCO's claiming instructions. The alternate methodology indirect cost rates did not support the rates that the district claimed; thus, the rates claimed were excessive.

¹ Merriam-Webster's Collegiate Dictionary, Tenth Edition, © 2001.

III. THE DISTRICT UNDERSTATED AUTHORIZED HEALTH SERVICES FEES

Issue

For the audit period, the district understated authorized health service fees by \$385,753. The district reported actual revenue received rather than health fees that the district was authorized to collect.

SCO Analysis:

Parameters and Guidelines requires districts to deduct authorized health fees from costs claimed. *Education Code* Section 76355(c) authorizes health fees for all students except those who: (1) depend exclusively on prayer for healing; (2) attend a community college under an approved apprenticeship training program; or (3) demonstrate financial need. (Effective with the Summer 2001 session, *Education Code* Section 76355(a) authorized a \$1.00 increase to health service fees.)

Government Code Section 17514 defines "costs mandated by the state" as any increased costs that a school district is required to incur. To the extent community college districts can charge a fee, they are not required to incur a cost. In addition, *Government Code* Section 17556 states that COSM shall not find costs mandated by the State if the school district has the authority to levy fees to pay for the mandated program or increased level of service.

District's Response

Education Code Section 76355

Education Code Section 76355, subdivision (a), in relevant part, provides: "The governing board of a district maintaining a community college *may require* community college students to pay a fee . . . for health supervision and services. . . . "There is no requirement that community colleges levy these fees. The permissive nature of the provision is further illustrated in subdivision (b) which states "*If, pursuant to this Section, a fee is required, the governing board of the district shall decide the amount of the fee, if any, that a part-time student is required to pay. The governing board may decide whether the fee shall be mandatory or optional.*" [Emphasis added by district.]

Parameters and Guidelines

This Controller states that the “*Parameters and Guidelines* requires that the district deduct authorized health fees from claimed costs.” The parameters and guidelines do not state this but instead state:

“Any offsetting savings that the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, e.g., federal, state, etc., shall be identified and deducted from this claim. This shall include the amount of [student fees] as authorized by Education Code Section 72246(a)^[2].”

In order for the district to “experience” these “offsetting savings” the district must actually have collected these fees. Student fees actually collected must be used to offset costs, but not student fees that could have been collected and were not. The use of the term “*any* offsetting savings” further illustrates the permissive nature of the fees.

Government Code Section 17514

The Controller relies upon Government Code Section 17514 for the conclusion that “[t]o the extent community college districts can charge a fee, they are not required to incur a cost.” . . . There is nothing in the language of the statute regarding the authority to charge a fee, any nexus of fee revenue to increased cost, nor any language which describes the legal effect of fees collected.

Government Code Section 17556

The Controller relies upon Government Code Section 17556 for the conclusion that “the COSM shall not find costs mandated by the State if the school district has the authority to levy fees to pay for the mandated program or increased level of service.” . . . The Controller misrepresents the law. Government Code Section 17556 prohibits the Commission on State Mandates from finding costs subject to reimbursement, that is approving a test claim activity for reimbursement, where there is authority to levy fees in an amount sufficient to offset the entire mandated costs. Here, the Commission has already approved the test claim and made a finding of a new program or higher level of service for which the claimants do not have the ability to levy a fee in an amount sufficient to offset the entire mandated costs.

Student Health Services Fee Amount

The Controller asserts that the district should have collected a student health service fee each semester from non-exempt students in the amount of \$8, \$9, \$11 or \$12, depending on the fiscal year and whether the student is enrolled full time or part time. Districts receive notice of these fee amounts from the Chancellor of the California Community Colleges. An example of one such notice is the letter dated March 5, 2001, attached as Exhibit “F.” While Education Code Section 76355 provides for an increase in the student health service fee, it did not grant the Chancellor the authority to establish mandatory fee amounts or mandatory fee increases. . . . Therefore, the Controller cannot rely upon the Chancellor’s notice as a basis to adjust the claim for “collectible” student health services fees.

Fees Collected vs. Fees Collectible

This issue is one of student health fees revenue actually received, rather than student health fees which might be collected. The Commission determined, as stated in the parameters and guidelines that the student fees “experienced” (*collected*) would reduce the amount subject to reimbursement. Student fees not collected are student fees not “experienced” and as such should not reduce reimbursement. Further, the amount “collectible” will never equal actual revenues collected due to changes in student’s BOGG eligibility, bad debt accounts, and refunds.

Because districts are not required to collect a fee from students for student health services, and if such a fee is collected, the amount is to be determined by the District and not the Controller, the Controller’s adjustment is without legal basis. What claimants are required by the parameters and guidelines to do is to reduce the amount of their claimed costs by the amount of student health services fee revenue

actually received. Therefore, student health fees are merely collectible, they are not mandatory, and it is inappropriate to reduce claim amounts by revenues not received.

² Former Education Code Section 72246 was repealed by Chapter 8, Statutes of 1993, Section 29, and was replaced by Education Code Section 76355.

SCO's Comment

We agree that community college districts may choose not to levy a health service fee. However, *Education Code* Section 76355(a) provides districts the authority to levy a health service fee. *Education Code* Section 76355(c) specifies the authorized fees. We also agree that the California Community Colleges Chancellor's Office (CCCCO) does not have the authority to establish mandatory fee amounts or mandatory fee increases. The CCCCCO merely notifies districts of changes to the authorized fee amount, pursuant to *Education Code* Section 76355(a).

Regardless of the district's decision to levy or not levy a health service fee, the district does have the authority to levy the fees. *Government Code* Section 17514 states that "costs mandated by the state" means any increased costs that a school district is required to incur. Furthermore, *Government Code* Section 17556(d) states that the Commission shall not find costs mandated by the State if the school district has the authority to levy fees to pay for the mandated program or increased level of service. In this respect, the Commission clearly recognized the availability of another funding source by including the fees as an offsetting savings in *Parameters and Guidelines* (amended May 25, 1989), Section VIII. To the extent districts have authority to charge a fee, they are not "required" to incur a cost.

The district misrepresents the Commission's determination regarding authorized health service fees. The Commission's staff analysis of May 25, 1989, regarding the proposed *Parameters and Guidelines* amendments (**Tab 5**), states:

Staff amended Item "VIII. Offsetting Savings and Other Reimbursements" to reflect the reinstatement of [the] fee authority.

In response to that amendment, the [Department of Finance (DOF)] has proposed the addition of the following language to Item VIII. to clarify the impact of the fee authority on claimants' reimbursable costs:

"If a claimant does not levy the fee authorized by Education Code Section 72246(a), it shall deduct an amount equal to what it would have received had the fee been levied."

Staff concurs with the DOF proposed language which does not substantively change the scope of Item VIII.

Thus, it is clear that the Commission's intent was that claimants deduct authorized health service fees from mandate-reimbursable costs claimed. Furthermore, the staff analysis included an attached letter from the California Community Colleges Chancellor's Office (CCCCO), dated April 3, 1989. In that letter, the CCCCCO concurred with the DOF and the Commission regarding authorized health service fees.

Since the Commission's staff concluded that DOF's proposed language did not substantively change the scope of staff's proposed language, Commission staff did not further revise the proposed *Parameters and Guidelines*. The Commission's meeting minutes of May 25, 1989 (**Tab 6**) show that the Commission adopted the proposed *Parameters and Guidelines* on consent, with no additional discussion. Therefore, there was no change to the Commission's interpretation regarding authorized health service fees.

Two court cases addressed the issue of fee authority.³ Both cases concluded that “costs” as used in the constitutional provision, exclude “expenses that are recoverable from sources other than taxes.” In both cases, the source other than taxes was fee authority.

The district states, “the amount ‘collectible’ will never equal actual revenues collected due to changes in student’s BOGG eligibility, bad debt accounts, and refunds.” The SCO calculated authorized health service fees based on the district’s records of enrollment and BOGG grants. The district is responsible for providing accurate enrollment and BOGG grant data, including any changes that result from BOGG grant eligibility or students who disenroll. Consistent with OMB Circular A-21, Section J, the district is responsible for any bad debt accounts.

³ *County of Fresno v. California* (1991) 53 Cal. 3d 482; *Connell v. Santa Margarita* (1997) 59 Cal. App. 4th 382.

IV. STATUTE OF LIMITATIONS FOR AUDIT

Issue

Based on the statute of limitations for audit, the district believes the SCO had no authority to assess audit adjustments for FY 1999-2000 and FY 2000-01.

SCO Analysis:

Government Code Section 17558.5(a), effective July 1, 1996, states that a district’s reimbursement claim is subject to audit no later than two years after the end of the calendar year in which the claim is filed or last amended. The district filed its FY 1999-2000 claim on January 16, 2001, and filed its FY 2000-01 claim on January 2, 2002. By letter dated April 23, 2003 (**Tab 4**), the SCO notified the district that the SCO intended to audit these claims. The SCO conducted an audit entrance conference on May 12, 2003. Therefore, the SCO initiated an audit within the period that both claims were subject to audit.

District’s Response

... The District asserts that the first two years of the three claim years audited, fiscal years 1999-00 and 2000-01, were beyond the statute of limitations for an audit when the Controller issued its audit report on September 17, 2004. The District raised this issue at the beginning of the audit and in its letter dated August 10, 2004 in response to the draft audit report.

Chronology of Claim Action Dates

January 13, 2001. . . .

May 12, 2003 Entrance conference date. FY 2002-03, filed four weeks previously, added to the audit. . . .

The District’s fiscal year 1999-00 claim was mailed to the Controller on January 13, 2001. The District’s fiscal year 2000-01 claim was mailed to the Controller on December 27, 2001. According to *Government Code* Section 17558.5, these claims were subject to audit no later than December 31, 2003. The audit was not completed by this date. Therefore, the audit adjustments for Fiscal Year 1999-00 and 2000-01 are barred by the statute of limitations set forth in *Government Code* Section 17558.5.

... Note that the Controller considers the audit “initiated” on the date of the entrance conference. Thus, the Controller is thus asserting that date when the audit was “initiated” is relevant to the period of limitations, and not the date of the audit report. In any case, a review of the legislative history of *Government Code* Section 17558.5 indicates that the matter of the audit “initiation” date is not relevant to any fiscal year claims which are the subject of this audit.

Statutory History

Prior to January 1, 1994, no statute specifically governed the statute of limitations for audits of mandate reimbursement claims. Statutes of 1993, Chapter 906, Section 2, operative January 1, 1994, added Government Code Section 17558.5 to establish for the first time a specific statute of limitations for audit of mandate reimbursement claims. . . .

Statutes of 1995, Chapter 945, Section 13, operative July 1, 1996, repealed and replaced Section 17558.5, changing only the period of limitations. . . . All of the annual claims which are the subject of the audit are subject to the two-year statute of limitations established by Chapter 945/95. The claims for the first two fiscal years (FY 1999-00 and FY 2000-01) were beyond audit when the audit report was issued. . . .

Statutes of 2002, Chapter 1128, Section 14.5, operative January 1, 2003 amended Section 17558.5. . . . The amendment is pertinent since it indicates this is the first time that the factual issue of the date the audit is "initiated" for mandate programs for which funds are appropriated is introduced. . . .

Statutes of 2004, Chapter 890, Section 18, operative January 1, 2005 amended Section 17558.5. . . . The amendment is pertinent since it indicates this is the first time that the Controller audits may be completed at a time other than the stated period of limitations.

Initiation of An Audit

The audit report states that the Controller's staff "initiated the audit" with the entrance conference on May 12, 2003. Initiation of the audit is not relevant to the annual claims which are the subject of this incorrect reduction claim. The words "initiate an audit" are used only in the second sentence of Section 17558.5, that is, in a situation when no funds are appropriated for the program for the fiscal year for which the claim is made. Then, and only then, is the Controller authorized to "initiate an audit" within two years from the date of initial payment. . . . Chapter 1128, Statutes of 2002, amended subdivision (a) of Government Code Section 17558.5 to change the "subject to audit" language of the first sentence to "subject to the initiation of an audit." Had the Legislature intended the former Section to mean "subject to the initiation of an audit," there would have been no need to amend the statute to now say "subject to the initiation of an audit."

The Controller did not complete the audit within the statutory period allowed for the first two fiscal year claims included in this audit. The date the audit was "initiated" is not relevant, only the date the audit was completed as evidenced by the Controller's audit report. . . .

SCO's Comment

The district's response erroneously states that the SCO audit included the district's FY 2002-03 claim. The SCO audit included the district's claims for FY 1999-2000, FY 2000-01, and FY 2001-02 only.

The district believes that the audit initiation date is not relevant because the term "initiate an audit" is not specifically stated in the *Government Code* language applicable to these claims. Instead, the district believes the audit report date is relevant. In particular, the district believes that Chapter 890, Statutes of 2004, is pertinent because "it indicates this is the first time that the Controller audits may be completed at a time other than the stated period of limitations." This is an erroneous conclusion; before Chapter 890, Statutes of 2004, there was no statutory language defining when the SCO must complete an audit. In addition, the district states, "Had the Legislature intended the former Section to mean 'subject to the initiation of an audit,' there would have been no need to amend the statute to now say 'subject to the initiation of an audit.'" Clearly the opposite is true; the Legislature modified the previous language to clarify its intent.

As of July 1, 1996, *Government Code* Section 17558.5(a) stated, "A reimbursement claim . . . is subject to audit by the Controller no later than two years after the end of the calendar year in which the reimbursement claim is filed or last amended. . . ." In construing statutory language, we are to

“ascertain the intent of the Legislature so as to effectuate the purpose of the law.” (*Dyna-Med, Inc. v. Fair Employment and Housing Com.* (1987) 43 Cal.3d 1379, 1386.) In doing so, we look first to the statute’s words, giving them their usual and ordinary meaning. (*Committee of Seven Thousand v. Superior Court* (1988) 45 Cal. 3d 491, 501.)

In *Government Code* Section 17558.5(a), the words “subject to” mean that the district is “in a position or circumstance that places it under the power or authority of another.”⁴ The SCO exercised its authority to audit the district’s claims by conducting the audit entrance conference within the statute of limitations. There is no statutory language that requires the SCO to issue a final audit report before the two-year period expires.

As of January 1, 2003, *Government Code* Section 17558.5(a) was amended to state “A reimbursement claim . . . is subject to the initiation of an audit by the Controller no later than three years after the reimbursement claim is filed or last amended, whichever is later. . . .” [Emphasis added.] While the amendment does not define the start of an audit, the phrase “initiation of an audit” implies the first step taken by the Controller. Construing the statutory language to permit the Controller’s initial contact as the audit’s initiation is consistent with the statutory language as well as subsequent amendments. To read the statute as requiring that the SCO issue a final report within a certain timeframe would be to read into the statute provisions that do not exist.

The fundamental purpose underlying statute of limitations is “to protect the defendants from having to defend stale claims by providing notice in time to prepare a fair defense on the merits.” (*Downs v. Department of Water & Power* (1977) 58 Cal. App. 4th 1093.) Here, the SCO exercised its authority to audit the district’s claims before the statute of limitations expired, by conducting the audit entrance conference on May 12, 2003.

⁴ Source: American Heritage Dictionary of the English Language, Fourth Edition © 2000.

V. CONCLUSION

The State Controller’s Office (SCO) audited State Center Community College District’s claims for costs of the legislatively mandated Health Fee Elimination Program (Chapter 1, Statutes of 1984, 2nd Extraordinary Session, and Chapter 1118, Statutes of 1987) for the period of July 1, 1999, through June 30, 2002. The district claimed unallowable costs totaling \$887,665. The unallowable costs occurred primarily because the district overstated its indirect cost rates and understated authorized health service fees.

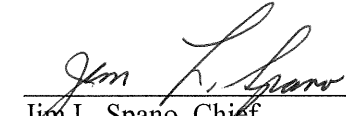
The district did not obtain federal approval of its indirect cost rate proposals prepared using OMB Circular A-21 methodology. The SCO calculated indirect cost rates using its alternate methodology; these rates did not support the rates claimed. In addition, the district reported actual health service fees collected rather than authorized fees.

In conclusion, the Commission on State Mandates should find that: (1) the SCO had authority to audit FY 1999-2000 and FY 2000-01; (2) the SCO correctly reduced the district’s FY 1999-2000 claim by \$268,112; (3) the SCO correctly reduced the district’s FY 2000-01 claim by \$329,266; and (4) the SCO correctly reduced the district’s FY 2001-02 claim by \$290,287.

VI. CERTIFICATION

I hereby certify by my signature below that the statements made in this document are true and correct of my own knowledge, or, as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on April 14, 2006, at Sacramento, California, by:


Jim L. Spano, Chief
Compliance Audits Bureau
Division of Audits
State Controller's Office

Tab 3

B. Indirect Cost

Indirect costs are: (a) Incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. Indirect costs can originate in the department performing the mandate or in departments that supply the department performing the mandate with goods, services and facilities. As noted previously, in order for a cost to be allowable, it must be allocable to a particular cost objective. With respect to indirect costs, this requires that the cost be distributed to benefiting cost objectives on bases, which produce an equitable result in relation to the benefits derived by the mandate.

(1) Indirect Costs for Schools

School districts and county superintendents of schools may claim indirect costs incurred for mandated costs. For fiscal years prior to 1986-87, school districts and county superintendents of schools may use the Department of Education Form Nos. J41A or J-73A, respectively, applicable to the fiscal year of the claim. The rate, however, must not be applied to items of direct costs claimed in complying with the mandate if those same costs are included in cost centers identified as General Support (i.e., EDP Codes 400, 405, 410 in Column 3). For the 1986-87 and subsequent fiscal years, school districts and county superintendents of schools may use the Annual Program Cost Data Report, Department of Education Form Nos. J-380 or J-580, respectively, applicable to the fiscal year of the claim.

The amount of indirect costs the claimant is eligible to claim is computed by multiplying the rate by direct costs. When applying the rate, multiply the rate by direct costs not included in total support services EDP No. 422 of the J-380 or J-580. If there are any exceptions to this general rule for applying the indirect cost rate, they will be found in the individual mandate instructions.

(2) Indirect Cost Rate for Community Colleges

A college has the option of using a federally approved rate, utilizing the cost accounting principles from Office of Management and Budget Circular A-21 "Cost Principles for Educational Institutions," or the Controller's methodology outlined in the following paragraphs. If the federal rate is used, it must be from the same fiscal year in which the costs were incurred.

The Controller allows the following methodology for use by community colleges in computing an indirect cost rate for state mandates. The objective of this computation is to determine an equitable rate for use in allocating administrative support to personnel that performed the mandated cost activities claimed by the community college. This methodology assumes that administrative services are provided to all activities of the institution in relation to the direct costs incurred in the performance of those activities. Form FAM-29C has been developed to assist the community college in computing an indirect cost rate for state mandates. Completion of this form consists of three main steps:

- The elimination of unallowable costs from the expenses reported on the financial statements.
- The segregation of the adjusted expenses between those incurred for direct and indirect activities.
- The development of a ratio between the total indirect expenses and total direct expenses incurred by the community college.

The computation is based on total expenditures as reported in "California Community Colleges Annual Financial and Budget Report, Expenditures by Activity (CCFS-311)." Expenditures classified by activity are segregated by the function they serve. Each function may include expenses for salaries, fringe benefits, supplies, and capital outlay. OMB Circular A-21 requires expenditures for capital outlays to be excluded from the indirect cost rate computation.

Generally, a direct cost is one incurred specifically for one activity, while indirect costs are of a more general nature and are incurred for the benefit of several activities. As previously noted, the objective of this computation is to equitably allocate administrative support costs to personnel that perform mandated cost activities claimed by the college. For the purpose of this computation we have defined indirect costs to be those costs which provide administrative support to personnel who perform mandated cost activities. We have defined direct costs to be those indirect costs that do not provide administrative support to personnel who perform mandated cost activities and those costs that are directly related to instructional activities of the college. Accounts that should be classified as indirect costs are: Planning and Policy Making, Fiscal Operations, General Administrative Services, and Logistical Services. If any costs included in these accounts are claimed as a mandated cost, i.e., salaries of employee performing mandated cost activities, the cost should be reclassified as a direct cost. Accounts in the following groups of accounts should be classified as direct costs: Instruction, Instructional Administration, Instructional Support Services, Admissions and Records, Counseling and Guidance, Other Student Services, Operation and Maintenance of Plant, Community Relations, Staff Services, Non-instructional Staff-Retirees' Benefits and Retirement Incentives, Community Services, Ancillary Services and Auxiliary Operations. A college may classify a portion of the expenses reported in the account Operation and Maintenance of Plant as indirect. The claimant has the option of using a 7% or a higher expense percentage is allowable if the college can support its allocation basis.

The rate, derived by determining the ratio of total indirect expenses and total direct expenses when applied to the direct costs claimed, will result in an equitable distribution of the college's mandate related indirect costs. An example of the methodology used to compute an indirect cost rate is presented in Table 4.

Table 4 Indirect Cost Rate for Community Colleges

MANDATED COST INDIRECT COST RATE FOR COMMUNITY COLLEGES						FORM FAM-29C
(01) Claimant				(02) Period of Claim		
(03) Expenditures by Activity				(04) Allowable Costs		
Activity	EDP	Total	Adjustments	Total	Indirect	Direct
Subtotal Instruction	599	\$19,590,357	\$1,339,059	\$18,251,298	\$0	\$18,251,298
Instructional Administration	6000					
Academic Administration	301	2,941,386	105,348	2,836,038	0	2,836,038
Course Curriculum & Develop.	302	21,595	0	21,595	0	21,595
Instructional Support Service	6100					
Learning Center	311	22,737	863	21,874	0	21,874
Library	312	518,220	2,591	515,629	0	515,629
Media	313	522,530	115,710	406,820	0	406,820
Museums and Galleries	314	0	0	0	0	0
Admissions and Records	6200	584,939	12,952	571,987	0	571,987
Counseling and Guidance	6300	1,679,596	54,401	1,625,195	0	1,625,195
Other Student Services	6400					
Financial Aid Administration	321	391,459	20,724	370,735	0	370,735
Health Services	322	0	0	0	0	0
Job Placement Services	323	83,663	0	83,663	0	83,663
Student Personnel Admin.	324	289,926	12,953	276,973	0	276,973
Veterans Services	325	25,427	0	25,427	0	25,427
Other Student Services	329	0	0	0	0	0
Operation & Maintenance	6500					
Building Maintenance	331	1,079,260	44,039	1,035,221	0	1,035,221
Custodial Services	332	1,227,668	33,677	1,193,991	0	1,193,991
Grounds Maintenance	333	596,257	70,807	525,450	0	525,450
Utilities	334	1,236,305	0	1,236,305	0	1,236,305
Other	339	3,454	3,454	0	0	0
Planning and Policy Making	6600	587,817	22,451	565,366	565,366	0
General Inst. Support Services	6700					
Community Relations	341	0	0	0	0	0
Fiscal Operations	342	634,605	17,270	617,335	553,184	(a) 64,151
Subtotal		\$32,037,201	\$1,856,299	\$30,180,902	\$1,118,550	\$29,062,352

Table 4 Indirect Cost Rate for Community Colleges (continued)

MANDATED COST INDIRECT COST RATE FOR COMMUNITY COLLEGES						FORM FAM-29C	
(01) Claimant				(02) Period of Claim			
(03) Expenditures by Activity				(04) Allowable Costs			
Activity	EDP	Total	Adjustments	Total	Indirect	Direct	
General Inst. Sup. Serv. (cont.)	6700						
Administrative Services	343	\$1,244,248	\$219,331	\$1,024,917	\$933,494	(a) \$91,423	
Logistical Services	344	1,650,889	126,935	1,523,954	1,523,954	0	
Staff Services	345	0	0	0	0	0	
Noninstr. Staff Benefit & Incent.	346	10,937	0	10,937	0	10,937	
Community Services	6800						
Community Recreation	351	703,858	20,509	683,349	0	683,349	
Community Service Classes	352	423,188	24,826	398,362	0	398,362	
Community Use of Facilities	353	89,877	10,096	79,781	0	79,781	
Ancillary Services	6900						
Bookstores	361	0	0	0	0	0	
Child Development Center	362	89,051	1,206	87,845	0	87,845	
Farm Operations	363	0	0	0	0	0	
Food Services	364	0	0	0	0	0	
Parking	365	420,274	6,857	413,417	0	413,417	
Student Activities	3663	0	0	0	0	0	
Student Housing	67	0	0	0	0	0	
Other	379	0	0	0	0	0	
Auxiliary Operations	7000						
Auxiliary Classes	381	1,124,557	12,401	1,112,156	0	1,112,156	
Other Auxiliary Operations	382	0	0	0	0	0	
Physical Property Acquisitions	7100	814,318	814,318	0	0	0	
(05) Total		\$38,608,398	\$3,092,778	\$35,515,620	\$3,575,998	\$31,939,622	
(06) Indirect Cost Rate: (Total Indirect Cost/Total Direct Cost)				11.1961%			
(07) Notes							
(a) Mandated Cost activities designated as direct costs per claim instructions.							

Tab 4



See
4/24/03

STEVE WESTLY
California State Controller

April 23, 2003

Edwin Eng, Director of Finance
State Center Community College District
1525 East Weldon Avenue
Fresno, CA 93704

Dear Mr. Eng:

This letter is to confirm that the State Controller's Office (SCO) has scheduled an audit of State Center Community College District's legislatively mandated Health Fee Elimination cost claim for fiscal year (FY) 1999-2000, FY 2000-01, and FY 2001-02. The entrance conference has been scheduled for Monday, May 12, 2003, at 1 p.m.

We would appreciate your furnishing working accommodations and providing the necessary records (see attachment) to the audit staff.

If you have any questions, please call me at (916) 323-2368.

Sincerely,

A handwritten signature in cursive script that reads "Steve W. Van Zee".

STEVE W. VAN ZEE
Audit Manager
Compliance Audits Bureau
Division of Audits

SWVZ:jj

Attachment

cc: Ginny Brummels, Manager
Division of Accounting and Reporting
State Controller's Office
Jim L. Spano, Chief
Compliance Audits Bureau
Division of Audits
State Controller's Office
Kylie Kwok, Auditor
Division of Audits
State Controller's Office

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4/24/03

ATTACHMENT

State Center Community College District
Records Request for Mandated Health Fee Elimination Program
FY 1999-2000, 2000-01, and 2001-02

1. Copy of claims filed for the mandated cost program and related supporting documentation
2. Copy of external and internal audit reports performed on the mandated cost program
3. Organization charts for the district effective during the audit period and currently, showing employee names and position titles
4. Organization charts for the division or units handling the mandated cost program effective during audit period and currently, showing employee names and position titles
5. Chart of Accounts
6. Worksheets supporting the productive hourly rate used, including support for benefit rates
7. Support for costs claimed to derive the indirect cost rate proposal (ICRP) plan.
8. Employee time sheets or time logs
9. Access to payroll records showing employees' salary and benefits paid during the audit period and currently
10. Access to general ledger accounts supporting disbursements
11. Supporting documentation for amounts received from other funding sources
12. Supporting documentation for units of service claimed
13. Documentation of health services provided during FY 1986-87 and documentation of services provided by each college for FY 1999-2000, 2000-01 and 2001-02.
14. Support for number of students enrolled for each fiscal year, and any exclusions reported

Tab 5

Hearing: 5/25/89
File Number: CSM-4206
Staff: Deborah Fraga-Decker
WP 0366d

PROPOSED PARAMETERS AND GUIDELINES AMENDMENTS
Chapter 1, Statutes of 1984, 2nd E.S.
Chapter 1118, Statutes of 1987
Health Fee Elimination ✓

Executive Summary

At its hearing of November 20, 1986, the Commission on State Mandates found that Chapter 1, Statutes of 1984, 2nd E.S., imposed state mandated costs upon local community college districts by (1) requiring those community college districts which provided health services for which it was authorized to and did charge a fee to maintain such health services at the level provided during the 1983-84 fiscal year in the 1984-85 fiscal year and each fiscal year thereafter and (2) repealing the district's authority to charge a health fee. The requirements of this statute would repeal on December 31, 1987, unless subsequent legislation was enacted.

Chapter 1118, Statutes of 1987, was enacted September 24, 1987, and became effective January 1, 1988. Chapter 1118/87 modified the requirements contained in Chapter 1/84, 2nd E.S., to require those community college districts which provided health services in fiscal year 1986-87 to maintain such health services in the 1987-88 fiscal year and each fiscal year thereafter. Additionally, the language contained in Chapter 1/84, 2nd E.S., which repealed the districts' authority to charge a health fee to cover the costs of the health services program was allowed to sunset, thereby reinstating the districts' authority to charge a fee as specified. Parameters and guidelines amendments are appropriate to address the changes contained in Chapter 1118/87 because this statute amended the same Education Code sections previously enacted by Chapter 1/84, 2nd E.S., and found to contain a mandate.

Commission staff included the Department of Finance suggested non-substantive amendment to the staff's proposed parameters and guidelines amendments. The Chancellor's Office, the State Controller's Office, and the claimant are in agreement with these amendments. Therefore, staff recommends that the Commission adopt the parameters and guidelines amendments as requested by the Chancellor's Office and as developed by staff.

Claimant

Rio Hondo Community College District

Requesting Party

California Community Colleges Chancellor's Office

Chronology

12/2/85 Test Claim filed with Commission on State Mandates.
7/24/86 Test Claim continued at claimant's request.
11/20/86 Commission approved mandate.
1/22/87 Commission adopted Statement of Decision.
4/9/87 Claimant submitted proposed parameters and guidelines.
8/27/87 Commission adopted parameters and guidelines
10/22/87 Commission adopted cost estimate
9/28/88 Mandate funded in Commission's Claims Bill, Chapter 1425/88

Summary of Mandate

Chapter 1/84, 2nd E.S., effective July 1, 1984, repealed Education Code (EC) Section 72246 which had authorized community college districts to charge a health fee for the purpose of providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers. The statute also required that any community college district which provided health services for which it was authorized to charge a fee shall maintain health services at the level provided during the 1983-84 fiscal year in the 1984-85 fiscal year and each fiscal year thereafter.

Prior to the passage of Chapter 1/84, 2nd E.S., the implementation of a health services program was at the local community college district's option. If implemented, the respective community college district had the authority to charge a health fee up to \$7.50 per semester for day and evening students, and \$5 per summer session.

Proposed Amendments

The Community Colleges Chancellor's Office (Chancellor's Office) has requested parameters and guidelines amendments be made to address the changes in mandated activities effectuated by Chapter 1118/87. (Attachment G) In order to expedite the process, staff has developed language to accomplish the following: (1) change the eligible claimants to those community college districts which provided a health services program in fiscal year 1986-87; and (2) change the offsetting savings and other reimbursements to include the reinstated authority to charge a health fee. (Attachment B)

Recommendations

The Department of Finance (DOF) proposed one non-substantive amendment to clarify the effect of the fee authority language on the scope of the reimbursable costs. With this amendment, the DOF believes the amendments to the parameters and guidelines are appropriate for this mandate and recommends the Commission adopt them. (Attachment C)

The Chancellor's Office recommends that the Commission approve the amended parameters and guidelines developed by staff with the additional language suggested by the DOF. (Attachment D)

The State Controller's Office (SCO), upon review of the proposed amendments, finds the proposals proper and acceptable. (Attachment E)

The claimant, in its recommendation, states its belief that the revisions are appropriate and concurs with the proposed changes. (Attachment F)

Staff Analysis

Issue 1: Eligible Claimants

The mandate found in Chapter 1/84, 2nd E.S., was for a new program with a required maintenance of effort at the fiscal year 1983-84 level. Chapter 1118/87 superseded that level of service by requiring that community college districts which provided a health services program in fiscal year 1986-87 maintain that level of effort in fiscal year 1987-88 and each subsequent year thereafter. Additionally, this expanded the group of eligible claimants because the requirement is no longer imposed on only those community college districts which had charged a health fee for the program. At the time of enactment of Chapter 1118/87, there were 11 community college districts which provided the health services program but had never charged a health fee for the service.

Therefore, staff has amended the language in Item III. "Eligible Claimants" to reflect this change in the scope of the mandate.

Issue 2: Reimbursement Alternatives

In response to Chapter 1/84, 2nd E.S., Item VI.B. contained two alternatives for claiming reimbursement costs. This gave claimants a choice between claiming actual costs for providing the health services program, or funding the program as was done prior to the mandate when a health fee could be charged.

The first alternative was in Item VI.B.1. and provided for the use of the formula which the eligible claimants were authorized to utilize prior to the implementation of Chapter 1/84, 2nd E.S.--total eligible enrollment multiplied by the health fee charged per student in fiscal year 1983-84. With the sunset of the repeal of the health fee authority as contained in Chapter 1/84, 2nd E.S., claimants can now charge the health fee as was allowed prior to fiscal year 1983-84, thereby funding the program as was done prior to the mandate. Therefore, this alternative is no longer applicable to this mandate and has been deleted by staff.

The second alternative was in Item VI.B.2. and provided for the claiming of actual costs involved in maintaining a health services program at the fiscal year 1983-84 level. This alternative is now the sole method of reimbursement for this mandate. However, it has been amended to reflect that Chapter 1118/87 requires a maintenance of effort at the fiscal year 1986-87 level.

Issue 3: Offsetting Savings and Other Reimbursements

With the sunset of the repeal of the fee authority contained in Chapter 1/84, 2nd E.S., Education Code (EC) section 72246(a) again provides community college districts with the authority to charge a health fee as follows:

"72246.(a) The governing board of a district maintaining a community college may require community college students to pay a fee in the total amount of not more than seven dollars and fifty cents (\$7.50) for each semester, and five dollars (\$5) for summer school, or five dollars (\$5) for each quarter for health supervision and services, including direct or indirect medical and hospitalization services, or the operation of a student health center or centers, authorized by Section 72244, or both."

Staff amended Item "VIII. Offsetting Savings and Other Reimbursements" to reflect the reinstatement of this fee authority.

In response to that amendment, the DOF has proposed the addition of the following language to Item VIII. to clarify the impact of the fee authority on claimants' reimbursable costs:

"If a claimant does not levy the fee authorized by Education Code Section 72246(a), it shall deduct an amount equal to what it would have received had the fee been levied."

Staff concurs with the DOF proposed language which does not substantively change the scope of Item VIII.

Issue 4: Editorial Changes

In preparing the proposed parameters and guidelines amendments, it was not necessary for staff to make any of the normal editorial changes as the original parameters and guidelines contained the language usually adopted by the commission.

Staff, the DOF, the Chancellor's Office, the SCO, and the claimant are in agreement with the recommended amendments which are shown in Attachment A with additions indicated by underlining and deletions by strikeout.

Staff Recommendation

Staff recommends the adoption of the staff's proposed parameters and guidelines amendments, which are based on the original parameters and guidelines adopted in response to Chapter 1/84, 2nd E.S., and amended in response to Chapter 1118/87, as well as incorporating the amendment recommended by the DOF. All parties concur with these amendments.

Adopted: 8/27/87

PARAMETERS AND GUIDELINES
Chapter 1118, Statutes of 1984, 2nd E.S.
Health Fee Elimination

I. SUMMARY OF MANDATE

Chapter 1, Statutes of 1984, 2nd E.S. repealed Education Code Section 72246 which had authorized community college districts to charge a health fee for the purpose of providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers. This statute also required that health services for which a community college district charged a fee during the 1983-84 fiscal year had to be maintained at that level in the 1984-85 fiscal year and every year thereafter. The provisions of this statute would automatically repeal on December 31, 1987, which would reinstate the community colleges districts' authority to charge a health fee as specified.

Chapter 1118, Statutes of 1987, amended Education Code section 72246 to require any community college district that provided health services in 1986-87 to maintain health services at the level provided during the 1986-87 fiscal year in 1987-88 and each fiscal year thereafter.

II. COMMISSION ON STATE MANDATES' DECISION

At its hearing on November 20, 1986, the Commission on State Mandates determined that Chapter 1, Statutes of 1984, 2nd E.S. imposed a "new program" upon community college districts by requiring any community college district which provided health services for which it was authorized to charge a fee pursuant to former Section 72246 in the 1983-84 fiscal year to maintain health services at the level provided during the 1983-84 fiscal year in the 1984-85 fiscal year and each fiscal year thereafter. This maintenance of effort requirement applies to all community college districts which levied a health services fee in the 1983-84 fiscal year, regardless of the extent to which the health services fees collected offset the actual costs of providing health services at the 1983-84 fiscal year level.

At its hearing of April 27, 1989, the Commission determined that Chapter 1118, Statutes of 1987, amended this maintenance of effort requirement to apply to all community college districts which provided health services in fiscal year 1986-87 and required them to maintain that level in fiscal year 1987-88 and each fiscal year thereafter.

III. ELIGIBLE CLAIMANTS

Community college districts which provided health services ~~for~~ in 1983-84 fiscal year and continue to provide the same services as a result of this mandate are eligible to claim reimbursement of those costs.

IV. PERIOD OF REIMBURSEMENT

Chapter 1, Statutes of 1984, 2nd E.S., became effective July 1, 1984. Section 17557 of the Government Code states that a test claim must be submitted on or before November 30th following a given fiscal year to establish for that fiscal year. The test claim for this mandate was filed on November 27, 1985; therefore, costs incurred on or after July 1, 1984, are reimbursable. Chapter 1118, Statutes of 1987, became effective January 1, 1988. Title 2, California Code of Regulations, section 1185.3(a) states that a parameters and guidelines amendment filed before the deadline for initial claims as specified in the Claiming Instructions shall apply to all years eligible for reimbursement as defined in the original parameters and guidelines; therefore, costs incurred on or after January 1, 1988, for Chapter 1118, Statutes of 1987, are reimbursable.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim if applicable. Pursuant to Section 17561(d)(3) of the Government Code, all claims for reimbursement of costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code Section 17564.

V. REIMBURSABLE COSTS

A. Scope of Mandate

Eligible community college districts shall be reimbursed for the costs of providing a health services program ~~in the fiscal year 1986-87~~. Only services provided ~~in~~ 1986-87 fiscal year may be claimed.

B. Reimbursable Activities

For each eligible claimant, the following cost items are reimbursable to the extent they were provided by the community college district in fiscal year ~~1986-87~~ 1986-87:

ACCIDENT REPORTS

APPOINTMENTS

- College Physician - Surgeon
 - Dermatology, Family Practice, Internal Medicine
- Outside Physician
- Dental Services
- Outside Labs (X-ray, etc.)
- Psychologist, full services
- Cancel/Change Appointments
- R.N.
- Check Appointments

ASSESSMENT, INTERVENTION & COUNSELING

- Birth Control
- Lab Reports
- Nutrition
- Test Results (office)
- VD
- Other Medical Problems
- CD
- URI
- ENT
- Eye/Vision
- Derm./Allergy
- Gyn/Pregnancy Services
- Neuro
- Ortho
- GU
- Dental
- GI
- Stress Counseling
- Crisis Intervention
- Child Abuse Reporting and Counseling
- Substance Abuse Identification and Counseling
- Aids
- Eating Disorders
- Weight Control
- Personal Hygiene
- Burnout

EXAMINATIONS (Minor Illnesses)

- Recheck Minor Injury

HEALTH TALKS OR FAIRS - INFORMATION

- Sexually Transmitted Disease
- Drugs
- Aids
- Child Abuse
- Birth Control/Family Planning
- Stop Smoking
- Etc.
- Library - videos and cassettes

FIRST AID (Major Emergencies)

FIRST AID (Minor Emergencies)

FIRST AID KITS (Filled)

IMMUNIZATIONS

- Diphtheria/Tetanus
- Measles/Rubella
- Influenza
- Information

INSURANCE

- On Campus Accident
- Voluntary
- Insurance Inquiry/Claim Administration

LABORATORY TESTS DONE

Inquiry/Interpretation
Pap Smears

PHYSICALS

Employees
Students
Athletes

MEDICATIONS (dispensed OTC for misc. illnesses)

Antacids
Antidiarrhial
Antihistamines
Aspirin, Tylenol, etc.
Skin rash preparations
Misc.
Eye drops
Ear drops
Toothache - Oil cloves
Stingkill
Midol - Menstrual Cramps

PARKING CARDS/ELEVATOR KEYS

Tokens
Return card/key
Parking inquiry
Elevator passes
Temporary handicapped parking permits

REFERRALS TO OUTSIDE AGENCIES

Private Medical Doctor
Health Department
Clinic
Dental
Counseling Centers
Crisis Centers
Transitional Living Facilities (Battered/Homeless Women)
Family Planning Facilities
Other Health Agencies

TESTS

Blood Pressure
Hearing
Tuberculosis
 Reading
 Information
Vision
Glucometer
Urinalysis
Hemoglobin
E.K.G.
Strep A testing
P.G. testing
Monospot
Hemacult
Misc.

MISCELLANEOUS

Absence Excuses/PE Waiver
Allergy Injections
Band-aids
Booklets/Pamphlets
Dressing Change
Rest
Suture Removal
Temperature
Weigh
Misc.
Information
Report/Form
Wart Removal

COMMITTEES

Safety
Environmental
Disaster Planning

SAFETY DATA SHEETS

Central file

X-RAY SERVICES

COMMUNICABLE DISEASE CONTROL

BODY FAT MEASUREMENTS

MINOR SURGERIES

SELF-ESTEEM GROUPS

MENTAL HEALTH CRISIS

AA GROUP

ADULT CHILDREN OF ALCOHOLICS GROUP

WORKSHOPS

Test Anxiety
Stress Management
Communication Skills
Weight Loss
Assertiveness Skills

VI. CLAIM PREPARATION

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a list of each item for which reimbursement is claimed under this mandate. // Eligible claimants may claim costs under one of two alternatives: // 1) Fee amount previously collected per student and enrollment count, or // 2) actual costs of program.

A. Description of Activity

1. Show the total number of full-time students enrolled per semester/quarter.
2. Show the total number of full-time students enrolled in the summer program.
3. Show the total number of part-time students enrolled per semester/quarter.
4. Show the total number of part-time students enrolled in the summer program.

B. Claiming/Alternatives

Claimed costs should be supported by the following information:

Alternative 1// Fees Previously Collected in 1983-84 Fiscal Year/

1/ Fees Collected in the 1983-84 fiscal year to support the health services program/

2/ Total number of students under Item 11A/11 through 4/ above// Using this alternative, the total amount claimed would be Item 11B/11 multiplied by Item 11B/21, with the total amount reimbursed increased by the applicable imputed price deflator/

Alternative 2// Actual Costs of Claim Year for Providing 1986-87 Fiscal Year Program Level of Service.

1. Employee Salaries and Benefits

Identify the employee(s), show the classification of the employee(s) involved, describe the mandated functions performed and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study.

2. Services and Supplies

Only expenditures which can be identified as a direct cost of the mandate can be claimed. List cost of materials which have been consumed or expended specifically for the purpose of this mandate.

3. Allowable Overhead Cost

Indirect costs may be claimed in the manner described by the State Controller in his claiming instructions.

VII. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of the validity of such costs. This would include documentation for the fiscal year 19836-847 program to substantiate a maintenance of effort. These documents must be kept on file by the agency submitting the claim for a period of no less than three years from the date of the final payment of the claim pursuant to this mandate, and made available on the request of the State Controller or his agent.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, e.g., federal, state, etc., shall be identified and deducted from this claim. This shall include the amount of \$7.50 per full-time student per semester, \$5.00 per full-time student for summer school, or \$5.00 per full-time student per quarter, as authorized by Education Code section 72246(a). This shall also include payments (fees) now received from individuals other than students who were not covered by former Education Code Section 72246 for health services.

IX. REQUIRED CERTIFICATION

The following certification must accompany the claim:

I DO HEREBY CERTIFY under penalty of perjury:

THAT the foregoing is true and correct:

THAT Section 1090 to 1096, inclusive, of the Government Code and other applicable provisions of the law have been complied with;

and

THAT I am the person authorized by the local agency to file claims for funds with the State of California.

Signature of Authorized Representative

Date

Title

Telephone No.

0350d

CALIFORNIA COMMUNITY COLLEGES

1107 NINTH STREET
 SACRAMENTO, CALIFORNIA 95814
 (916) 445-8752 445-1163



February 22, 1989



Mr. Robert W. Eich
 Executive Director
 Commission on State Mandates
 1130 "K" Street, Suite LL50
 Sacramento, CA 95814-3927

Dear Mr. Eich:

As you know, the Commission on August 27, 1987 adopted Parameters and Guidelines for claiming reimbursements of mandated costs related to community college health services. Fees formerly collected by community colleges had been eliminated by Chapter 1, Statutes of 1984, Second Extraordinary Session. Last year's mandate claims bill (AB 2763) included funding to pay all these claims through 1988-89.

The Governor's partial approval of AB 2763 last September included a stipulation that claims for the current year would be paid this fiscal year, but prior-year claims will be paid in equal installments from the next three budget acts. The Governor did not address the fact that the ongoing costs of providing the mandated level of service will continue to exceed the maximum permissible fee of \$7.50 per student per semester.

On behalf of all eligible community college districts, the Chancellor's Office proposes the following changes in the Parameters and Guidelines:

- o Payment of 1988-89 mandated costs in excess of maximum permissible fees. (This amount is payable from AB 2763.)
- o Payment of all prior-year claims in installments over the next three years. (Funds for these payments will be included in the next 3 budget acts.)
- o Payment of future-years mandated costs in excess of the maximum permissible fees. (No funding has yet been provided for these costs.)

Mr. Eich

2

February 22, 1989

If you have any questions regarding this proposal, please contact Patrick Ryan at (916) 445-1163.

Sincerely,

David Mertes

DAVID MERTES
Chancellor

DM:PR:mh

cc: / Deborah Fraga-Decker, CSM
Douglas Burris
Joseph Newmyer
Gary Cook

State of California

Memorandum

Date : March 22, 1989

To : Deborah Fraga-Decker
Program Analyst
Commission on State Mandates

From : Department of Finance

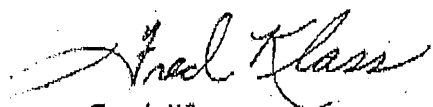
Proposed Amendments to Parameters and Guidelines for Claim No. CSM-4206 -- Chapter 1, Statutes of 1984, 2nd E.S. and Chapter 1118, Statutes of 1987 -- Health Fee Elimination

Pursuant to your request, the Department of Finance has reviewed the proposed amendments to the parameters and guidelines related to community college health services. These amendments, which are requested by the Chancellor's Office, reflect the impact that Chapter 1118/87 has on the original parameters adopted by the Commission for Chapter 1/84 on August 27, 1987. Specifically, Chapter 1118/87:

- (1) requires districts which were providing health services in 1986-87, rather than 1983-84, to continue to provide such services, irrespective of whether or not a fee was charged for the services; and
- (2) allows all districts to again charge a fee of up to \$7.50 per student for the services. In this regard, we would point out that the proposed amendment to "VIII. Offsetting Savings, and Other Reimbursements" could be interpreted to require that, if a district elected not to charge fees it would not have to deduct anything from its claim. We believe that, pursuant to Section 17556 (d) of the Government Code, an amount equal to \$7.50 per student must be deducted whether or not it is actually charged since the district has the authority to levy the fee. We suggest that the following language be added as a second paragraph under "VIII": "If a claimant does not levy the fee authorized by Education Code Section 72246 (a), it shall deduct an amount equal to what it would have received had the fee been levied."

With the amendment described above, we believe the amendments to the parameters and guidelines are appropriate for this mandate and recommend the Commission adopt them at its April 27, 1989, meeting.

Any questions regarding this recommendation should be directed to James M. Apps or Kim Clement of my staff at 324-0043.


Fred Klass
Assistant Program Budget Manager

cc: see second page

cc: Glen Beatie, State Controller's Office
Pat Ryan, Chancellor's Office, Community College
Juliet Musso, Legislative Analyst's Office
Richard Frank, Attorney General

LR:1988-2

OFFICE

GEORGE DEUKMEJIAN, Governor

CALIFORNIA COMMUNITY COLLEGES

1501 NINTH STREET
 SACRAMENTO, CALIFORNIA 95814
 (916) 445-8752 445-1163



April 3, 1989

Mr. Robert W. Eich
 Executive Director
 Commission on State Mandates
 110 K Street, Suite LL50
 Sacramento, CA 95814

Attention: Ms. Deborah Fraga-Decker

Subject: CSM 4206
 Amendments to Parameters and Guidelines
 Chapter 1, Statutes of 1984, 2nd E.S.
 Chapter 118, Statutes of 1987
Health Fee Elimination

Dear Mr. Eich:

In response to your request of March 8, we have reviewed the proposed language changes necessary to amend the existing parameters and guidelines to meet the requirements of Chapter 1118, Statutes of 1987.

The Department of Finance has also provided us a copy of their suggestion to add the following language in part VIII: "If a claimant does not levy the fee authorized by Education Code Section 72246(a), it shall deduct an amount equal to what it would have received had the fee been levied." This office concurs with their suggestion which is consistent with the law and with our request of February 22.

With the additional language suggested by the Department of Finance, the Chancellor's Office recommends approval of the amended parameters and guidelines as drafted for presentation to the Commission on April 27, 1989.

Sincerely,

David Mertes

DAVID MERTES
 Chancellor

DM:PR:mh

cc: Jim Apps, Department of Finance
 Glen Beatie, State Controller's Office
 Richard Frank, Attorney General's Office
 Juliet Muso, Legislative Analyst's Office
 Douglas Burris
 Joseph Newmyer
 Gary Cook



GRAY DAVIS
 Controller of the State of California
 P.O. BOX 942850
 SACRAMENTO, CA 94250-0001

April 3, 1989

Ms. Deborah Fraga-Decker
 Program Analyst
 Commission on State Mandates
 1130 K Street, Suite LL50
 Sacramento, CA 95814



Dear Ms. Fraga-Decker:

RE: Proposed Amendments to Parameters and Guidelines: Chapter 1/84, 2nd
 E.S., and Chapter 1118/87 - Health Fee Elimination

We have reviewed the amendments proposed on the above subject and find the proposals proper and acceptable.

However, the Commission may wish to clarify section "VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS" that the required offset is the amount received or would have received per student in the claim year.

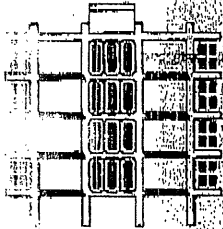
If you have any questions, please call Glen Beatie at 3-8137.

Sincerely,

Glenn Haas, Assistant Chief
 Division of Accounting

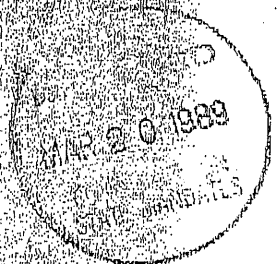
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HR/BO

RIO HONDO COMMUNITY COLLEGE DISTRICT
3600 Workman Mill Road • Whittier, CA 90808 • Phone (213) 692-0921



March 16, 1989

Ms. Deborah Fraga-Decker
Program Analyst
Commission on State Mandates
1130 K Street, Suite LL50
Sacramento, CA 95814

REFERENCE: CSM-4206
AMENDMENTS TO PARAMETERS AND GUIDELINES
CHAPTER 1, STATUTES OF 1984, 2ND E.S.
CHAPTER 1118, STATUTES OF 1987
HEALTH FEE ELIMINATION

Dear Deborah:

We have reviewed your letter of March 7 to Chancellor David Mertes and the attached amendments to the health fee parameters and guidelines. We believe these revisions to be most appropriate and concur totally with the changes you have proposed.

I would like to thank you again for your expertise and helpfulness throughout this entire process.

Yours very truly,

Timothy M. Wood
Vice President
Administrative Affairs

TMW:hh

Tab 6

MINUTES

COMMISSION ON STATE MANDATES

May 25, 1989

10:00 a.m.

State Capitol, Room 437
Sacramento, California

Present were: Chairperson Russell Gould, Chief Deputy Director, Department of Finance; Fred R. Buenrostro, Representative of the State Treasurer; D. Robert Shuman, Representative of the State Controller; Robert Martinez, Director, Office of Planning and Research; and Robert C. Creighton, Public Member.

There being a quorum present, Chairperson Gould called the meeting to order at 10:02 a.m.

Item 1 Minutes

Chairperson Gould asked if there were any corrections or additions to the minutes of the Commission's hearing of April 27, 1989. There were no corrections or additions.

The minutes were adopted without objection.

Consent Calendar

The following items were on the Commission's consent agenda:

Item 2 Proposed Statement of Decision
Chapter 406, Statutes of 1988
Special Election - Bridges

Item 3 Proposed Statement of Decision
Chapter 583, Statutes of 1985
Infectious Waste Enforcement

Item 4 Proposed Statement of Decision
Chapter 980, Statutes of 1984
Court Audits

Item 5 Proposed Statement of Decision
Chapter 1286, Statutes of 1985
Homeless Mentally Ill

- Item 6 Proposed Parameters and Guidelines Amendment
Chapter 1, Statutes of 1984, 2nd E.S.
Chapter 1118, Statutes of 1987
Health Fee Elimination
- Item 7 Proposed Parameters and Guidelines Amendment
Chapter 8, Statutes of 1988
Democratic Presidential Delegates
- Item 10 Proposed Statewide Cost Estimate
Chapter 498, Statutes of 1983
Education Code Section 48260.5
Notification of Truancy
- Item 12 Proposed Statewide Cost Estimate
Chapter 1226, Statutes of 1984
Chapter 1526, Statutes of 1985
Investment Reports

There being no discussion or appearances on Items 2, 3, 4, 5, 6, 7, 10, and 12, Member Buenrostro moved adoption of the staff recommendation on these items on the consent calendar. Member Martinez seconded the motion. The vote on the motion was unanimous. The motion carried.

The following items were continued:

- Item 13 Proposed Statewide Cost Estimate
Chapter 1335, Statutes of 1986
Trial Court Delay Reduction Act
- Item 16 Test Claim
Chapter 841, Statutes of 1982
Patients' Rights Advocates
- Item 17 Test Claim
Chapter 921, Statutes of 1987
Countywide Tax Rates

The next item to be heard by the Commission was:

- Item 8 Proposed Parameters and Guidelines Amendment
Chapter 961, Statutes of 1975
Collective Bargaining

The party requesting the proposed amendment, Fountain Valley School District, did not appear at the hearing. Carol Miller, appearing on behalf of the Education Mandated Cost Network, stated that the Network was interested in the issue of reimbursing a school district for the time the district Superintendent spent in, or preparing for, collective bargaining issues.

The Commission then discussed the issue of reimbursing the Superintendent's time as a direct cost to the mandated program or as an indirect cost as required by the federal publications OASC-10, and Federal Management Circular 74-4. Upon conclusion of this discussion, the Commission, staff, and Ms. Miller, agreed that the Commission could deny this proposed amendment by the Fountain Valley School District, and Ms. Miller could assist another district in an attempt to amend the parameters and guidelines to allow reimbursement of the Superintendent's cost relative to collective bargaining matters.

Member Creighton then inquired on the issue of holding collective bargaining sessions outside of normal working hours and the number of teachers the parameters and guidelines reimburse for participating in collective bargaining sessions. Ms. Miller stated that because of the classroom disruption that can result from the use of a substitute teacher, bargaining sessions are sometimes held outside of normal work hours for practical reasons. Ms. Miller also stated that the parameters and guidelines permit reimbursement for five substitute teachers.

Member Martinez moved and Member Buenrostro seconded a motion to adopt the staff recommendation to deny the proposed amendments to the parameters and guidelines. The roll call vote on the motion was unanimous. The motion carried.

Item 9 Proposed Statewide Cost Estimate
Chapter 498, Statutes of 1983
Education Code Section 51225.3
Graduation Requirements

Carol Miller appeared on behalf of the claimant, Santa Barbara Unified School District, Jim Apps and Don Enderton appeared on behalf of the Department of Finance, and Rick Knott appeared on behalf of the San Diego Unified School District.

Carol Miller began the discussion on this matter by stating her objection to the Department of Finance raising issues that were already argued in the parameters and guidelines hearings for this mandate. Based on this objection, Ms. Miller requested that the Commission adopt staff's recommendation and allow the Controller's Office to handle any audit exceptions.

Jim Apps stated that because school districts did not report funds that have been received by them, then the data reported in the survey is suspect. Therefore, the Department of Finance is not convinced that the cost estimate based on the data received by the schools is legitimate.

Discussion continued on the validity of the cost estimate and on the figures presented to the Commission for its consideration.

Member Creighton then made a motion to adopt staff's recommendation. Member Shuman seconded the motion. The vote on the motion was: Member Buenrostro, no; Member Creighton, aye; Member Martinez, no; Member Shuman, aye; and Chairperson Gould, no. The motion failed.

Chairperson Gould made an alternative motion that staff, the Department of Finance, and the school districts, conduct a pre-hearing conference and agree on an estimate to be presented to the Commission at a future hearing. Member Buenrostro seconded the motion. The roll call vote on the motion was unanimous. The motion carried.

Item 11 Statewide Cost Estimate
Chapter 815, Statutes of 1979
Chapter 1327, Statutes of 1984
Chapter 757, Statutes of 1985
Short-Doyle Case Management

Pamela Stone, representing the County of Fresno, stated that the county was in agreement with the staff proposed statewide cost estimate of \$20,000,000 for the 1985-86 through 1989-90 fiscal years, and was opposed to the reduction of the costs estimate being proposed by the Department of Mental Health's late filing.

Lynn Whetstone, representing the Department of Mental Health, stated that the Department agrees with the methodology used by Commission staff to develop the cost estimate, however, the Department questioned the manner in which Commission staff extrapolated its survey figures into a statewide estimate. Ms. Whetstone stated that due to the reasons stated in its late filing, the Department believes that the cost estimate be reduced to \$17,280,000.

Member Shuman moved, and Member Martinez seconded a motion to adopt the staff proposed statewide cost estimate of \$20,000,000 for the 1985-86 through 1989-90 fiscal years. The roll call vote on the motion was unanimous. The motion carried.

Item 14 State Mandates Apportionment System
Request for Review of Base Year Entitlement
Chapter 1242, Statutes of 1977
Senior Citizens' Property Tax Postponement

Leslie Hobson appeared on behalf of the claimant, County of Placer, and stated agreement with the staff analysis.

There were no other appearances and no further discussion.

Member Creighton moved approval of the staff recommendation. Member Shuman seconded the motion. The roll call vote was unanimous. The motion carried.

Item 15 Test Claim
Chapter 670, Statutes of 1987
Assigned Judges

Vicki Wajdak and Pamela Stone appeared on behalf of the claimant, County of Fresno. Beth Mullen appeared on behalf of the Administrative Office of

the Courts. Jim Apps appeared on behalf of the Department of Finance. Allan Burdick appeared on behalf of the County Supervisors Association of California. Pamela Stone restated the claimant's position that the revenue losses due to this statute were actually increased costs because Fresno is now required to compensate its part-time justice court judges for work performed for another county while on assignment. Beth Mullen stated her opposition to this interpretation because Fresno's part-time justice court judge cannot be assigned elsewhere until all work required to be performed for Fresno has been completed; therefore, Fresno is only required to compensate the judge for its own work.

There followed discussion by the parties and the Commission regarding the applicability of the Supreme Court's decisions in County of Los Angeles and Lucia Mar. Chairperson Gould asked Commission Counsel Gary Hori whether this statute imposed a new program and higher level of service as contemplated by these two decisions. Mr. Hori stated that it did meet the definition of new program and higher level of service as contemplated by the Supreme Court.

Member Creighton moved to adopt the staff recommendation to find a mandate on counties whose part-time justice court judge is assigned within the home county. Member Shuman seconded the motion. The roll call vote was unanimous. The motion carried.

Item 18 Test Claim

Chapter 1247, Statutes of 1977

Chapter 797, Statutes of 1980

Chapter 1373, Statutes of 1980

Public Law 99-372

Attorney's Fees - Special Education

Chairperson Gould recused himself from the hearing on this item.

Clayton Parker, representing the Newport-Mesa Unified School District, submitted a late filing on the test claim rebutting the staff analysis. Member Creighton stated that he had not had an opportunity to review the late filing and inquired on whether the claim should be heard at this hearing. Staff informed Member Creighton and Member Buenrostro that in reviewing the filing before this item was called, the filing appeared to be summary of the claimant's position on the staff analysis, and that there appeared to be no reason to continue the item.

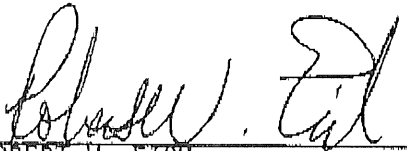
Mr. Parker stated that Commission staff had misstated the events that resulted in the claimant having to pay attorneys' fees to a pupil's guardians, and because of case law, courts do not have any discretion in awarding attorney's fees. Mr. Parker stated that because state legislation has codified the Federal Education of the Handicapped Act, school districts are subject to the provisions of Public Law 94-142 and Public Law 99-372. Member Buenrostro then inquired whether staff was comfortable with discussing the issue of a state executive order incorporating federal law.

Minutes
Hearing of May 25, 1989
Page 6

Staff informed the Commission that it was not comfortable discussing this issue, and further noted that it appeared that Mr. Parker was basing his reasoning for finding P.L. 99-372 to be a state mandated program, on the Board of Control's finding that Chapter 1247, Statutes of 1977, and Chapter 797, Statutes of 1980, were a state mandated program. Staff noted that Board of Control's finding is currently the subject of the litigation in Huff v. Commission on State Mandates (Sacramento County Superior Court Case No. 352295).

Member Creighton moved and Member Martinez seconded a motion to continue this item and have legal counsel and staff review the arguments presented by Mr. Parker. The vote on the motion was unanimous. The motion carried.

With no further items on the agenda, Chairperson Gould adjourned the hearing at 11:45 a.m.



ROBERT W. EICH
Executive Director

RWE:GLH:cm:0224g

INCORRECT REDUCTION CLAIM FILED BY
STATE CENTER COMMUNITY COLLEGE DISTRICT
AUGUST 25, 2005

HEALTH FEE ELIMINATION PROGRAM
CHAPTER 1, STATUTES OF 1984, 2ND EXTRAORDINARY SESSION,
AND CHAPTER 1118, STATUTES OF 1987

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



September 16, 2005

Mr. Keith B. Petersen
SixTen and Associates
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

Ms. Ginny Brummels
Division of Accounting and Reporting
State Controller's Office
3301 C Street, Suite 501
Sacramento, CA 95816

Re: **Incorrect Reduction Claim**
Health Fee Elimination, 05-4206-I-05
State Center Community College District, Claimant
Education Code Section 76355
Statutes 1984, Chapter 1, 2nd E.S.; Statutes 1987, Chapter 1118
Fiscal Years 1999-2000, 2000-2001, 2001-2002

Dear Mr. Petersen and Ms. Brummels:

On September 6, 2005, the State Center Community College District filed an incorrect reduction claim (IRC) with the Commission on State Mandates (Commission) based on the *Health Fee Elimination* program for fiscal years 1999-2000, 2000-2001, and 2001-2002. Commission staff determined that the IRC filing is complete.

Government Code section 17551, subdivision (b), requires the Commission to hear and decide upon claims filed by local agencies and school districts that the State Controller's Office (SCO) has incorrectly reduced payments to the local agencies or school districts.

SCO Review and Response. Please file the SCO response and supporting documentation regarding this claim within 90 days of the date of this letter. Please include an explanation of the reason(s) for the reductions and the computation of reimbursements. All documentary evidence must be authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and be based on the declarant's personal knowledge, information or belief. The Commission's regulations also require that the responses (opposition or recommendation) filed with the Commission be simultaneously served on the claimants and their designated representatives, and accompanied by a proof of service. (Cal. Code Regs., tit. 2, § 1185.01.)

The failure of the SCO to respond within this 90-day timeline shall not cause the Commission to delay consideration of this IRC.

Claimant's Rebuttal. Upon receipt of the SCO response, the claimant and interested parties may file rebuttals. The rebuttals are due 30 days from the service date of the response.

Prehearing Conference. A prehearing conference will be scheduled if requested.

Public Hearing and Staff Analysis. The public hearing on this claim will be scheduled after the record closes. A staff analysis will be issued on the IRC at least eight weeks prior to the public hearing.

Dismissal of Incorrect Reduction Claims. Under section 1188.31 of the Commission's regulations, IRCs may be dismissed if postponed or placed on inactive status by the claimant for more than one year. Prior to dismissing a claim, the Commission will provide 60 days notice and opportunity for the claimant to be heard on the proposed dismissal.

Please contact Tina Poole at (916) 323-8220 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Patton", written in a cursive style.

NANCY PATTON
Assistant Executive Director

Enclosure: Incorrect Reduction Claim Filing - (SCO only)

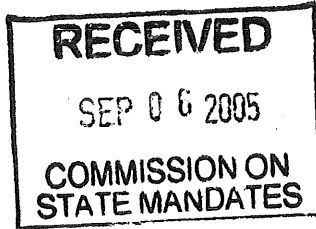
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SixTen and Associates

Mandate Reimbursement Services

KEITH B. PETERSEN, MPA, JD, President
252 Balboa Avenue, Suite 807
San Diego, CA 92117

Telephone: (858) 514-8605
Fax: (858) 514-8645
E-Mail: Kbpsixten@aol.com



September 1, 2005

Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

RE: Health Fee Elimination
Fiscal Years: 1999-00 through 2001-02
Incorrect Reduction Claim

Dear Ms. Higashi:

Enclosed is the original and two copies of the above referenced incorrect reduction claim for State Center Community College District.

SixTen and Associates has been appointed by the District as its representative for this matter and all interested parties should direct their inquiries to me, with a copy as follows:

Douglas R. Brinkley
Vice Chancellor Finance and Administration
State Center Community College District
1525 East Weldon Avenue
Fresno, CA 937045-6398

Thank-you.

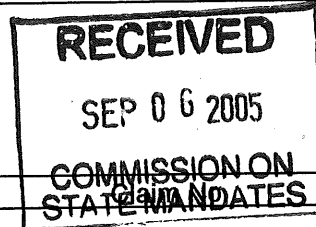
Sincerely,

A handwritten signature in black ink, appearing to read "Keith B. Petersen".

Keith B. Petersen

State of California
COMMISSION ON STATE MANDATES
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562
CSM 2 (12/89)

For Official Use Only



05-4206-I-05

NCORRECT REDUCTION CLAIM FORM

Local Agency or School District Submitting Claim

STATE CENTER COMMUNITY COLLEGE DISTRICT

Contact Person

Keith B. Petersen, President
SixTen and Associates
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

Telephone Number

Voice: 858-514-8605
Fax: 858-514-8645
E-mail: Kbpsixten@aol.com

Address

Douglas R. Brinkley, Vice Chancellor
Finance and Administration
State Center Community College District
1525 East Weldon Avenue
Fresno, CA 93704-6398

Representative Organization to be Notified

Robert Miyashiro, Consultant, Education Mandated Cost Network
c/o School Services of California
1121 L Street, Suite 1060
Sacramento, CA 95814

Telephone Number

Voice: 916-446-7517
Fax: 916-446-2011
robertm@SSCal.com

This claim alleges an incorrect reduction of a reimbursement claim filed with the State Controller's Office pursuant to section 17561 of the Government Code. This incorrect reduction claim is filed pursuant to section 17561(b) of the Government Code.

CLAIM IDENTIFICATION: Specify Statute or Executive Order

HEALTH FEE ELIMINATION Chapter 1, Statutes of 1984, End E.S. Education Code Section 76355
Chapter 1118, Statutes of 1987

<u>Fiscal Year</u>	<u>Amount of the Incorrect Reduction</u>
1999-00	\$268,112
2000-01	\$329,266
2001-02	\$290,287
Total Amount	\$887,665

IMPORTANT: PLEASE SEE INSTRUCTIONS AND FILING REQUIREMENTS FOR COMPLETING AN INCORRECT REDUCTION CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative

Douglas R. Brinkley, Vice Chancellor Finance and Administration

Telephone No.

Voice: 559-244-5910
Fax: 559-243-1949
E-mail: doug.brinkley@scccd.edu

Signature of Authorized Representative

X

Date

August 25, 2005

1 Claim Prepared by:
Keith B. Petersen
3 SixTen and Associates
4 5252 Balboa Avenue, Suite 807
5 San Diego, California 92117
6 Voice: (858) 514-8605
7 Fax: (858) 514-8645
8

9
10 BEFORE THE
COMMISSION ON STATE MANDATES
11 STATE OF CALIFORNIA

12 INCORRECT REDUCTION CLAIM OF:)
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STATE CENTER
Community College District,

Claimant.

No. CSM _____
Chapter 1, Statutes of 1984, 2nd E.S.
Chapter 1118, Statutes of 1987
Education Code Section 76355
Health Fee Elimination
Annual Reimbursement Claims:
Fiscal year 1999-00
Fiscal Year 2000-01
Fiscal Year 2001-02

INCORRECT REDUCTION CLAIM FILING

30 PART I. AUTHORITY FOR THE CLAIM

31 The Commission on State Mandates has the authority pursuant to Government
32 Code Section 17551(d) to "... to hear and decide upon a claim by a local agency or
33 school district, filed on or after January 1, 1985, that the Controller has incorrectly
34 reduced payments to the local agency or school district pursuant to paragraph (2) of
35 subdivision (d) of Section 17561." State Center Community College District (hereafter

Incorrect Reduction Claim of State Center Community College District
1/84; 1118/87 Health Fee Elimination

1 "district" or "claimant") is a school district as defined in Government Code Section
2 17519.¹ Title 2, CCR, Section 1185 (a), requires the claimant to file an incorrect
3 reduction claim with the Commission.

4 This incorrect reduction claim is timely filed. Title 2, CCR, Section 1185 (b),
5 requires incorrect reduction claims to be filed no later than three years following the
6 date of the Controller's remittance advice notifying the claimant of a reduction. A
7 Controller's audit report dated September 17, 2004 has been issued, but no remittance
8 advices have been issued. The audit report constitutes a demand for repayment and
9 adjudication of the claim. On May 11, 2005, the Controller issued "results of review
10 letters" reporting the audit results and amounts due the state and this constitutes a
payment action.

12 There is no alternative dispute resolution process available from the Controller's
13 office. In response to an audit issued March 10, 2004, Foothill-De Anza Community
14 College attempted to utilize the informal audit review process established by the
15 Controller to resolve factual disputes. Foothill-De Anza was notified by the Controller's
16 legal counsel by letter of July 15, 2004 (attached as Exhibit "A"), that the Controller's
17 informal audit review process was not available for mandate audits and that the proper

¹ Government Code Section 17519, added by Chapter 1459, Statutes of 1984,
Section 1:

"'School district' means any school district, community college district, or county
superintendent of schools."

forum was the Commission on State Mandates.

PART II. SUMMARY OF THE CLAIM

The Controller conducted a field audit of District's annual reimbursement claims for the District's actual costs of complying with the legislatively mandated Health Fee Elimination Program (Chapter 1, Statutes of 1984, 2nd Extraordinary Session and Chapter 1118, Statutes of 1987) for the period of July 1, 1999 through June 30, 2002. As a result of the audit, the Controller determined that \$887,665 of the claimed costs for were unallowable:

<u>Fiscal Year</u>	<u>Amount Claimed</u>	<u>Audit Adjustment</u>	<u>SCO Payments</u>	<u>Amount Due <State> District</u>
1999-00	\$521,769	\$268,112	\$521,769	<\$268,112>
2000-01	\$517,084	\$329,266	\$165,514	\$ 22,304
2001-02	<u>\$604,202</u>	<u>\$290,287</u>	<u>\$131,954</u>	<u>\$181,961</u>
Totals	\$1,643,055	\$887,665	\$819,237	<\$63,847>

Since the District has been paid \$819,237 for these claims, the audit report concludes that the amount of \$63,847 is due the State.

PART III. PREVIOUS INCORRECT REDUCTION CLAIMS

The District has not filed any previous incorrect reduction claims for this mandate program. The District is not aware of any other incorrect reduction claims having been adjudicated on the specific issues or subject matter raised by this incorrect reduction claim.

1 PART IV. BASIS FOR REIMBURSEMENT

2 1. Mandate Legislation

3 Chapter 1, Statutes of 1984, 2nd Extraordinary Session, repealed Education
4 Code Section 72246 which had authorized community college districts to charge a
5 student health services fee for the purpose of providing health supervision and
6 services, direct and indirect medical and hospitalization services, and operation of
7 student health centers. This statute also required the scope of health services for
8 which a community college district charged a fee during the 1983-84 fiscal year be
9 maintained at that level in the 1984-85 fiscal year and every year thereafter. The
10 provisions of this statute were to automatically repeal on December 31, 1987.

Chapter 1118, Statutes of 1987, amended Education Code Section 72246 to
12 require any community college district that provided health services in 1986-87 to
13 maintain health services at that level in 1987-88 and each fiscal year thereafter.

14 Chapter 8, Statutes of 1993, Section 29, repealed Education Code Section
15 72246, effective April 15, 1993. Chapter 8, Statutes of 1993, Section 34, added
16 Education Code Section 76355², containing substantially the same provisions as former

² Education Code Section 76355, added by Chapter 8, Statutes of 1993, Section 34, effective April 15, 1993, as last amended by Chapter 758, Statutes of 1995, Section 99:

“(a) The governing board of a district maintaining a community college may require community college students to pay a fee in the total amount of not more than ten dollars (\$10) for each semester, seven dollars (\$7) for summer school, seven dollars (\$7) for each intersession of at least four weeks, or seven dollars (\$7) for each

quarter for health supervision and services, including direct or indirect medical and hospitalization services, or the operation of a student health center or centers, or both.

The governing board of each community college district may increase this fee by the same percentage increase as the Implicit Price Deflator for State and Local Government Purchase of Goods and Services. Whenever that calculation produces an increase of one dollar (\$1) above the existing fee, the fee may be increased by one dollar (\$1).

(b) If, pursuant to this section, a fee is required, the governing board of the district shall decide the amount of the fee, if any, that a part-time student is required to pay. The governing board may decide whether the fee shall be mandatory or optional.

(c) The governing board of a district maintaining a community college shall adopt rules and regulations that exempt the following students from any fee required pursuant to subdivision (a):

(1) Students who depend exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization.

(2) Students who are attending a community college under an approved apprenticeship training program.

(3) Low-income students, including students who demonstrate financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid and students who demonstrate eligibility according to income standards established by the board of governors and contained in Section 58620 of Title 5 of the California Code of Regulations.

(d) All fees collected pursuant to this section shall be deposited in the fund of the district designated by the California Community Colleges Budget and Accounting Manual. These fees shall be expended only to provide health services as specified in regulations adopted by the board of governors.

Authorized expenditures shall not include, among other things, athletic trainers' salaries, athletic insurance, medical supplies for athletics, physical examinations for intercollegiate athletics, ambulance services, the salaries of health professionals for athletic events, any deductible portion of accident claims filed for athletic team members, or any other expense that is not available to all students. No student shall be denied a service supported by student health fees on account of participation in athletic programs.

(e) Any community college district that provided health services in the 1986-87 fiscal year shall maintain health services, at the level provided during the 1986-87 fiscal year, and each fiscal year thereafter. If the cost to maintain that level of service exceeds the limits specified in subdivision (a), the excess cost shall be borne by the

Incorrect Reduction Claim of State Center Community College District
1/84; 1118/87 Health Fee Elimination

1 Section 72246, effective April 15, 1993.

2 2. Test Claim

3 On December 2, 1985, Rio Hondo Community College District filed a test claim
4 alleging that Chapter 1, Statutes of 1984, 2nd Extraordinary Session, by eliminating the
5 authority to levy a fee and by requiring a maintenance of effort, mandated additional
6 costs by mandating a new program or the higher level of service of an existing program
7 within the meaning of California Constitution Article XIII B, Section 6.

8 On November 20, 1986, the Commission on State Mandates determined that
9 Chapter 1, Statutes of 1984, 2nd Extraordinary Session, imposed a new program upon
10 community college districts by requiring any community college district, which provided
11 health services for which it was authorized to charge a fee pursuant to former Section
12 72246 in the 1983-1984 fiscal year, to maintain health services at that level in the
13 1984-1985 fiscal year and each fiscal year thereafter.

14 At a hearing on April 27, 1989, the Commission of State Mandates determined
15 that Chapter 1118, Statutes of 1987, amended this maintenance of effort requirement to
16 apply to all community college districts which provided health services in fiscal year
17 1986-1987 and required them to maintain that level of health services in fiscal year

district.

(f) A district that begins charging a health fee may use funds for startup costs from other district funds and may recover all or part of those funds from health fees collected within the first five years following the commencement of charging the fee.

(g) The board of governors shall adopt regulations that generally describe the types of health services included in the health service program."

1 1987-1988 and each fiscal year thereafter.

2 3. Parameters and Guidelines

3 On August 27, 1987, the original parameters and guidelines were adopted. On
4 May 25, 1989, those parameters and guidelines were amended. A copy of the
5 parameters and guidelines, as amended on May 25, 1989, is attached as Exhibit "B."
6 So far as is relevant to the issues presented below, the parameters and guidelines
7 state:

8 "V. REIMBURSABLE COSTS

9 A. Scope of Mandate

10 Eligible community college districts shall be reimbursed for
11 the costs of providing a health services program. Only
12 services provided in 1986-87 fiscal year may be claimed.

...

14 VI. CLAIM PREPARATION

15 ...
16 B...

17 3. Allowable Overhead Cost

18 Indirect costs may be claimed in the manner
19 described by the State Controller in his claiming
20 instructions.

21 VII. SUPPORTING DATA

22 For auditing purposes, all costs claimed must be traceable to
23 source documents and/or worksheets that show evidence of the
24 validity of such costs....

25 VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

26 Any offsetting savings the claimant experiences as a direct result
27 of this statute must be deducted from the costs claimed. In

1 addition, reimbursement for this mandate received from any
2 source, e.g., federal, state, etc., shall be identified and deducted
3 from this claim. This shall include the amount of \$7.50 per full-time
4 student per semester, \$5.00 per full-time student for summer
5 school, or \$5.00 per full-time student per quarter, as authorized by
6 Education Code section 72246(a). This shall also include
7 payments (fees) received from individuals other than students who
8 are not covered by Education Code Section 72246 for health
9 services. ...”

10 4. Claiming Instructions

11 The Controller has annually issued or revised claiming instructions for the
12 Health Fee Elimination mandate. A copy of the September 1997 revision of the
13 claiming instructions is attached as Exhibit “C.” The September 1997 claiming
14 instructions are believed to be, for the purposes and scope of this incorrect reduction
15 claim, substantially similar to the version extant at the time the claims which are the
16 subject of this Incorrect reduction claim were filed. However, since the Controller’s
17 claim forms and instructions have not been adopted as regulations, they have no force
18 of law, and, therefore, have no effect on the outcome of this incorrect reduction claim.

19 **PART V. STATE CONTROLLER CLAIM ADJUDICATION**

20 The Controller conducted an audit of District’s annual reimbursement claims for
21 fiscal years 1999-00, 2000-01 and 2001-02. The audit concluded that 46% of the
22 District’s costs, as claimed, were allowable. A copy of the September 17, 2004-audit
23 report and the District’s response is attached as Exhibit “D.”

24 **VI. CLAIMANT’S RESPONSE TO THE STATE CONTROLLER**

25 By letter dated July 26, 2004, the Controller transmitted a copy of its draft audit

1 report. By letter dated August 10, 2004, the District objected to the proposed
2 adjustments set forth in the draft audit report. A copy of District's letter of August 10,
3 2004, is attached as Exhibit "E." The Controller then issued its final audit report without
4 change to the adjustments as stated in the draft audit report.

5 **PART VII. STATEMENT OF THE ISSUES**

6 **Finding 1: Unallowable Salary Costs**

7 The District is not disputing these adjustments.

8 **Finding 2: Unallowable Services and Supplies Costs**

9 The District is not disputing these adjustments.

10 **Finding 3 - Overstated Indirect Cost Rates Claimed**

The Controller asserts that the district overstated its indirect cost rates and costs
12 in the amount of \$415,502 for all three fiscal years. This finding is based upon the
13 report's statement that "... the district prepared indirect cost rate proposals (IRCP) for
14 each fiscal year. However, the district did not obtain federal approval of its IRCPs."

15 Federal Approval

16 The audit report states: "The SCO claiming instructions require that districts
17 obtain federal approval of ICRPs prepared according to Office of Management and
18 Budget (OMB) Circular A-21." Contrary to the Controller's ministerial preferences,
19 there is no requirement in law that the district's indirect cost rate must be "federally"
20 approved, and neither the Commission nor the Controller has ever specified the federal

Incorrect Reduction Claim of State Center Community College District
1/84; 1118/87 Health Fee Elimination

1 agencies which have the authority to approve indirect cost rates. Further, it should be
2 noted that the Controller did not determine that the District's rate was excessive or
3 unreasonable, just that it wasn't federally approved.

4 CCFS-311

5 In fact, both the District's method and the Controller's method utilized the same
6 source document, the CCFS-311 annual financial and budget report required by the
7 state. The difference in the claimed and audited methods is in the determination of
8 which of those cost elements are direct costs and which are indirect costs. Indeed,
9 federally "approved" rates which the Controller will accept without further action, are
10 "negotiated" rates calculated by the district and submitted for approval, indicating that
the process is not an exact science, but a determination of the relevance and
12 reasonableness of the cost allocation assumptions made for the method used.

13 Regulatory Requirements

14 No particular indirect cost rate calculation is required by law. The parameters
15 and guidelines state that "Indirect costs *may be claimed* in the manner described by the
16 Controller in his claiming instructions." The district claimed these indirect costs "in the
17 manner" described by the Controller. The correct forms were used and the claimed
18 amounts were entered at the correct locations. Further, "may" is not "shall"; the
19 parameters and guidelines do not require that indirect costs be claimed in the manner
20 described by the Controller. However, the Controller asserts that the "phrase 'may be
21 claimed' is permissive; it allows the district to claim indirect costs. If the district claims

1 indirect costs, the costs must adhere to the SCO's claiming instructions." The logic is
2 specious. Claimants have the option of filing the *entire* claim for reimbursement and
3 there is no logic to isolating the indirect cost rates as permissive, nor is there is
4 language regarding "adhering" to the claiming instructions if costs are claimed. It is
5 not quite clear what the legal significance of "adhering" to the claiming instructions
6 means, however, since the Controller's claiming instructions were never adopted as
7 law, or regulations pursuant to the Administrative Procedure Act, the claiming
8 instructions are merely a statement of the ministerial interests of the Controller and not
9 law.

10 Unreasonable or Excessive

Government Code Section 17561(d)(2) requires the Controller to pay claims,
12 provided that the Controller may audit the records of any school district to verify the
13 actual amount of the mandated costs, and may reduce any claim that the Controller
14 determines is excessive or unreasonable. The Controller is authorized to reduce a
15 claim only if it determines the claim to be excessive or unreasonable. Here, the District
16 has computed its ICRPs utilizing cost accounting principles from the Office of
17 Management and Budget Circular A-21, and the Controller has disallowed it without a
18 determination of whether the product of the District's calculation would, or would not, be
19 excessive, unreasonable, or inconsistent with cost accounting principles.

20 The District reported indirect cost rates of 38.74%, 37.73%, and 35.06% for the
21 three fiscal years audited. Subsequent to the audit, the District performed the complex

1 cost accounting and time consuming negotiation process to receive a federally
2 approved rate of 36.5% from the Department of Health and Human Services, for use in
3 fiscal years beginning 2004-05. The three rates used on the audited claims are less
4 than three percentage points different from the federally negotiated rate. It can be
5 clearly seen that the OMB A-21 cost accounting methods are not the intellectual
6 property of the federal government and can be competently utilized by claimants to
7 generate a reasonable indirect cost rate without the need for federal approval.

8 Neither State law nor the parameters and guidelines made compliance with the
9 Controller's claiming instructions a condition of reimbursement. The district has
10 followed the parameters and guidelines. The burden of proof is on the Controller to
11 prove that the product of District's calculation is unreasonable, not to recalculate the
12 rate according to its unenforceable ministerial preferences. Therefore, Controller
13 made no determination as to whether the method used by the District was reasonable,
14 but, merely substituted its FAM-29C method for the method reported by the District.
15 The substitution of the FAM-29C method is an arbitrary choice of the Controller, not a
16 "finding" enforceable either by fact or law. The Controller's insistence that OMB A-21
17 costs accounting is the sole province of the federal government is both legally incorrect
18 and factually refuted.

19 **Finding 4 - Understated Authorized Health Service Fees**

20 This finding is based upon the report's statement that "the district understated

Incorrect Reduction Claim of State Center Community College District
1/84; 1118/87 Health Fee Elimination

1 authorized health service fees” because the “district reported actual revenue received
2 rather than health fees the district was authorized to collect.” The adjustments are
3 based on the Controller’s recalculation of the student health services fees which may
4 have been “collectible” which was then compared to the District’s student health fee
5 revenues actually received, resulting in a total adjustment of \$385,753 for the three
6 fiscal years. The Controller alleges that claimants must compute the total student
7 health fees collectible and reduce claimed costs by this amount even if those fees are
8 not collected in full or part.

9 Education Code Section 76355

10 Education Code Section 76355, subdivision (a), in relevant part, provides: “The
11 governing board of a district maintaining a community college *may require* community
12 college students to pay a fee . . . for health supervision and services . . .” There is no
13 requirement that community colleges levy these fees. The permissive nature of the
14 provision is further illustrated in subdivision (b) which states “*If, pursuant to this*
15 *Section, a fee is required, the governing board of the district shall decide the amount of*
16 *the fee, if any, that a part-time student is required to pay. The governing board may*
17 *decide whether the fee shall be mandatory or optional.*”

18 Parameters and Guidelines

19 This Controller states that the “*Parameters and Guidelines* requires that the
20 district deduct authorized health fees from claimed costs.” The parameters and
21 guidelines do not state this but instead state:

Incorrect Reduction Claim of State Center Community College District
1/84; 1118/87 Health Fee Elimination

1 “Any offsetting savings that the claimant experiences as a direct result of
2 this statute must be deducted from the costs claimed. In addition,
3 reimbursement for this mandate received from any source, e.g., federal, state,
4 etc., shall be identified and deducted from this claim. This shall include the
5 amount of [student fees] as authorized by Education Code Section 72246(a)³.”

6 In order for the district to “experience” these “offsetting savings” the district must
7 actually have collected these fees. Student fees actually collected must be used to
8 offset costs, but not student fees that could have been collected and were not. The use
9 of the term “any offsetting savings” further illustrates the permissive nature of the fees.

10 Government Code Section 17514

11 The Controller relies upon Government Code Section 17514 for the conclusion
12 that “[t]o the extent community college districts can charge a fee, they are not required
13 to incur a cost.” Government Code Section 17514, as added by Chapter 1459, Statutes
14 of 1984, actually states:

15 “ Costs mandated by the state” means any increased costs which a local
16 agency or school district is required to incur after July 1, 1980, as a result of any
17 statute enacted on or after January 1, 1975, or any executive order
18 implementing any statute enacted on or after January 1, 1975, which mandates
19 a new program or higher level of service of an existing program within the
20 meaning of Section 6 of Article XIII B of the California Constitution.”

21 There is nothing in the language of the statute regarding the authority to charge a fee,
22 any nexus of fee revenue to increased cost, nor any language which describes the
23 legal effect of fees collected.

³ Former Education Code Section 72246 was repealed by Chapter 8, Statutes of 1993, Section 29, and was replaced by Education Code Section 76355.

Incorrect Reduction Claim of State Center Community College District
1/84; 1118/87 Health Fee Elimination

1 Government Code Section 17556

2 The Controller relies upon Government Code Section 17556 for the conclusion
3 that "the COSM shall not find costs mandated by the State if the school district has the
4 authority to levy fees to pay for the mandated program or increased level of service."

5 Government Code Section 17556 as last amended by Chapter 589/89 actually states:

6 "The commission shall not find costs mandated by the state, as defined in
7 Section 17514, in any claim submitted by a local agency or school district, if after
8 a hearing, the commission finds that: . . .

9 (d) The local agency or school district has the authority to levy service
10 charges, fees, or assessments sufficient to pay for the mandated program or
11 increased level of service. . . ."

12 The Controller misrepresents the law. Government Code Section 17556 prohibits the
13 Commission on State Mandates from finding costs subject to reimbursement, that is
14 approving a test claim activity for reimbursement, where there is authority to levy fees
15 in an amount sufficient to offset the entire mandated costs. Here, the Commission has
16 already approved the test claim and made a finding of a new program or higher level of
17 service for which the claimants do not have the ability to levy a fee in an amount
18 sufficient to offset the entire mandated costs.

19 Student Health Services Fee Amount

20 The Controller asserts that the district should have collected a student health
21 service fee each semester from non-exempt students in the amount of \$8, \$9, \$11 or
22 \$12, depending on the fiscal year and whether the student is enrolled full time or part
23 time. Districts receive notice of these fee amounts from the Chancellor of the

Incorrect Reduction Claim of State Center Community College District
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1 California Community Colleges. An example of one such notice is the letter dated
2 March 5, 2001, attached as Exhibit "F." While Education Code Section 76355
3 provides for an increase in the student health service fee, it did not grant the
4 Chancellor the authority to establish mandatory fee amounts or mandatory fee
5 increases. No state agency was granted that authority by the Education Code, and no
6 state agency has exercised its rulemaking authority to establish mandatory fees
7 amounts. It should be noted that the Chancellor's letter properly states that increasing
8 the amount of the fee is at the option of the district, and that the Chancellor is not
9 asserting that authority. Therefore, the Controller cannot rely upon the Chancellor's
10 notice as a basis to adjust the claim for "collectible" student health services fees.

Fees Collected vs. Fees Collectible

12 This issue is one of student health fees revenue actually received, rather than
13 student health fees which might be collected. The Commission determined, as stated
14 in the parameters and guidelines that the student fees "experienced" (*collected*) would
15 reduce the amount subject to reimbursement. Student fees not collected are student
16 fees not "experienced" and as such should not reduce reimbursement. Further, the
17 amount "collectible" will never equal actual revenues collected due to changes in
18 student's BOGG eligibility, bad debt accounts, and refunds.

19 Because districts are not required to collect a fee from students for student
20 health services, and if such a fee is collected, the amount is to be determined by the
21 District and not the Controller, the Controller's adjustment is without legal basis. What

Incorrect Reduction Claim of State Center Community College District
1/84; 1118/87 Health Fee Elimination

1 claimants are required by the parameters and guidelines to do is to reduce the amount
2 of their claimed costs by the amount of student health services fee revenue actually
3 received. Therefore, student health fees are merely collectible, they are not
4 mandatory, and it is inappropriate to reduce claim amounts by revenues not received.

5 **Statute of Limitations for Audit**

6 This issue is not a finding of the Controller. The District asserts that the first two
7 years of the three claim years audited, fiscal years 1999-00 and 2000-01, were beyond
8 the statute of limitations for an audit when the Controller issued its audit report on
9 September 17, 2004. The District raised this issue at the beginning of the audit and in
10 its letter dated August 10, 2004 in response to the draft audit report.

Chronology of Claim Action Dates

12	January 13, 2001	FY 1999-00 claim filed by the District (certified mail)
13	December 27, 2001	FY 2000-01 claim filed by the District (certified mail)
14	May 12, 2003	Entrance conference date. FY 2002-03, filed four weeks
15		previously, added to the audit.
16	December 31, 2003	FY 1999-00 and FY 2000-01 statute of limitations for audit
17		expires
18	September 17, 2004	Controller's final audit report issued

19 The District's fiscal year 1999-00 claim was mailed to the Controller on January
20 13, 2001. The District's fiscal year 2000-01 claim was mailed to the Controller on

Incorrect Reduction Claim of State Center Community College District
1/84; 1118/87 Health Fee Elimination

1 December 27, 2001. According to Government Code Section 17558.5, these claims
2 were subject to audit no later than December 31, 2003. The audit was not completed
3 by this date. Therefore, the audit adjustments for Fiscal Year 1999-00 and 2000-01
4 are barred by the statute of limitations set forth in Government Code Section 17558.5.

5 In its final audit report, the Controller responded as follows: "No statutory
6 language defines when the SCO must issue an audit report. We initiated the audit by
7 conducting an entrance conference with the district on May 12, 2003, within the statute
8 of limitations." Note that the Controller considers the audit "initiated" on the date of the
9 entrance conference. Thus, the Controller is thus asserting that date when the audit
10 was "initiated" is relevant to the period of limitations, and not the date of the audit
11 report. In any case, a review of the legislative history of Government Code Section
12 17558.5 indicates that the matter of the audit "initiation" date is not relevant to any
13 fiscal year claims which are the subject of this audit.

14 Statutory History

15 Prior to January 1, 1994, no statute specifically governed the statute of
16 limitations for audits of mandate reimbursement claims. Statutes of 1993, Chapter 906,
17 Section 2, operative January 1, 1994, added Government Code Section 17558.5 to
18 establish for the first time a specific statute of limitations for audit of mandate
19 reimbursement claims:

20 "(a) A reimbursement claim for actual costs filed by a local agency or school
21 district pursuant to this chapter is subject to audit by the Controller no later than
22 four years after the end of the calendar year in which the reimbursement claim is

Incorrect Reduction Claim of State Center Community College District
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1 filed or last amended. However, if no funds are appropriated for the program for
2 the fiscal year for which the claim is made, the time for the Controller to initiate
3 an audit shall commence to run from the date of initial payment of the claim.”

4 Thus, there are two standards. A funded claim is “subject to audit” for four year after
5 the end of the calendar year in which the claim was filed. An “unfunded” claim must
6 have its audit “initiated” within four years of first payment.

7 Statutes of 1995, Chapter 945, Section 13, operative July 1, 1996, repealed and
8 replaced Section 17558.5, changing only the period of limitations:

9 “(a) A reimbursement claim for actual costs filed by a local agency or school
10 district pursuant to this chapter is subject to audit by the Controller no later than
11 two years after the end of the calendar year in which the reimbursement claim is
12 filed or last amended. However, if no funds are appropriated for the program for
13 the fiscal year for which the claim is made, the time for the Controller to initiate
14 an audit shall commence to run from the date of initial payment of the claim.”

15 All of the annual claims which are the subject of the audit are subject to the two-year
16 statute of limitations established by Chapter 945/95. The claims for the first two fiscal
17 years (FY 1999-00 and FY 2000-01) were beyond audit when the audit report was
18 issued. The third year (FY 2001-02) was still subject to audit when the audit report
19 was issued. Since funds were appropriated for the program for all the fiscal years
20 which are the subject of the audit, the alternative measurement date is not applicable,
21 and the potential factual issue of when the audit is initiated is not relevant.

22 Statutes of 2002, Chapter 1128, Section 14.5, operative January 1, 2003
23 amended Section 17558.5 to state:

24 “(a) A reimbursement claim for actual costs filed by a local agency or school
25 district pursuant to this chapter is subject to the initiation of an audit by the

Incorrect Reduction Claim of State Center Community College District
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1 Controller no later than three years after the ~~end of the calendar year in which~~
2 ~~the date that the actual~~ reimbursement claim is filed or last amended, whichever
3 is later. However, if no funds are appropriated or no payment is made to a
4 claimant for the program for the fiscal year for which the claim is ~~made~~ filed, the
5 time for the Controller to initiate an audit shall commence to run from the date of
6 initial payment of the claim.”

7 None of the fiscal period claims which are the subject of the audit are subject to
8 this amended version of Section 17558.5. The amendment is pertinent since it
9 indicates this is the first time that the factual issue of the date the audit is “initiated” for
10 mandate programs for which funds are appropriated is introduced. Therefore, at the
11 time the claim is filed, it is impossible for the claimant to know when the statute of
12 limitations will expire, which is contrary to the purpose of a statute of limitations.

13 Statutes of 2004, Chapter 890, Section 18, operative January 1, 2005 amended
14 Section 17558.5 to state:

15 “(a) A reimbursement claim for actual costs filed by a local agency or school
16 district pursuant to this chapter is subject to the initiation of an audit by the
17 Controller no later than three years after the date that the actual reimbursement
18 claim is filed or last amended, whichever is later. However, if no funds are
19 appropriated or no payment is made to a claimant for the program for the fiscal
20 year for which the claim is filed, the time for the Controller to initiate an audit
21 shall commence to run from the date of initial payment of the claim. In any case,
22 an audit shall be completed not later than two years after the date that the audit
23 is commenced.”

24 None of the fiscal period claims which are the subject of the audit are subject to
25 this amended version of Section 17558.5. The amendment is pertinent since it
26 indicates this is the first time that the Controller audits may be completed at a time
27 other than the stated period of limitations.

1 Initiation of An Audit

2 The audit report states that the Controller's staff "initiated the audit" with the
3 entrance conference on May 12, 2003. Initiation of the audit is not relevant to the
4 annual claims which are the subject of this incorrect reduction claim. The words
5 "initiate an audit" are used only in the second sentence of Section 17558.5, that is, in a
6 situation when no funds are appropriated for the program for the fiscal year for which
7 the claim is made. Then, and only then, is the Controller authorized to "initiate an
8 audit" within two years from the date of initial payment. The claims at issue here were
9 not subject to the "no funds appropriated" provision, they were subject only to the first
10 sentence of the statute, i.e., they were only "subject to audit" through December 2003
11 and 2004. The words of the statute are quite clear and unambiguous: these claims
12 were no longer subject to audit after December 31, 2003 and 2004. The unmistakable
13 language of Section 17558.5 is confirmed by the later actions of the Legislature.
14 Chapter 1128, Statutes of 2002, amended subdivision (a) of Government Code Section
15 17558.5 to change the "subject to audit" language of the first sentence to "subject to the
16 initiation of an audit." Had the Legislature intended the former Section to mean "subject
17 to the initiation of an audit," there would have been no need to amend the statute to
18 now say "subject to the initiation of an audit."

19 The Controller did not complete the audit within the statutory period allowed for
20 the first two fiscal year claims included in this audit. The date the audit was "initiated"
21 is not relevant, only the date the audit was completed as evidenced by the Controller's

1 audit report. The audit findings are therefore void for those two claims.

2 **PART VIII. RELIEF REQUESTED**

3 The District filed its annual reimbursement claims within the time limits
4 prescribed by the Government Code. The amounts claimed by the District for
5 reimbursement of the costs of implementing the program imposed by Chapter 1,
6 Statutes of 1984, 2nd E.S., Chapter 1118, Statutes of 1987, and Education Code
7 Section 76355 represent the actual costs incurred by the District to carry out this
8 program. These costs were properly claimed pursuant to the Commission's parameters
9 and guidelines. Reimbursement of these costs is required under Article XIII B, Section
10 6 of the California Constitution. The Controller denied reimbursement without any
basis in law or fact. The District has met its burden of going forward on this claim by
12 complying with the requirements of Section 1185, Title 2, California Code of
13 Regulations. Because the Controller has enforced and is seeking to enforce these
14 adjustments without benefit of statute or regulation, the burden of proof is now upon the
15 Controller to establish a legal basis for its actions.

16 The District requests that the Commission make findings of fact and law on each
17 and every adjustment made by the Controller and each and every procedural and
18 jurisdictional issue raised in this claim, and order the Controller to correct its audit
19 report findings therefrom.

20 /

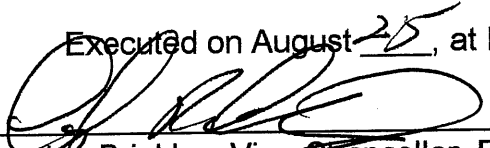
21 /

Incorrect Reduction Claim of State Center Community College District
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PART IX. CERTIFICATION

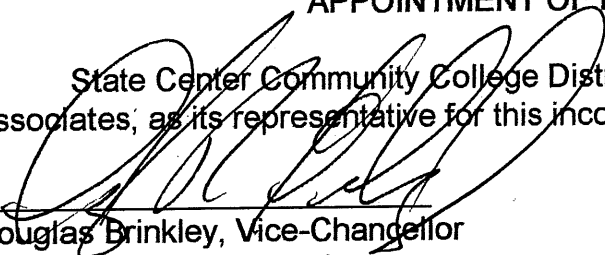
By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this incorrect reduction claim submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.


Executed on August 25, at Fresno, California, by


Douglas Brinkley, Vice-Chancellor, Finance and Administration
State Center Community College District
1525 East Weldon Ave.
Fresno, CA 93704
Voice: 559-244-0910
Fax: 559-243-1949
E-Mail: doug.brinkley@scccd.edu

APPOINTMENT OF REPRESENTATIVE

State Center Community College District appoints Keith B. Petersen, SixTen and Associates, as its representative for this incorrect reduction claim.

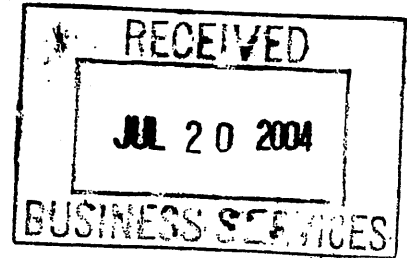

Douglas Brinkley, Vice-Chancellor
Finance and Administration
State Center Community College District


Date

Attachments:

- Exhibit "A" SCO Legal Counsel's Letter dated July 15, 2004
- Exhibit "B" Parameters and Guidelines as amended May 25, 1989
- Exhibit "C" Controller's Claiming Instructions September 1997
- Exhibit "D" SCO Audit Report dated September 17, 2004
- Exhibit "E" Claimant's Letter dated August 10, 2004
- Exhibit "F" Chancellor's Letter dated March 5, 2001

Exhibit A



STEVE WESTLY
California State Controller

July 15, 2004

Mike Brandy, Vice Chancellor
Foothill-De Anza Community College District
12345 El Monte Road
Los Altos, CA 94022

Re: Foothill-De Anza Community College District Audit

Dear Mr. Brandy:

This is in response to your letter to me dated May 13, 2004, concerning the Controller's Audit of the Health Fee claim.

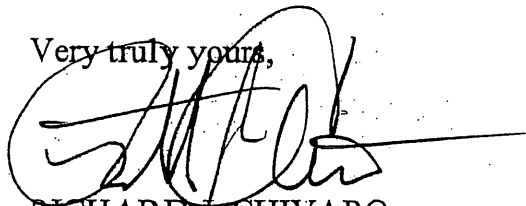
The Controller's informal audit review process was established to resolve factual disputes where no other forum for resolution, other than a judicial proceeding, is available.

The proper forum for resolving issues involving mandated cost programs is through the incorrect reduction process through the Commission on State Mandates. As such, this office will not be scheduling an informal conference for this matter.

However, in light of the concerns expressed in your letter concerning the auditors assigned and the validity of the findings, I am forwarding your letter to Vince Brown, Chief Operating Officer, for his review and response.

If you have any questions you may contact Mr. Vince Brown at (916) 445-2038.

Very truly yours,



RICHARD J. CHIVARO
Chief Counsel

RJC/st

cc: Vincent P. Brown, Chief Operating Officer, State Controller's Office
Jeff Brownfield, Chief, Division of Audits, State Controller's Office

Exhibit B

Adopted: 8/27/87
Amended: 5/25/89

PARAMETERS AND GUIDELINES
Chapter 1, Statutes of 1984, 2nd E.S. .
Chapter 1118, Statutes of 1987
Health Fee Elimination

I. SUMMARY OF MANDATE

Chapter 1, Statutes of 1984, 2nd E.S. repealed Education Code Section 72246 which had authorized community college districts to charge a health fee for the purpose of providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers. This statute also required that health services for which a community college district charged a fee during the 1983-84 fiscal year had to be maintained at that level in the 1984-85 fiscal year and every year thereafter. The provisions of this statute would automatically repeal on December 31, 1987, which would reinstate the community colleges districts' authority to charge a health fee as specified.

Chapter 1118, Statutes of 1987, amended Education Code section 72246 to require any community college district that provided health services in 1986-87 to maintain health services at the level provided during the 1986-87 fiscal year in 1987-88 and each fiscal year thereafter.

II. COMMISSION ON STATE MANDATES' DECISION

At its hearing on November 20, 1986, the Commission on State Mandates determined that Chapter 1, Statutes of 1984, 2nd E.S. imposed a "new program" upon community college districts by requiring any community college district which provided health services for which it was authorized to charge a fee pursuant to former Section 72246 in the 1983-84 fiscal year to maintain health services at the level provided during the 1983-84 fiscal year in the 1984-85 fiscal year and each fiscal year thereafter. This maintenance of effort requirement applies to all community college districts which levied a health services fee in the 1983-84 fiscal year, regardless of the extent to which the health services fees collected offset the actual costs of providing health services at the 1983-84 fiscal year level.

At its hearing of April 27, 1989, the Commission determined that Chapter 1118, Statutes of 1987, amended this maintenance of effort requirement to apply to all community college districts which provided health services in fiscal year 1986-87 and required them to maintain that level in fiscal year 1987-88 and each fiscal year thereafter.

III. ELIGIBLE CLAIMANTS

Community college districts which provided health services in 1986-87 fiscal year and continue to provide the same services as a result of this mandate are eligible to claim reimbursement of those costs.

IV. PERIOD OF REIMBURSEMENT

Chapter 1, Statutes of 1984, 2nd E.S., became effective July 1, 1984. Section 17557 of the Government Code states that a test claim must be submitted on or before November 30th following a given fiscal year to establish for that fiscal year. The test claim for this mandate was filed on November 27, 1985; therefore, costs incurred on or after July 1, 1984, are reimbursable. Chapter 1118, Statutes of 1987, became effective January 1, 1988. Title 2, California Code of Regulations, section 1185.3(a) states that a parameters and guidelines amendment filed before the deadline for initial claims as specified in the Claiming Instructions shall apply to all years eligible for reimbursement as defined in the original parameters and guidelines; therefore, costs incurred on or after January 1, 1988, for Chapter 1118, Statutes of 1987, are reimbursable.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim if applicable. Pursuant to Section 17561(d)(3) of the Government Code, all claims for reimbursement of costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code Section 17564.

V. REIMBURSABLE COSTS

A. Scope of Mandate

Eligible community college districts shall be reimbursed for the costs of providing a health services program. Only services provided in 1986-87 fiscal year may be claimed.

B. Reimbursable Activities

For each eligible claimant, the following cost items are reimbursable to the extent they were provided by the community college district in fiscal year 1986-87:

ACCIDENT REPORTS

APPOINTMENTS

- College Physician - Surgeon
- Dermatology, Family Practice, Internal Medicine
- Outside Physician
- Dental Services
- Outside Labs (X-ray, etc.)
- Psychologist, full services
- Cancel/Change Appointments
- R.N.
- Check Appointments

ASSESSMENT, INTERVENTION & COUNSELING

- Birth Control
- Lab Reports
- Nutrition
- Test Results (office)
- VD
- Other Medical Problems
- CD
- URI
- ENT
- Eye/Vision
- Derm./Allergy
- Gyn/Pregnancy Services
- Neuro
- Ortho
- GU
- Dental
- GI
- Stress Counseling
- Crisis Intervention
- Child Abuse Reporting and Counseling
- Substance Abuse Identification and Counseling
- Aids
- Eating Disorders
- Weight Control
- Personal Hygiene
- Burnout

EXAMINATIONS (Minor Illnesses)

- Recheck Minor Injury

HEALTH TALKS OR FAIRS - INFORMATION

- Sexually Transmitted Disease
- Drugs
- Aids
- Child Abuse
- Birth Control/Family Planning
- Stop Smoking
- Etc.
- Library - videos and cassettes

FIRST AID (Major Emergencies)

FIRST AID (Minor Emergencies)

FIRST AID KITS (Filled)

IMMUNIZATIONS

- Diphtheria/Tetanus
- Measles/Rubella
- Influenza
- Information

INSURANCE

On Campus Accident
Voluntary
Insurance Inquiry/Claim Administration

LABORATORY TESTS DONE

Inquiry/Interpretation
Pap Smears

PHYSICALS

Employees
Students
Athletes

MEDICATIONS (dispensed OTC for misc. illnesses)

Antacids
Antidiarrhial
Antihistamines
Aspirin, Tylenol, etc.
Skin rash preparations
Misc.
Eye drops
Ear drops
Toothache - Oil cloves
Stingkill
Midol - Menstrual Cramps

PARKING CARDS/ELEVATOR KEYS

Tokens
Return card/key
Parking inquiry
Elevator passes
Temporary handicapped parking permits

REFERRALS TO OUTSIDE AGENCIES

Private Medical Doctor
Health Department
Clinic
Dental
Counseling Centers
Crisis Centers
Transitional Living Facilities (Battered/Homeless Women)
Family Planning Facilities
Other Health Agencies

TESTS

Blood Pressure
Hearing
Tuberculosis
 Reading
 Information
Vision
Glucometer
Urinalysis

Hemoglobin
E.K.G.
Strep A testing
P.G. testing
Monospot
Hemacult
Misc.

MISCELLANEOUS

Absence Excuses/PE Waiver
Allergy Injections
Band-aids
Booklets/Pamphlets
Dressing Change
Rest
Suture Removal
Temperature
Weigh
Misc.
Information
Report/Form
Wart Removal

COMMITTEES

Safety
Environmental
Disaster Planning

SAFETY DATA SHEETS

Central file

X-RAY SERVICES

COMMUNICABLE DISEASE CONTROL

BODY FAT MEASUREMENTS

MINOR SURGERIES

SELF-ESTEEM GROUPS

MENTAL HEALTH CRISIS

AA GROUP

ADULT CHILDREN OF ALCOHOLICS GROUP

WORKSHOPS

Test Anxiety
Stress Management
Communication Skills
Weight Loss
Assertiveness Skills

VI. CLAIM PREPARATION

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a list of each item for which reimbursement is claimed under this mandate.

A. Description of Activity

1. Show the total number of full-time students enrolled per semester/quarter.
 2. Show the total number of full-time students enrolled in the summer program.
 3. Show the total number of part-time students enrolled per semester/quarter.
 4. Show the total number of part-time students enrolled in the summer program.
- B. Actual Costs of Claim Year for Providing 1986-87 Fiscal Year Program Level of Service

Claimed costs should be supported by the following information:

1. Employee Salaries and Benefits

Identify the employee(s), show the classification of the employee(s) involved, describe the mandated functions performed and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study.

2. Services and Supplies

Only expenditures which can be identified as a direct cost of the mandate can be claimed. List cost of materials which have been consumed or expended specifically for the purpose of this mandate.

3. Allowable Overhead Cost

Indirect costs may be claimed in the manner described by the State Controller in his claiming instructions.

VII. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of the validity of such costs. This would include documentation for the fiscal year 1986-87 program to substantiate a maintenance of effort. These documents must be kept on file by the agency submitting the claim for a period of no

less than three years from the date of the final payment of the claim pursuant to this mandate, and made available on the request of the State Controller or his agent.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, e.g., federal, state, etc., shall be identified and deducted from this claim. This shall include the amount of \$7.50 per full-time student per semester, \$5.00 per full-time student for summer school, or \$5.00 per full-time student per quarter, as authorized by Education Code section 72246(a). This shall also include payments (fees) received from individuals other than students who are not covered by Education Code Section 72246 for health services.

IX. REQUIRED CERTIFICATION

The following certification must accompany the claim:

I DO HEREBY CERTIFY under penalty of perjury:

THAT the foregoing is true and correct:

THAT Section 1090 to 1096, inclusive, of the Government Code and other applicable provisions of the law have been complied with;

and

THAT I am the person authorized by the local agency to file claims for funds with the State of California.

Signature of Authorized Representative

Date

Title

Telephone No.

0350d

Exhibit C

HEALTH FEE ELIMINATION

1. Summary of Chapters 1/84, 2nd E.S., and Chapter 1118/87

Chapter 1, Statutes of 1984, 2nd E.S., repealed Education Code § 72246 which authorized community college districts to charge a fee for the purpose of providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers. The statute also required community college districts that charged a fee in the 1983/84 fiscal year to maintain that level of health services in the 1984/85 fiscal year and each fiscal year thereafter. The provisions of this statute would automatically repeal on December 31, 1987, which would reinstate the community college districts' authority to charge a health fee as specified.

Chapter 1118, Statutes of 1987 amended Education Code § 72246 to require any community college district that provided health services in the 1986/87 fiscal year to maintain health services at that level in the 1986/87 fiscal year and each fiscal year thereafter. Chapter 8, Statutes of 1993, has revised the numbering of § 72246 to § 76355.

2. Eligible Claimants

Any community college district incurring increased costs as a result of this mandate is eligible to claim reimbursement of these costs.

3. Appropriations

To determine if current funding is available for this program, refer to the schedule "Appropriations for State Mandated Cost Programs" in the "Annual Claiming Instructions for State Mandated Costs" issued in mid-September of each year to community college presidents.

4. Types of Claims

A. Reimbursement and Estimated Claims

A claimant may file a reimbursement claim and/or an estimated claim. A reimbursement claim details the costs actually incurred for a prior fiscal year. An estimated claim shows the costs to be incurred for the current fiscal year.

B. Minimum Claim

Section 17564(a), Government Code, provides that no claim shall be filed pursuant to Section 17561 unless such a claim exceeds \$200 per program per fiscal year.

5. Filing Deadline

- (1) Refer to Item 3 "Appropriations" to determine if the program is funded for the current fiscal year. If funding is available, an estimated claim must be filed with the State Controller's Office and postmarked by November 30, of the fiscal year in which costs are to be incurred. Timely filed estimated claims will be paid before late claims.

After having received payment for an estimated claim, the claimant must file a reimbursement claim by November 30, of the following fiscal year regardless whether the payment was more or less than the actual costs. If the local agency fails to file a reimbursement claim, monies received must be returned to the State. If no estimated claim was filed, the local agency may file a reimbursement

claim detailing the actual costs incurred for the fiscal year, provided there was an appropriation for the program for that fiscal year. (See item 3 above).

- (2) A reimbursement claim detailing the actual costs must be filed with the State Controller's Office and postmarked by November 30 following the fiscal year in which costs were incurred. If the claim is filed after the deadline but by November 30 of the succeeding fiscal year, the approved claim must be reduced by a late penalty of 10%, not to exceed \$1,000. Claims filed more than one year after the deadline will not be accepted.

6. Reimbursable Components

Eligible claimants will be reimbursed for health service costs at the level of service provided in the 1986/87 fiscal year. The reimbursement will be reduced by the amount of student health fees authorized per the Education Code § 76355.

After January 1, 1993, pursuant to Chapter 8, Statutes of 1993, the fees students were required to pay for health supervision and services were not more than:

\$10.00 per semester

\$5.00 for summer school

\$5.00 for each quarter

Beginning with the summer of 1997, the fees are:

\$11.00 per semester

\$8.00 for summer school or

\$8.00 for each quarter

The district may increase fees by the same percentage increase as the Implicit Price Deflator (IPD) for the state and local government purchase of goods and services. Whenever the IPD calculates an increase of one dollar (\$1) above the existing amount, the fees may be increased by one dollar (\$1).

7. Reimbursement Limitations

- A. If the level at which health services were provided during the fiscal year of reimbursement is less than the level of health services that were provided in the 1986/87 fiscal year, no reimbursement is forthcoming.
- B. Any offsetting savings or reimbursement the claimant received from any source (e.g. federal, state grants, foundations, etc.) as a result of this mandate, shall be identified and deducted so only net local costs are claimed.

8. Claiming Forms and Instructions

The diagram "Illustration of Claim Forms" provides a graphical presentation of forms required to be filed with a claim. A claimant may submit a computer generated report in substitution for forms HFE-1.0, HFE-1.1, and form HFE-2 provided the format of the report and data fields contained within the report are identical to the claim forms included in these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file estimated and reimbursement claims. The State Controller's Office will revise the manual and claim forms as necessary. In such instances, new replacement forms will be mailed to claimants.

A. Form HFE-2, Health Services

This form is used to list the health services the community college provided during the 1986/87 fiscal year and the fiscal year of the reimbursement claim.

B. Form HFE-1.1, Claim Summary

This form is used to compute the allowable increased costs an individual college of the community college district has incurred to comply with the state mandate. The level of health services reported on this form must be supported by official financial records of the community college district. A copy of the document must be submitted with the claim. The amount shown on line (13) of this form is carried to form HFE-1.0.

C. Form HFE-1.0, Claim Summary

This form is used to list the individual colleges that had increased costs due to the state mandate and to compute a total claimable cost for the district. The "Total Amount Claimed", line (04) on this form is carried forward to form FAM-27, line 13, for the reimbursement claim, or line (07) for the estimated claim.

D. Form FAM-27, Claim for Payment

This form contains a certification that must be signed by an authorized representative of the local agency. All applicable information from form HFE-1.0 and HFE 1.1 must be carried forward to this form for the State Controller's Office to process the claim for payment.

Illustration of Claim Forms

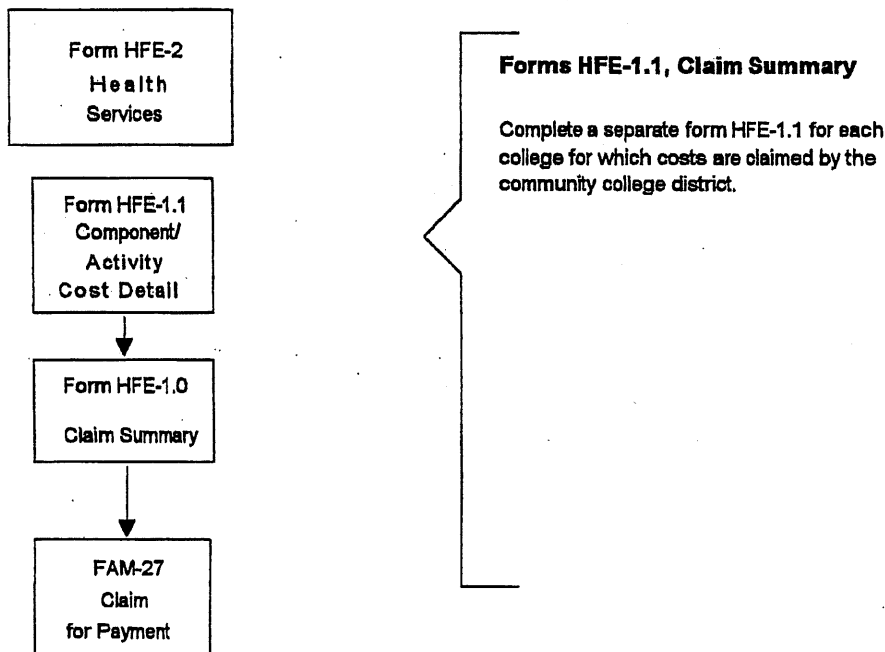


Exhibit D

STATE CENTER COMMUNITY COLLEGE DISTRICT

Audit Report

HEALTH FEE ELIMINATION PROGRAM

Chapter 1, Statutes of 1984, 2nd Extraordinary Session,
and Chapter 1118, Statutes of 1987

July 1, 1999, through June 30, 2002



STEVE WESTLY
California State Controller

September 2004



STEVE WESTLY
California State Controller

September 17, 2004

Thomas A. Crow, Ph.D., Chancellor
State Center Community College District
1525 East Weldon Avenue
Fresno, CA 93704

Dear Dr. Crow:

The State Controller's Office audited the claims filed by State Center Community College District for costs of the legislatively mandated Health Fee Elimination Program (Chapter 1, Statutes of 1984, 2nd Extraordinary Session, and Chapter 1118, Statutes of 1987) for the period of July 1, 1999, through June 30, 2002.

The district claimed \$1,643,055 for the mandated program. Our audit disclosed that \$755,390 is allowable and \$887,665 is unallowable. The unallowable costs occurred primarily because the district overstated its indirect cost rates and understated authorized health service fees. The State paid the district \$819,237. The district should return \$63,847 to the State.

If you have any questions, please contact Jim L. Spano, Chief, Compliance Audits Bureau, at (916) 323-5849.

Sincerely,

A handwritten signature in cursive script that reads "Vincent P. Brown".

VINCENT P. BROWN
Chief Operating Officer

VPB:JVB/jj

cc: (See page 2)

cc: Edwin Eng
 Director of Finance
 State Center Community College District
Lorrie Hopper
 Accounting Manager
 State Center Community College District
Ron Walls
 Accountant-Auditor
 State Center Community College District
Ed Monroe, Program Assistant
 Fiscal Accountability Section
 Chancellor's Office
 California Community Colleges
Jeannie Oropeza, Program Budget Manager
 Education Systems Unit
 Department of Finance
Charles Pillsbury, School Apportionment Specialist
 Department of Finance

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Audit Report

Summary

The State Controller's Office (SCO) audited the claims filed by State Center Community College District for costs of the legislatively mandated Health Fee Elimination Program (Chapter 1, Statutes of 1984, 2nd Extraordinary Session [E.S.], and Chapter 1118, Statutes of 1987) for the period of July 1, 1999, through June 30, 2002. The last day of fieldwork was June 17, 2004.

The district claimed \$1,643,055 for the mandated program. The audit disclosed that \$755,390 is allowable and \$887,665 is unallowable. The unallowable costs occurred primarily because the district overstated its indirect cost rates and understated authorized health service fees. The district was paid \$819,237. The amount paid in excess of allowable costs claimed totals \$63,847.

Background

Chapter 1, Statutes of 1984, 2nd E.S., repealed *Education Code* Section 72246, which authorized community college districts to charge a health fee for providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers. This statute also required that health services for which a community college district charged a fee during fiscal year (FY) 1983-84 had to be maintained at that level in FY 1984-85 and every year thereafter. The provisions of this statute would automatically sunset on December 31, 1987, reinstating community colleges districts' authority to charge a health fee as specified. Chapter 1118, Statutes of 1987, amended *Education Code* Section 72246 to require any community college district that provided health services in FY 1986-87 to maintain health services at the level provided during that year in FY 1987-88 and each fiscal year thereafter.

On November 20, 1986, the Commission on State Mandates (COSM) determined that Chapter 1, Statutes of 1984, 2nd E.S., imposed a "new program" upon community college districts by requiring any community college district that provided health services for which it was authorized to charge a fee pursuant to former *Education Code* Section 72246 in FY 1983-84 to maintain health services at the level provided during that year in FY 1984-85 and each fiscal year thereafter. This maintenance-of-effort requirement applies to all community college districts that levied a health service fee in FY 1983-84, regardless of the extent to which the health service fees collected offset the actual costs of providing health services at the FY 1983-84 level. On April 27, 1989, the COSM determined that Chapter 1118, Statutes of 1987, amended this maintenance-of-effort requirement to apply to all community college districts that provided health services in FY 1986-87 and required them to maintain that level in FY 1987-88 and each fiscal year thereafter.

Parameters and Guidelines, adopted by COSM on August 27, 1987 (and amended on May 25, 1989), establishes the state mandate and defines criteria for reimbursement. In compliance with *Government Code* Section 17558, the SCO issues claiming instructions for each mandate requiring state reimbursement to assist school districts and local agencies in claiming reimbursable costs.

Objective, Scope, and Methodology

The audit objective was to determine whether costs claimed are increased costs incurred as a result of the Health Fee Elimination Program for the period of July 1, 1999, through June 30, 2002.

The auditors performed the following procedures:

- Reviewed the costs claimed to determine if they were increased costs resulting from the mandated program;
- Traced the costs claimed to the supporting documentation to determine whether the costs were properly supported;
- Confirmed that the costs claimed were not funded by another source; and
- Reviewed the costs claimed to determine that the costs were not unreasonable and/or excessive.

The SCO conducted the audit in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States, and under the authority of *Government Code* Section 17558.5. The SCO did not audit the district's financial statements. The scope was limited to planning and performing audit procedures necessary to obtain reasonable assurance concerning the allowability of expenditures claimed for reimbursement. Accordingly, transactions were examined, on a test basis, to determine whether the amounts claimed for reimbursement were supported.

Review of the district's internal controls was limited to gaining an understanding of the transaction flow and claim preparation process as necessary to develop appropriate auditing procedures.

The SCO requested the district to submit a written representation letter regarding its accounting procedures, financial records, and mandated cost claiming procedures, as recommended by *Government Auditing Standards*. However, the district declined the SCO's request.

Conclusion

The audit disclosed instances of noncompliance with the requirements outlined above. These instances are described in the accompanying Summary of Program Costs (Schedule 1) and in the Findings and Recommendations section of this report.

For the audit period, the State Center Community College District claimed \$1,643,055 for costs of the Health Fee Elimination Program. The audit disclosed that \$755,390 is allowable and \$887,665 is unallowable.

For fiscal year (FY) 1999-2000, the district was paid \$521,769 by the State. The audit disclosed that \$253,657 is allowable. The amount paid in excess of allowable costs claimed, totaling \$268,112, should be returned to the State.

For FY 2000-01, the district was paid \$165,514 by the State. The audit disclosed that \$187,818 is allowable. Allowable costs claimed in excess of the amount paid, totaling \$22,304, will be paid by the State based on available appropriations.

For FY 2001-02, the district was paid \$131,954 by the State. The audit disclosed that \$313,915 is allowable. Allowable costs claimed in excess of the amount paid, totaling \$181,961, will be paid by the State based on available appropriations.

**Views of
Responsible
Official**

We issued a draft audit report on July 26, 2004. Thomas A. Crow, Ph.D., Chancellor, responded by letter dated August 10, 2004, disagreeing with the audit results. The final audit report includes the district's response.

Restricted Use

This report is solely for the information and use of the State Center Community College District, the California Department of Education, the California Community Colleges Chancellor's Office, the California Department of Finance, and the SCO; it is not intended to be and should not be used by anyone other than these specified parties. This restriction is not intended to limit distribution of this report, which is a matter of public record.



JEFFREY V. BROWNFIELD
Chief, Division of Audits

**Schedule 1—
Summary of Program Costs
July 1, 1999, through June 30, 2002**

Cost Elements	Actual Costs Claimed	Allowable per Audit	Audit Adjustments	Reference ¹
<u>July 1, 1999, through June 30, 2000</u>				
Salaries	\$ 421,993	\$ 420,647	\$ (1,346)	Finding 1
Benefits	73,424	73,424	—	
Services and supplies	89,380	72,007	(17,373)	Finding 2
Subtotals	584,797	566,078	(18,719)	
Indirect costs	226,550	79,648	(146,902)	Findings 1, 2, 3
Total health service costs	811,347	645,726	(165,621)	
Less authorized health service fees	(289,578)	(392,069)	(102,491)	Finding 4
Less offsetting savings/reimbursements	—	—	—	
Total costs	<u>\$ 521,769</u>	253,657	<u>\$ (268,112)</u>	
Less amount paid by the State		(521,769)		
Allowable costs claimed in excess of (less than) amount paid		<u>\$ (268,112)</u>		
<u>July 1, 2000, through June 30, 2001</u>				
Salaries	\$ 406,357	\$ 400,416	\$ (5,941)	Finding 1
Benefits	78,945	78,945	—	
Services and supplies	88,755	70,022	(18,733)	Finding 2
Subtotals	574,057	549,383	(24,674)	
Indirect costs	216,592	79,001	(137,591)	Findings 1, 2, 3
Total health service costs	790,649	628,384	(162,265)	
Less authorized health service fees	(268,179)	(435,180)	(167,001)	Finding 4
Less offsetting savings/reimbursements	(5,386)	(5,386)	—	
Total costs	<u>\$ 517,084</u>	187,818	<u>\$ (329,266)</u>	
Less amount paid by the State		(165,514)		
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 22,304</u>		
<u>July 1, 2001, through June 30, 2002</u>				
Salaries	\$ 530,669	\$ 530,311	\$ (358)	Finding 1
Benefits	90,720	90,720	—	
Services and supplies	94,282	75,052	(19,230)	Finding 2
Subtotals	715,671	696,083	(19,588)	
Indirect costs	250,914	96,476	(154,438)	Findings 1, 2, 3
Total health service costs	966,585	792,559	(174,026)	
Less authorized health service fees	(353,893)	(470,154)	(116,261)	Finding 4
Less offsetting savings/reimbursements	(8,490)	(8,490)	—	
Total costs	<u>\$ 604,202</u>	313,915	<u>\$ (290,287)</u>	
Less amount paid by the State		(131,954)		
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 181,961</u>		

Schedule 1 (continued)

<u>Cost Elements</u>	<u>Actual Costs Claimed</u>	<u>Allowable per Audit</u>	<u>Audit Adjustments</u>	<u>Reference¹</u>
<u>Summary: July 1, 1999, through June 30, 2002</u>				
Salaries	\$1,359,019	\$1,351,374	\$ (7,645)	Finding 1
Benefits	243,089	243,089	—	
Services and supplies	<u>272,417</u>	<u>217,081</u>	<u>(55,336)</u>	Finding 2
Subtotals	1,874,525	1,811,544	(62,981)	
Indirect costs	<u>694,056</u>	<u>255,125</u>	<u>(438,931)</u>	Findings 1, 2, 3
Total health service costs	2,568,581	2,066,669	(501,912)	
Less authorized health service fees	(911,650)	(1,297,403)	(385,753)	Finding 4
Less offsetting savings/reimbursements	<u>(13,876)</u>	<u>(13,876)</u>	<u>—</u>	
Total costs	<u>\$1,643,055</u>	755,390	<u>\$ (887,665)</u>	
Less amount paid by the State		<u>(819,237)</u>		
Allowable costs claimed in excess of (less than) amount paid		<u>\$ (63,847)</u>		

¹ See the Findings and Recommendations section.

Findings and Recommendations

**FINDING 1—
Unallowable salary costs**

The district claimed unallowable salary costs totaling \$7,645 for the audit period. The unallowable salary costs result in unallowable indirect costs totaling \$2,889, based on claimed indirect cost rates.

The district’s labor distribution report did not support salary costs of \$7,645 for the audit period. The following table summarizes the audit adjustment for salaries and indirect costs.

	Fiscal Year			Total
	1999-2000	2000-01	2001-02	
Unallowable salary costs	\$ (1,346)	\$ (5,941)	\$ (358)	
Indirect cost rate	× 38.74%	× 37.73%	× 35.06%	
Related indirect costs	(521)	(2,242)	(126)	\$ (2,889)
Unallowable salary costs from above	(1,346)	(5,941)	(358)	(7,645)
Audit adjustment	<u>\$ (1,867)</u>	<u>\$ (8,183)</u>	<u>\$ (484)</u>	<u>\$(10,534)</u>

Parameters and Guidelines requires that all claimed costs be traceable to source documents and/or worksheets that validate such costs. In addition, *Parameters and Guidelines* allows the district to claim only services the district provided in FY 1986-87.

Recommendation

The SCO recommends that the district claim only those costs supported by source documentation.

District’s Response

In one instance, the report states that certain costs were “not supported by source documentation.” In other instances, the report recommends that costs be “supported by source documentation.”

It appears as if the audit report is applying some previously unpublished definition to the term “source documents.” In fact, the definition applied by the audit report is still undefined and unpublished because no where in the report does it state what kind of “source documents” would satisfy its unpublished demands.

Please identify and provide the district with any and all written instructions, memorandums, or other writings in effect and applicable during the claiming period which defines “source documents.”

SCO’s Comment

The finding and recommendation remain unchanged. *Parameters and Guidelines* states that all costs claimed must be traceable to source documents and/or worksheets that show evidence of the validity of such costs. In addition, the SCO issues annual claiming instructions for mandated programs in accordance with *Government Code* Section

17558. The SCO's claiming instructions for the audit period include the same guidance for supporting documentation as stated in *Parameters and Guidelines*. We provided copies of *Parameters and Guidelines* and the SCO's claiming instructions to the district on August 25, 2004. For Findings 1 and 2, the district's documentation did not show evidence of the validity of costs claimed.

**FINDING 2—
Unallowable services
and supplies costs**

The district claimed unallowable services and supplies totaling \$55,336 for the audit period. The unallowable services and supplies costs result in unallowable indirect costs totaling \$20,540, based on claimed indirect cost rates.

The district claimed non-reimbursable athletic insurance costs totaling \$55,295. In addition, the district claimed \$41 for various services and supplies expenditures that are not supported by source documentation.

The following table summarizes the audit adjustment.

	Fiscal Year			Total
	1999-2000	2000-01	2001-02	
Unallowable services and supplies	\$(17,373)	\$(18,733)	\$(19,230)	
Indirect cost rate	× 38.74%	× 37.73%	× 35.06%	
Related indirect costs	(6,730)	(7,068)	(6,742)	\$(20,540)
Unallowable services and supplies from above	<u>(17,373)</u>	<u>(18,733)</u>	<u>(19,230)</u>	<u>(55,336)</u>
Audit adjustment	<u>\$(24,103)</u>	<u>\$(25,801)</u>	<u>\$(25,972)</u>	<u>\$(75,876)</u>

Parameters and Guidelines requires that all claimed costs be traceable to source documents and/or worksheets that validate such costs. In addition, the district may only claim expenditures identified as direct costs of the mandate program. Also, *Education Code* Section 76355(d) states that authorized expenditures shall not include athletic insurance.

Recommendation

The SCO recommends that the district ensure that claimed health services costs are reimbursable under the mandate program and supported by source documentation.

District's Response

Refer to the district's response to Finding 1

SCO's Comments

Refer to the SCO's comment to Finding 1

**FINDING 3—
Overstated indirect
cost rates claimed**

The district overstated its indirect cost rates, thus overstating indirect costs by \$415,502 for the audit period.

To claim indirect costs, the district prepared indirect cost rate proposals (ICRP) for each fiscal year. However, the district did not obtain federal approval of its ICRPs. The SCO auditor used the alternate methodology allowed by the SCO claiming instructions to calculate allowable indirect cost rates. The allowable indirect cost rates do not support the claimed rates. The following table summarizes the allowable and claimed indirect cost rates.

	Fiscal Year		
	1999-2000	2000-01	2001-02
Allowable indirect cost rate	14.07%	14.38%	13.86%
Less claimed indirect cost rate	<u>(38.74)%</u>	<u>(37.73)%</u>	<u>(35.06)%</u>
Unsupported indirect cost rate	<u>(24.67)%</u>	<u>(23.35)%</u>	<u>(21.20)%</u>

The following table summarizes the audit adjustments that result from the unsupported indirect cost rates:

	Fiscal Year			Total
	1999-2000	2000-01	2001-02	
Allowable direct costs claimed	\$ 566,078	\$ 549,383	\$ 696,083	
Unsupported indirect cost rate	<u>×(24.67)%</u>	<u>×(23.35)%</u>	<u>×(21.20)%</u>	
Audit adjustment	<u>\$ (139,651)</u>	<u>\$ (128,281)</u>	<u>\$ (147,570)</u>	<u>\$ (415,502)</u>

Parameters and Guidelines allows community college districts to claim indirect costs according to the SCO claiming instructions. The SCO claiming instructions require that districts obtain federal approval of ICRPs prepared according to Office of Management and Budget (OMB) Circular A-21. Alternately, districts may use form FAM-29C to compute indirect cost rates. Form FAM-29C uses total expenditures reported on the *California Community Colleges Annual Financial and Budget Report, Expenditures by Activity (CCFS-311)*.

Recommendation

The SCO recommends that the district use the SCO claiming instructions to calculate indirect cost rates. The district should obtain federal approval when it prepares ICRPs using OMB Circular A-21. Alternately, the district should use Form FAM-29C to prepare ICRPs.

District’s Response

This finding is based upon the report’s statement that “. . . the district prepared indirect cost rate proposals (ICRP) for each fiscal year. However, the district did not obtain federal approval of its ICRPs.” The report goes on to say: “The SCO claiming instructions require that districts obtain federal approval of ICRPs prepared according to Office of Management and Budget (OMB) Circular A-21.”

The Parameters and Guidelines for Health Fee Elimination (as last amended on 5/23/89) state that "Indirect costs *may be claimed* in the manner described by the State Controller in his claiming instructions." It does not require that indirect costs be claimed in the manner described by the State Controller.

SCO's Comment

The finding and recommendation remain unchanged. The district interpreted *Parameters and Guidelines* language incorrectly. The phrase "may be claimed" is permissive; it allows the district to claim indirect costs. If the district claims indirect costs, the costs must adhere to the SCO's claiming instructions.

**FINDING 4—
Understated
authorized health
service fees**

For the audit period, the district understated authorized health service fees by \$385,753. The district reported actual revenue received rather than health fees the district was authorized to collect.

The district's Institutional Research Office (IRO) provided student enrollment data for each fiscal year. The IRO also identified students who received Board of Governors Grants (BOGG waivers) and were exempt from health fees. Using the student enrollment and exemption data, the following table calculates authorized health fees the district was authorized to collect.

	<u>Fall</u>	<u>Spring</u>	<u>Summer</u>	<u>Total</u>
<u>Fiscal Year 1999-2000</u>				
Student enrollment	29,315	27,511	11,930	
Less allowable health fee exemptions	<u>(14,278)</u>	<u>(13,037)</u>	<u>(3,499)</u>	
Subtotals	15,037	14,474	8,431	
Authorized student health fee	× \$(11)	× \$(11)	× \$(8)	
Authorized health service fees	<u>\$ (165,407)</u>	<u>\$ (159,214)</u>	<u>\$ (67,448)</u>	<u>\$ (392,069)</u>
<u>Fiscal Year 2000-01</u>				
Student enrollment	30,769	29,335	12,734	
Less allowable health fee exemptions	<u>(14,228)</u>	<u>(13,605)</u>	<u>(3,823)</u>	
Subtotals	16,541	15,730	8,911	
Authorized student health fee	× \$(11)	× \$(11)	× \$(9)	
Authorized health service fees	<u>\$ (181,951)</u>	<u>\$ (173,030)</u>	<u>\$ (80,199)</u>	<u>\$ (435,180)</u>
<u>Fiscal Year 2001-02</u>				
Student enrollment	31,923	31,214	13,271	
Less allowable health fee exemptions	<u>(15,538)</u>	<u>(15,243)</u>	<u>(4,173)</u>	
Subtotals	16,385	15,971	9,098	
Authorized student health fee	× \$(12)	× \$(12)	× \$(9)	
Authorized health service fees	<u>\$ (196,620)</u>	<u>\$ (191,652)</u>	<u>\$ (81,882)</u>	<u>\$ (470,154)</u>

The following table summarizes the resulting audit adjustment.

	Fiscal Year			Total
	1999-2000	2000-01	2001-02	
Health fee claimed	\$ 289,578	\$ 268,179	\$ 353,893	
Less authorized health service fees	(392,069)	(435,180)	(470,154)	
Audit adjustment	\$ (102,491)	\$ (167,001)	\$ (116,261)	\$ (385,753)

Parameters and Guidelines requires that the district deduct authorized health fees from claimed costs. *Education Code* Section 76355(c) authorizes health fees for all students except those students who: (1) depend exclusively on prayer for healing; (2) attend a community college under an approved apprenticeship training program; or (3) demonstrate financial need. (*Education Code* Section 76355(a) increased authorized health fees by \$1 effective with the Summer 2001 session.)

Also, *Government Code* Section 17514 states that costs mandated by the State means any increased costs which a school district is required to incur. To the extent community college districts can charge a fee, they are not required to incur a cost. In addition, *Government Code* Section 17556 states that COSM shall not find costs mandated by the State if the school district has the authority to levy fees to pay for the mandated program or increased level of service.

Recommendation

The SCO recommends that the district deduct authorized health service fees from allowable health service program costs on the mandate claim. The district should maintain records to support its calculation of authorized health service fees. This includes records that identify actual student enrollment and students exempt from health fees pursuant to *Education Code* Section 76355(c).

District's Response

This finding is based upon the report's statement that the district "reported actual revenue received rather than health fees the district was authorized to collect."

Education Code Section 76355, subdivision (a), in relevant part, provides: "The governing board of a district maintaining a community college may require community college students to pay a fee...for health supervision and services..." There is no requirement that community colleges levy these fees. The permissive nature of the provision is further illustrated in subdivision (b) which states "If, pursuant to this section, a fee is required, the governing board of the district shall decide the amount of the fee, if any, that a part-time student is required to pay. The governing board may decide whether the fee shall be mandatory or optional." (Emphasis supplied)

The finding is also based upon the report's statement that the "*Parameters and Guidelines* require that the district deduct authorized health fees from claimed costs." This is a misstatement of the

Parameters and Guidelines. The Parameters and Guidelines, as last amended on 5/25/89, state, in relevant part, “*Any* offsetting savings . . . must be deducted from the costs claimed. . . This shall include the amount of (student fees) as authorized by Education Code Section 72246(a)¹.” The use of the term “*any* offsetting savings” further illustrates the permissive nature of the fees. Student fees actually collected must be used to offset costs, but not student fees that could have been collected and were not.

¹ Former Education Code Section 72246 was repealed by Chapter 8, Statutes of 1993, Section 29, and was replaced by Education Code Section 76355.

SCO’s Comment

The finding and recommendation remain unchanged. We agree that community college districts may choose not to levy a health services fee. However, *Education Code* Section 76355 provides the district the authority to levy a health services fee. Therefore, the related health services costs are not mandated costs as defined by *Government Code* Section 17514. Health services costs recoverable through an authorized fee are not costs the district is required to incur. *Government Code* Section 17556 states that the COSM shall not find costs mandated by the State as defined in *Government Code* Section 17514 if the district has authority to levy fees to pay for the mandated program or increased level of service.

OTHER ISSUE— Statute of limitations

The district’s response included comments regarding our authority to audit costs claimed for FY 1999-2000 and FY 2000-01. The district’s response and SCO’s comment are as follows:

District’s Response

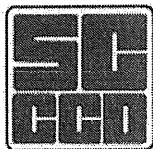
The district’s 1999-2000 claim was filed on January 13, 2001. The district’s 2000-2001 claim was filed on December 27, 2001. The Draft Audit Report is dated July 2004 and indicates that the last day of field work was June 17, 2004. These two claims were only subject to audit until December 31, 2003. Therefore, the proposed audit adjustments for these years are barred by the statute of limitations set forth in *Government Code* Section 17558.5.

SCO’s Comment

Our audit scope remains unchanged. *Government Code* Section 17558.5(a), effective July 1, 1996, states that a district’s reimbursement claim is subject to audit no later than two years after the end of the calendar year in which the claim is filed or last amended. No statutory language defines when the SCO must issue an audit report. We initiated the audit by conducting an entrance conference with the district on May 12, 2003, within the statute of limitations. *Government Code* Section 17558.5(c) states, “Nothing in this section shall be construed to limit the adjustment of payments . . . when a delay in the completion of

an audit is the result of willful acts by the claimant or inability to reach agreement on terms of final settlement.”

**Attachment—
District's Response to
Draft Audit Report**



State Center Community College District

1525 East Weldon Avenue • Fresno, California 93704-6398
Telephone (559) 226-0720

August 10, 2004

**CERTIFIED MAIL -
RETURN RECEIPT REQUESTED**

Mr. Jim L. Spano, Chief
Compliance Audits Bureau
California State Controller
Division of Audits
P.O. Box 942850
Sacramento, CA 94250-5874

Re: Health Fee Elimination Audit

Dear Mr. Spano:

This letter is the response of State Center Community College District to the letter of Vincent P. Brown dated July 26, 2004, which enclosed a Draft Copy of your Audit Report of the district's Health Fee Elimination program, Chapter 1, Statutes of 1984, and Chapter 1118, Statutes of 1987, for the period of July 1, 1999 through June 30, 2002.

Statute of Limitations

The district's 1999-2000 claim was filed on January 13, 2001. The district's 2000-2001 claim was filed on December 27, 2001. The Draft Audit Report is dated July 2004 and indicates that the last day of field work was June 17, 2004. These two claims were only subject to audit until December 31, 2003. Therefore, the proposed audit adjustments for these years are barred by the statute of limitations set forth in Government Code Section 17558.5.

Finding 3 - Overstated Indirect Cost Rates Claimed

This finding is based upon the report's statement that "...the district prepared indirect cost rate proposals (IRCP) for each fiscal year. However, the district did not obtain federal approval of its IRCPs." The report goes on to say: "The SCO claiming instructions require that districts obtain federal approval of IRCPs prepared according to Office of Management and Budget (OMB) Circular A-21."

Equal Opportunity / Affirmative Action Employer

• FRESNO CITY COLLEGE • REEDLEY COLLEGE • OAKHURST CENTER • VOCATIONAL TRAINING CENTER • CLOVIS CENTER • MADERA CENTER •

Jim L. Spano, Chief
Compliance Audits Bureau
August 10, 2004

The Parameters and Guidelines for Health Fee Elimination (as last amended on 5/25/89) state that "Indirect costs *may be claimed* in the manner described by the State Controller in his claiming instructions." It does not require that indirect costs be claimed in the manner described by the State Controller.

Finding 4 - Understated Authorized Health Service Fees

This finding is based upon the report's statement that the district "reported actual revenue received rather than health fees the district was authorized to collect."

Education Code Section 76355, subdivision (a), in relevant part, provides: "The governing board of a district maintaining a community college may require community college students to pay a fee...for health supervision and services..." There is no requirement that community colleges levy these fees. The permissive nature of the provision is further illustrated in subdivision (b) which states "If, pursuant to this section, a fee is required, the governing board of the district shall decide the amount of the fee, if any, that a part-time student is required to pay. The governing board may decide whether the fee shall be mandatory or optional." (Emphasis supplied)

This finding is also based upon the report's statement that the "Parameters and Guidelines require that the district deduct authorized health fees from claimed costs." This is a misstatement of the Parameters and Guidelines. The Parameters and Guidelines, as last amended on 5/25/89, state, in relevant part, "Any offsetting savings...must be deducted from the costs claimed...This shall include the amount of (student fees) as authorized by Education Code Section 72246(a)¹." The use of the term "any offsetting savings" further illustrates the permissive nature of the fees. Student fees actually collected must be used to offset costs, but not student fees that could have been collected and were not.

¹ Former Education Code Section 72246 was repealed by Chapter 8, Statutes of 1993, Section 29, and was replaced by Education Code Section 76355.

Jim L. Spano, Chief
Compliance Audits Bureau
August 10, 2004

Source Documents

In one instance, the report states that certain costs were "not supported by source documentation." In other instances, the report recommends that costs be "supported by source documentation."


It appears as if the audit report is applying some previously unpublished definition to the term "source documents." In fact, the definition applied by the audit report is still undefined and unpublished because no where in the report does it state what kind of "source documents" would satisfy its unpublished demands.

Please identify and provide the district with any and all written instructions, memorandums, or other writings in effect and applicable during the claiming period which defines "source documents."

Government Code Section 6253, subdivision (c), requires you, within 10 days from receipt of a request for a copy of records, to determine whether the request, in whole or in part, seeks copies of disclosable public records in your possession and promptly notify the district of that determination and the reasons therefor. Also, as required, when so notifying the district, please state the estimated date and time when the records will be made available.

For the reasons stated herein, State Center Community College District respectfully submits that the proposed audit report be corrected as to the facts and the law prior to its final issuance.

Sincerely,



Thomas A. Crow, Ph.D.
Chancellor

- C: Vincent P. Brown, Chief Operation Officer
State Controller's Office
- Edwin Eng, Director of Finance
- Lorrie Hopper, Accounting Manager
- Ron Walls, Accountant Auditor

**State Controller's Office
Division of Audits
Post Office Box 942850
Sacramento, California 94250-5874**

<http://www.sco.ca.gov>

S03-MCC-038

Exhibit E



State Center Community College District

1525 East Weldon Avenue • Fresno, California 93704-6398

Telephone (559) 226-0720

13/1

August 10, 2004

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Jim L. Spano, Chief
Compliance Audits Bureau
August 10, 2004

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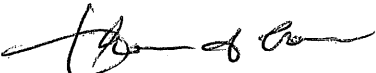
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Sincerely,



Thomas A. Crow, Ph.D.
Chancellor

C: Vincent P. Brown, Chief Operation Officer
State Controller's Office

Edwin Eng, Director of Finance

Lorrie Hopper, Accounting Manager

Ron Walls, Accountant Auditor

Exhibit F

CALIFORNIA COMMUNITY COLLEGES

CHANCELLOR'S OFFICE

1102 Q STREET

SACRAMENTO, CA 95814-6511

TEL: 916/445-8752

HTTP://WWW.CCCCO.EDU



March 5, 2001

To: Superintendents/Presidents
Chief Business Officers
Chief Student Services Officers
Health Services Program Directors
Financial Aid Officers
Admissions and Records Officers
Extended Opportunity Program Directors

From: Thomas J. Nussbaum
Chancellor

Subject: Student Health Fee Increase

Education Code Section 76355 provides the governing board of a community college district the option of increasing the student health services fee by the same percentage as the increase in the Implicit Price Deflator for State and Local Government Purchase of Goods and Services. Whenever that calculation produces an increase of one dollar above the existing fee, the fee may be increased by \$1.00.

Based on calculations by the Financial, Economic, and Demographic Unit in the Department of Finance, the Implicit Price Deflator Index has now increased enough since the last fee increase of March 1997 to support a one dollar increase in the student health fees. Effective with the Summer Session of 2001, districts may begin charging a maximum fee of \$12.00 per semester, \$9.00 for summer session, \$9.00 for each intersession of at least four weeks, or \$9.00 for each quarter.

For part-time students, the governing board shall decide the amount of the fee, if any, that the student is required to pay. The governing board may decide whether the fee shall be mandatory or optional.

The governing board operating a health services program must have rules that exempt the following students from any health services fee:

- Students who depend exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization.

- Students who are attending a community college under an approved apprenticeship training program.
- Students who receive Board of Governors Enrollment Fee Waivers, including students who demonstrate financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid and students who demonstrate eligibility according to income standards established by the board of governors and contained in Section 58620 of Title 5 of the California Code of Regulations.

All fees collected pursuant to this section shall be deposited in the Student Health Fee Account in the Restricted General Fund of the district. These fees shall be expended only to provide health services as specified in regulations adopted by the board of governors. Allowable expenditures include health supervision and services, including direct or indirect medical and hospitalization services, or the operation of a student health center or centers, or both. Allowable expenditures exclude athletic-related salaries, services, insurance, insurance deductibles, or any other expense that is not available to all students. No student shall be denied a service supported by student health fee on account of participation in athletic programs.

If you have any questions about this memo or about student health services, please contact Mary Gill, Dean, Enrollment Management Unit at 916.323.5951. If you have any questions about the fee increase or the underlying calculations, please contact Patrick Ryan in Fiscal Services Unit at 916.327.6223.

CC: Patrick J. Lenz
Ralph Black
Judith R. James
Frederick E. Harris

I:\Fisc\FiscUnit\01StudentHealthFees\011StuHealthFees.doc

Exhibit G

CLAIM F PAYMENT
Pursuant to Government Code Section 17561
HEALTH FEE ELIMINATION

(19) Program Number 00029
(20) Date File _____
(21) LRS Input _____

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number
S10225

(02) Mailing Address

Claimant Name
State Center Community College District

County of Location
Fresno

Street Address or P.O. Box
1525 East Weldon Avenue

City State Zip Code
Fresno CA 93704-6398

Reimbursement Claim Data	
(22) HFE-1.0, (04)(b)	521,769
(23)	
(24)	
(25)	
(26)	
(27)	
(28)	
(29)	
(30)	
(31)	
(32)	
(33)	
(34)	
(35)	
(36)	
(37)	

Type of Claim	Estimated Claim	Reimbursement Claim
	(03) Estimated <input checked="" type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>
	(05) Amended <input type="checkbox"/>	(11) Amended <input checked="" type="checkbox"/>
Fiscal Year of Cost	(06) <u>2000/2001</u>	(12) <u>1999/2000</u>
Total Claimed Amount	(07) <u>573,500</u>	(13) <u>521,769</u>
Less: 10% Late Penalty, not to exceed \$1,000		(14) <u>0</u>
Less: Estimated Claim Payment Received		(15) <u>143,384</u>
Net Claimed Amount		(16) <u>378,385</u>
Due from State	(08) <u>573,500</u>	(17) <u>378,385</u>
Due to State		(18)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code § 17561, I certify that I am the person authorized by the local agency to file claims with the State of California for costs mandated by Chapter 1, Statutes of 1984 and Chapter 1118/87, Statutes of 1987; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of services of an existing program mandated by Chapter 1, Statutes of 1984 and Chapter 1118, Statutes of 1987.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 1, Statutes of 1984 and Chapter 1118, Statutes of 1987, set forth on the attached statements.

Signature of Authorized Representative: Jon Sharpe Date: 1/9/01

Claim File Copy

Type or Print Name: Jon Sharpe Title: Executive Vice Chancellor

(39) Name of Contact Person for Claim: SixTen and Associates Telephone Number: (858) 514-8605 Ext: _____

E-mail Address: _____

MANDATED COSTS HEALTH FEE ELIMINATION CLAIM SUMMARY	FORM HFE-1.0
--	-------------------------

(01) Claimant: Claimant Name State Center Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 1999-2000
--	---	------------------------------

(03) List all the colleges of the community college district identified in form HFE-1.1, line (03)

(a) Name of College	(b) Claimed Amount
1. Fresno City College	\$ 315,133.12
2. Reedley College	\$ 206,636.24
3.	\$ -
4.	\$ -
5.	\$ -
6.	\$ -
7.	\$ -
8.	\$ -
9.	\$ -
10.	\$ -
11.	\$ -
12.	\$ -
13.	\$ -
14.	\$ -
15.	\$ -
16.	\$ -
17.	\$ -
18.	\$ -
19.	\$ -
20.	\$ -

(04) Total Amount Claimed	[Line (3.1b) + line (3.2b) + line (3.3b) + ...line (3.21b)]	\$ 521,769
----------------------------------	---	------------

**MANDATED COSTS
HEALTH FEE ELIMINATION
CLAIM SUMMARY**

**FORM
HFE-1.1**

(01) Claimant: State Center Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 1999-2000
--	---	------------------------------

(03) Name of College Fresno City College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, STOP, do not complete the form. No reimbursement is allowed.

LESS SAME MORE

	Direct Cost	Indirect Cost of: 38.74%	Total
(05) Cost of Health Services for the Fiscal year of Claim	\$ 375,070	\$ 145,302	\$ 520,372
(06) Cost of providing current fiscal year health services which are in excess of the level provided in 1986/87	\$ -	\$ -	\$ -
(07) Cost of providing current fiscal year health services at the 1986/87 level [Line (05) - line (06)]	\$ 375,070	\$ 145,302	\$ 520,372

(08) Complete Columns (a) through (g) to provide detail data for health fees

Period for which health fees were collected	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code § 76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code § 76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per fall semester	6,777	14,112					\$ 90,867
2. Per spring semester	6,102	13,455					\$ 85,063
3. Per summer session	282	9,082					\$ 29,309
4. Per first quarter						\$ -	\$ -
5. Per second quarter						\$ -	\$ -
6. Per third quarter				\$ -		\$ -	\$ -

(09) Total health fee that could have been collected	[Line (8.1g) + (8.2g) +(8.6g)]	\$ 205,239
(10) Sub-total	[Line (07) - line (09)]	\$ 315,133

Cost Reduction

(11) Less: Offsetting Savings, if applicable	\$ -
(12) Less: Other Reimbursements, if applicable	\$ -
(13) Total Amount Claimed	[Line (10) - {(line (11) + line (12))}]

**MANDATED COSTS
HEALTH FEE ELIMINATION
CLAIM SUMMARY**

**FORM
HFE-1.2**

(01) Claimant: State Center Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 1999-2000
--	---	------------------------------

(03) Name of College Reedley College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, STOP, do not complete the form. No reimbursement is allowed.

LESS SAME MORE

	Direct Cost	Indirect Cost of: 38.74%	Total
(05) Cost of Health Services for the Fiscal year of Claim	\$ 209,727	\$ 81,248	\$ 290,975
(06) Cost of providing current fiscal year health services which are in excess of the level provided in 1986/87	\$ -	\$ -	\$ -
(07) Cost of providing current fiscal year health services at the 1986/87 level [Line (05) - line (06)]	\$ 209,727	\$ 81,248	\$ 290,975

(08) Complete Columns (a) through (g) to provide detail data for health fees

Period for which health fees were collected	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code § 76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code § 76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per fall semester	3,740	5,604					\$ 38,631
2. Per spring semester	3,463	5,650					\$ 37,676
3. Per summer session	48	2,626					\$ 8,032
4. Per first quarter						\$ -	\$ -
5. Per second quarter				\$ -		\$ -	\$ -
6. Per third quarter				\$ -		\$ -	\$ -
(09) Total health fee that could have been collected	[Line (8.1g) + (8.2g) +(8.6g)]						\$ 84,339
(10) Sub-total	[Line (07) - line (09)]						\$ 206,636

Cost Reduction	
(11) Less: Offsetting Savings, if applicable	\$ -
(12) Less: Other Reimbursements, if applicable	\$ -
(13) Total Amount Claimed	[Line (10) - (line (11) + line (12))] \$ 206,636

STATE CENTER COMMUNITY COLLEGE DISTRICT
 Account Availability Report Ending 06/30/00
 Options - Available/Met/Exceeded Budget

LOCATION: 20 - FRESNO CITY COLLEGE

09/07/00

Fiscal Year: 2000

GL Account	Allocated Budget	Actual	Encumbrances %Committed	Available
11-20-311100-91215-XX0 HEALTH SERVICES : REG-COUNSELO	32,893.00	32,892.84	0.00	100.00
11-20-311100-91220-XX0 HEALTH SERVICES : REG NON-MANA	147,045.00	145,605.00	0.00	99.02
11-20-311100-91410-XX0 HEALTH SERVICES : HRLY-MANAGEM	31,240.00	7,518.86	0.00	24.07
11-20-311100-91415-XX0 HEALTH SERVICES : HRLY NON-MAN	27,275.00	53,193.93	0.00	195.03
Totals for MAJ.OBJ: 91 - ACADEMIC SALARIES	238,453.00	239,210.63	0.00	100.32
11-20-311100-92110-XX0 HEALTH SERVICES : REG-CLASSIFI	20,194.00	14,526.16	0.00	71.93
11-20-311100-92150-XX0 HEALTH SERVICES : O/T-CLASSIFI	68.00	67.32	0.00	99.00
11-20-311100-92310-XX0 HEALTH SERVICES : HOURLY	3,924.00	10,338.33	0.00	263.46
11-20-311100-92510-XX0 HEALTH SERVICES : HRLY NON-INS	3,708.00	2,904.62	0.00	78.33
Totals for MAJ.OBJ: 92 - CLASSIFIED SALARIES	27,894.00	27,836.43	0.00	99.79
11-20-311100-93110-XX0 HEALTH SERVICES : STRS-INSTRUC	0.00	0.00	0.00	0.00
11-20-311100-93130-XX0 HEALTH SERVICES : STRS NON-INS	15,959.00	19,220.35	0.00	120.44
11-20-311100-93310-XX0 HEALTH SERVICES : OASDI-INSTRU	0.00	0.00	0.00	0.00
11-20-311100-93330-XX0 HEALTH SERVICES : OASDI NON-IN	3,171.00	2,017.04	0.00	63.61
11-20-311100-93410-XX0 HEALTH SERVICES : H&W-INSTRUC	0.00	0.00	0.00	0.00
11-20-311100-93430-XX0 HEALTH SERVICES : H&W NON-INST	23,348.00	20,314.17	0.00	87.01
11-20-311100-93510-XX0 HEALTH SERVICES : SUI-INSTRUC	0.00	0.00	0.00	0.00
11-20-311100-93530-XX0 HEALTH SERVICES : SUI NON-INST	157.00	156.54	0.00	99.71
11-20-311100-93610-XX0 HEALTH SERVICES : WORK COMP-IN	0.00	0.00	0.00	0.00
11-20-311100-93630-XX0 HEALTH SERVICES : WORK COMP NO	3,463.00	3,471.61	0.00	100.25
11-20-311100-93730-XX0 HEALTH SERVICES : PARS NON-INS	1,373.00	233.77	0.00	17.02
Totals for MAJ.OBJ: 93 - EMPLOYEE BENEFITS	47,471.00	44,945.94	0.00	94.68
11-20-311100-94210-XX0 HEALTH SERVICES : TEXT BOOKS	0.00	75.00	0.00	0.00
11-20-311100-94290-XX0 HEALTH SERVICES : OTHER BOOKS	200.00	32.36	0.00	16.18
11-20-311100-94310-XX0 HEALTH SERVICES : INSTR SUPPLI	0.00	200.00	0.00	0.00
11-20-311100-94410-XX0 HEALTH SERVICES : OFFICE SUPPL	12,062.00	10,094.81	0.00	83.69
11-20-311100-94490-XX0 HEALTH SERVICES : OTHER SUPPLI	100.00	67.43	0.00	67.43
11-20-311100-94530-XX0 HEALTH SERVICES : PUBLICATIONS	48.00	48.00	0.00	100.00
Totals for MAJ.OBJ: 94 - SUPPLIES & MATERIALS	12,410.00	10,517.60	0.00	84.75
11-20-311100-95210-XX0 HEALTH SERVICES : EQUIPMENT RE	609.00	0.00	0.00	0.00
11-20-311100-95225-XX0 HEALTH SERVICES : EQUIP REPR &	450.00	902.30	0.00	200.51
11-20-311100-95310-XX0 HEALTH SERVICES : CONFERENCE	0.00	794.00	0.00	0.00
11-20-311100-95315-XX0 HEALTH SERVICES : MILEAGE	400.00	0.00	0.00	0.00
11-20-311100-95320-XX0 HEALTH SERVICES : CHARTER SERV	0.00	99.60	0.00	4.80
11-20-311100-95410-XX0 HEALTH SERVICES : DUES/MEMBERS	2,000.00	96.01	0.00	50.00
11-20-311100-95520-XX0 HEALTH SERVICES : CONSULTANT S	1,000.00	500.00	0.00	319.60
11-20-311100-95525-XX0 HEALTH SERVICES : MEDICAL SERV	1,000.00	3,196.00	0.00	2,196.00
11-20-311100-95530-XX0 HEALTH SERVICES : CONTRACT LAB	0.00	74.05	0.00	0.00
11-20-311100-95640-XX0 HEALTH SERVICES : STUDENT INS	50,664.00	46,867.00	0.00	92.51
11-20-311100-95725-XX0 HEALTH SERVICES : POSTAGE/SHIP	0.00	30.70	0.00	30.70
Totals for MAJ.OBJ: 95 - OTHER OPER EXP & SERVICES	56,123.00	52,559.66	0.00	93.65
Totals for LOCATION: 20 - FRESNO CITY COLLEGE	382,351.00	375,070.26	0.00	98.10
Totals for MAJ.OBJ: 95 - OTHER OPER EXP & SERVICES	56,123.00	52,559.66	0.00	93.65
Totals for LOCATION: 20 - FRESNO CITY COLLEGE	382,351.00	375,070.26	0.00	98.10

STATE CENTER COMMUNITY COLLEGE DISTRICT
Account Availability Report Ending 06/30/00
Options - Available/Met/Exceeded Budget

LOCATION: 30 - REEDLEY COLLEGE

09/07/00

Fiscal Year: 2000

GL Account	Allocated Budget	Actual	Encumbrances	%Committed	Available
11-30-311100-91215-XX0 HEALTH SERVICES : REG-COUNSELO	8,224.00	8,223.24	0.00	99.99	0.76
11-30-311100-91220-XX0 HEALTH SERVICES : REG NON-MANA	71,002.00	70,600.75	0.00	99.43	401.25
11-30-311100-91330-XX0 HEALTH SERVICES : HRLY-SUMMER	0.00	1,883.94	0.00	0.00	1,883.94
11-30-311100-91415-XX0 HEALTH SERVICES : HRLY NON-MAN	43,301.00	46,096.88	0.00	106.46	2,795.88
Totals for MAJ.OBJ: 91 - ACADEMIC SALARIES	122,527.00	126,804.81	0.00	103.49	4,277.81
11-30-311100-92110-XX0 HEALTH SERVICES : REG-CLASSIFI	27,177.00	24,741.25	0.00	91.04	2,435.75
11-30-311100-92310-XX0 HEALTH SERVICES : HOURLY	3,312.00	3,399.71	0.00	102.65	87.71
Totals for MAJ.OBJ: 92 - CLASSIFIED SALARIES	30,489.00	28,140.96	0.00	92.30	2,348.04
11-30-311100-93110-XX0 HEALTH SERVICES : STRS-INSTRUC	0.00	47.34	0.00	0.00	47.34
11-30-311100-93130-XX0 HEALTH SERVICES : STRS NON-INS	7,441.00	10,129.76	0.00	136.13	2,688.76
11-30-311100-93310-XX0 HEALTH SERVICES : OASDI-INSTRU	0.00	27.32	0.00	0.00	27.32
11-30-311100-93330-XX0 HEALTH SERVICES : OASDI NON-IN	2,740.00	2,451.46	0.00	89.47	288.54
11-30-311100-93410-XX0 HEALTH SERVICES : H&W-INSTRUCT	0.00	0.00	0.00	0.00	0.00
11-30-311100-93430-XX0 HEALTH SERVICES : H&W NON-INST	14,421.00	13,582.95	0.00	94.19	838.05
11-30-311100-93510-XX0 HEALTH SERVICES : SUI-INSTRUC	0.00	1.13	0.00	0.00	1.13
11-30-311100-93530-XX0 HEALTH SERVICES : SUI NON-INST	92.00	91.77	0.00	99.75	0.23
11-30-311100-93610-XX0 HEALTH SERVICES : WORK COMP-IN	0.00	24.49	0.00	0.00	24.49
11-30-311100-93630-XX0 HEALTH SERVICES : WORK COMP NO	1,989.00	1,990.05	0.00	100.05	1.05
11-30-311100-93710-XX0 HEALTH SERVICES : PARS-INSTRUC	0.00	24.73	0.00	0.00	24.73
11-30-311100-93730-XX0 HEALTH SERVICES : PARS NON-INS	1,118.00	107.41	0.00	9.61	1,010.59
Totals for MAJ.OBJ: 93 - EMPLOYEE BENEFITS	27,801.00	28,478.41	0.00	102.44	677.41
11-30-311100-94290-XX0 HEALTH SERVICES : OTHER BOOKS	300.00	32.31	0.00	10.77	267.69
11-30-311100-94410-XX0 HEALTH SERVICES : OFFICE SUPPL	3,082.00	6,141.38	0.00	199.27	3,059.38
11-30-311100-94415-XX0 HEALTH SERVICES : SOFTWARE NON	150.00	1,882.50	0.00	1,255.00	1,732.50
11-30-311100-94490-XX0 HEALTH SERVICES : OTHER SUPPLI	400.00	121.52	0.00	30.38	278.48
11-30-311100-94510-XX0 HEALTH SERVICES : NEWSPAPERS	50.00	0.00	0.00	0.00	50.00
11-30-311100-94525-XX0 HEALTH SERVICES : RECORDS/TAPE	200.00	0.00	0.00	0.00	200.00
11-30-311100-94530-XX0 HEALTH SERVICES : PUBLICATIONS	300.00	681.89	0.00	227.30	381.89
Totals for MAJ.OBJ: 94 - SUPPLIES & MATERIALS	4,482.00	8,859.60	0.00	197.67	4,377.60
11-30-311100-95225-XX0 HEALTH SERVICES : EQUIP REPR &	300.00	126.00	0.00	42.00	174.00
11-30-311100-95310-XX0 HEALTH SERVICES : CONFERENCE	900.00	712.40	0.00	79.16	187.60
11-30-311100-95315-XX0 HEALTH SERVICES : MILEAGE	1,000.00	696.34	0.00	69.63	303.66
11-30-311100-95320-XX0 HEALTH SERVICES : CHARTER SERV	0.00	0.00	0.00	0.00	0.00
11-30-311100-95410-XX0 HEALTH SERVICES : DUES/MEMBERS	210.00	50.00	0.00	23.81	160.00
11-30-311100-95520-XX0 HEALTH SERVICES : CONSULTANT S	350.00	368.95	0.00	105.41	18.95
11-30-311100-95525-XX0 HEALTH SERVICES : MEDICAL SERV	300.00	181.50	0.00	60.50	118.50
11-30-311100-95640-XX0 HEALTH SERVICES : STUDENT INS	15,121.00	15,308.00	0.00	101.24	187.00
Totals for MAJ.OBJ: 95 - OTHER OPER EXP & SERVICES	18,181.00	17,443.19	0.00	95.94	737.81
Totals for LOCATION: 30 - REEDLEY COLLEGE	203,480.00	209,726.97	0.00	103.07	6,246.97

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STATE CENTER COMMUNITY COLLEGE DISTRICT
 Account Availability Report Ending 06/30/00
 Options - Available/Met/Exceeded Budget

10/02/00 Page: 1
 Fiscal Year: 2000 OBJECT: 88760 - HEALTH FEES

GL Account	Allocated Budget	Actual	Encumbrances	%Committed	Avail[ab]
11-10-000000-88760-000 GENERAL HEALTH FEES	290,000.00-	283,142.12-	0.00	97.64	6,857.88
11-20-000000-88760-000 GENERAL HEALTH FEES	0.00	0.00	0.00	0.00	0.00
11-21-000000-88760-000 GENERAL HEALTH FEES	7,000.00-	6,436.00-	0.00	91.94	564.00
11-30-000000-88760-000 GENERAL HEALTH FEES	0.00	0.00	0.00	0.00	0.00
Totals for OBJECT: 88760 - HEALTH FEES	297,000.00-	289,578.12-	0.00	97.50	7,421.88

Page: 1 of 0,0 -> Enter: R, U, D, P, T, B, S, M, F, <RETURN> or FINISH: []

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STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY00

Classification of Expenses	Audit Expenditures			Reclassifications			Reclassified Expenditures		
	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total
General Fund									
Instructional Divisions	40,555,364	4,837,954	45,393,318	(902,013)	(551,920)	(1,453,933)	39,653,351	4,286,034	43,939,385
Academic Support	3,720,962	2,302,773	6,023,735	-	-	-	3,720,962	2,302,773	6,023,735
Institutional Support	3,400,358	1,905,456	5,305,814	-	-	-	3,400,358	1,905,456	5,305,814
Student Services	15,303,680	3,732,869	19,036,549	-	-	-	15,303,680	3,732,869	19,036,549
Maintenance & Operations	5,171,161	4,075,041	9,246,202	-	-	-	5,171,161	4,075,041	9,246,202
Public Information	359,055	431,461	790,516	-	-	-	359,055	431,461	790,516
Public Safety				569,905	527,580	1,097,485	569,905	527,580	1,097,485
General Administrative	3,655,585	3,085,535	6,741,120	-	-	-	3,655,585	3,085,535	6,741,120
Library	2,287,027	713,867	3,000,894	-	-	-	2,287,027	713,867	3,000,894
Department Administration				332,108	24,340	356,448	332,108	24,340	356,448
Co-Curricular Activities	13,531	247,069	260,600	-	-	-	13,531	247,069	260,600
Computer Center	762,174	1,060,787	1,822,961	-	-	-	762,174	1,060,787	1,822,961
Total General Fund	75,228,697	22,392,812	97,621,709	-	-	-	75,228,697	22,392,812	97,621,709
Auxiliary Enterprises									
Student Center	341,768	264,358	606,126	-	-	-	341,768	264,358	606,126
Residence Hall	157,757	56,234	213,991	-	-	-	157,757	56,234	213,991
Debt Service		35,100	35,100	-	-	-		35,100	35,100
Bookstore	719,639	529,941	1,249,580	-	-	-	719,639	529,941	1,249,580
Total Auxiliary Enterprises	1,219,164	885,633	2,104,797	-	-	-	1,219,164	885,633	2,104,797

STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY00

	Audit Expenditures	Reclassifications	Reclassified Expenditures
Trust Funds			
Associated Students	60,911	-	60,911
Scholarship & Loan	247,455	-	247,455
Student Financial Aid	20,976,981	-	20,976,981
Total Trust Funds	21,285,347	-	21,285,347
Capital Projects	17,143,726	-	17,143,726
Self Insurance	62,087	-	62,087
Total Other Funds	17,205,813	-	17,205,813
247 Totals	76,489,109	-	76,489,109
	61,769,605	-	61,769,605
	138,258,714	-	138,258,714

STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY00

Classification of Expenses	Reclassified Expenditures			Adjustments			Adjusted Costs		
	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total
Instructional Divisions	39,653,351	4,286,034	43,939,385				39,653,351	4,286,034	43,939,385
Academic Support	3,720,982	2,302,773	6,023,735				3,720,982	2,302,773	6,023,735
Institutional Support	3,400,358	1,905,456	5,305,814	(582,951)		(582,951)	3,400,358	1,322,505	4,722,863
Student Services	15,303,680	3,732,869	19,036,549	(1,087,737)	(113,728)	(1,201,465)	14,215,943	3,619,141	17,835,084
Maintenance & Operations	5,171,161	4,075,041	9,246,202	(1,161,765)		(1,161,765)	5,171,161	2,893,276	8,064,437
Public Information	359,055	431,461	790,516	(359,055)	(431,461)	(790,516)			
Public Safety	569,905	527,580	1,097,485		(326,292)	(326,292)	569,905	201,288	771,193
General Administrative	3,655,585	3,085,535	6,741,120	(253,331)	(230,816)	(484,147)	3,402,254	2,854,719	6,256,973
Library	2,287,027	713,867	3,000,894		(279,360)	(279,360)	2,287,027	434,507	2,721,534
Department Administration	332,108	24,340	356,448	(13,927)		(13,927)	332,108	10,413	342,521
Co-Curricular Activities	13,531	247,069	260,600						
Computer Center	762,174	1,080,787	1,822,961				762,174	1,050,787	1,812,961
Total General Fund	75,238,897	22,392,812	97,621,709	(1,700,123)	(3,160,302)	(4,860,425)	58,352,430	11,268,735	69,621,165
Auxiliary Enterprises									
Cafeteria	341,768	264,359	606,126				341,768	264,358	606,126
Student Center	157,757	56,234	213,991				157,757	56,234	213,991
Bookstore	719,639	528,941	1,248,580				719,639	529,941	1,249,580
Total Auxiliary Enterprises	1,219,164	850,533	2,069,697				1,219,164	850,533	2,069,697

STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY00

	Reclassified Expenditures	Adjustments	Direct Costs	F & A Costs
Trust Funds				
Associated Students	60,911		60,911	
Scholarship & Loan	247,455		247,455	
Student Financial Aid	20,976,981	(20,976,981)	-	
Total Trust Funds	21,285,347	(20,976,981)	308,366	
Capital Projects	17,143,726	(17,045,679)		35,998
Self Insurance	62,087	67,137		5,050
Total Other Funds	17,205,813	(17,045,679)		41,048
Totals	61,769,605	(1,700,123)	12,427,634	15,203,861
	138,258,714	(41,182,960)	59,571,594	7,676,842

F & A Cost Rate Computation

F & A Costs	15,203,861
Salaries and Benefits	7,876,842
Other	23,080,703
Total F & A Costs	59,571,594
Direct Salaries and Benefits	23,080,703
F & A Cost Rate:	59,571,594
	38.74%

J

MANDATED COSTS HEALTH FEE ELIMINATION COMPONENT/ACTIVITY COST DETAIL		FORM HFE-2.1	
1) Claimant STATE CENTER COMMUNITY COLLEGE DISTRICT		Fiscal Year 1999-2000	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.		(a) FY 1986/87	(b) FY of Claim
Accident Reports		X	X
Appointments			
College Physician, surgeon		X	X
Dermatology, Family practice			
Internal Medicine			
Outside Physician			
Dental Services		X	X
Outside Labs, (X-ray, etc.,)		X	X
Psychologist, full services		X	X
Cancel/Change Appointments		X	X
Registered Nurse		X	X
Check Appointments		X	X
Assessment, Intervention and Counseling			
Birth Control		X	X
Lab Reports			
Nutrition		X	X
Test Results, office			
Venereal Disease		X	X
Communicable Disease		X	X
Upper Respiratory Infection		X	X
Eyes, Nose and Throat		X	X
Eye/Vision		X	X
Dermatology/Allergy		X	X
Gynecology/Pregnancy Service		X	X
Neuralgic		X	X
Orthopedic		X	X
Genito/Urinary		X	X
Dental		X	X
Gastro-Intestinal		X	X
Stress Counseling		X	X
Crisis Intervention		X	X
Child Abuse Reporting and Counseling		X	X
Sunstance Abuse Identification and Counseling		X	X
Eating Disorders		X	X
Weight Control		X	X
Personal Hygiene		X	X
Burnout		X	X
Other Medical Problems, list		X	X
Examinations, minor illnesses			
Recheck Minor Injury		X	X
Health Talks or Fairs, Information			
Sexually Transmitted Disease		X	X
Drugs		X	X
Acquired Immune Deficiency Syndrome		X	X
Child Abuse		X	X

<p align="center">MANDATED COSTS HEALTH FEE ELIMINATION COMPONENT/ACTIVITY COST DETAIL</p>	<p align="center">FORM HFE-2.1</p>	
<p>(01) Claimant</p>	<p align="center">Fiscal Year 1999-2000</p>	
<p>(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.</p>	<p align="center">(a) FY 1986/87</p>	<p align="center">(b) FY of Claim</p>
<p>Birth Control/Family Planning Stop Smoking Library, Videos and Cassettes</p>	<p align="center">X X X</p>	<p align="center">X X X</p>
<p>First Aid, Major Emergencies First Aid, Minor Emergencies First Aid Kits, Filled</p>	<p align="center">X X X</p>	<p align="center">X X X</p>
<p>Immunizations Diphtheria/Tetanus Measles/Rubella Influenza Information</p>	<p align="center">X X X</p>	<p align="center">X X X</p>
<p>Insurance On Campus Accident Voluntary Insurance Inquiry/Claim Administration</p>	<p align="center">X X X</p>	<p align="center">X X</p>
<p>Laboratory Tests Done Inquiry/Interpretation Pap Smears</p>		
<p>Physical Examinations Employees Students Athletes</p>	<p align="center">X</p>	<p align="center">X</p>
<p>Medications Antacids Antidiarrheal Aspirin, Tylenol, etc., Skin Rash Preparations Eye Drops Ear Drops Toothache, oil cloves Stingkill Midol, Menstrual Cramps Other, list--> tolinaftate, cortisone, CTN, pseudoephedrine HCE, diphenhydramine pediculosis control, cough syrup, lozenges</p>	<p align="center">X X X X X X X X X X</p>	<p align="center">X X X X X X X X X</p>
<p>Parking Cards/Elevator Keys Tokens Return Card/Key Parking Inquiry Elevator Passes Temporary Handicapped Parking Permits</p>		

MANDATED COSTS HEALTH FEE ELIMINATION COMPONENT/ACTIVITY COST DETAIL		FORM HFE-2.1	
(01) Claimant		Fiscal Year	
		1999-2000	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.		(a) FY 1986/87	(b) FY of Claim
Referrals to Outside Agencies			
Private Medical Doctor		X	X
Health Department		X	X
Clinic		X	X
Dental		X	X
Counseling Centers		X	X
Crisis Centers		X	X
Transitional Living Facilities, battered/homeless women		X	X
Family Planning Facilities		X	X
Other Health Agencies		X	X
Tests			
Blood Pressure		X	X
Hearing		X	X
Tuberculosis		X	X
Reading		X	X
Information		X	X
Vision		X	X
Glucometer			
Urinalysis			
Hemoglobin		X	X
EKG			
Strep A Testing			
PG Testing			
Monospot			
Hemacult			
Others, list Psychological testing		X	X
Miscellaneous			
Absence Excuses/PE Waiver		X	X
Allergy Injections			
Bandaids		X	X
Booklets/Pamphlets		X	X
Dressing Change		X	X
Rest		X	X
Suture Removal		X	X
Temperature		X	X
Weigh		X	X
Information		X	X
Report/Form		X	X
Wart Removal			
Others, list			
Committees			
Safety		X	X
Environmental			
Disaster Planning		X	X
Skin Rash Preparations			
Others: Campus Committees		X	X

Exhibit H

CLAIM FOR PAYMENT
 Pursuant to Government Code Section 17561
HEALTH FEE ELIMINATION

For State Controller Use only

(19) Program Number 00029
 (20) Date File ____/____/____
 (21) LRS Input ____/____/____

L
A
B
E
L
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E

(01) Claimant Identification Number:
S10225

(02) Mailing Address:
Claim File Copy

Claimant Name
State Center Community College District

County of Location
Fresno

Street Address
1525 East Weldon Avenue

City State Zip Code
Fresno CA 93704-6398

Reimbursement Claim Data

(22) HFE - 1.0, (04)(b) \$ 517,084

(23)

(24)

(25)

(26)

Type of Claim	Estimated Claim	Reimbursement Claim
	(03) Estimated <input checked="" type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>
Fiscal Year of Cost	(06) 2001-02	(12) 2000-01
Total Claimed Amount	(07) \$ 565,000	(13) \$ 517,084
Less: 10% Late Penalty, but not to exceed \$1000		(14) \$ -
Less: Estimate Claim Payment Received		(15) \$ 165,514
Net Claimed Amount		(16) \$ 351,570
Due from State	(08) \$ 565,000	(17) \$ 351,570
Due to State		(18) \$ -

(27)

(28)

(29)

(30)

(31)

(32)

(33)

(34)

(35)

(36)

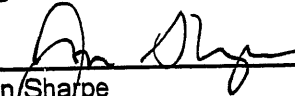
(37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code Section 17561, I certify that I am the person authorized by the local agency to file claims with the State of California for costs mandated by Chapter 309, Statutes of 1995, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of services of an existing program mandated by Chapter 309, Statutes of 1995.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 309, Statutes of 1995, set forth on the attached statements.

Signature of Authorized Representative

 Jon Sharpe
 Type of Print Name

Date
 12/18/01
 Executive Vice-Chancellor
 Title

(39) Name of Contact Person or Claim
 SixTen & Associates

Telephone Number
 (858) 514-8605

MANDATED COSTS HEALTH FEE ELIMINATION CLAIM SUMMARY		FORM HFE-1.0
(01) Claimant: Claimant Name State Center Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2000-01
(03) List all the colleges of the community college district identified in form HFE-1.1, line (03)		
(a) Name of College	(b) Claimed Amount	
1. Fresno City College	\$	317,378.96
2. Reedley College	\$	199,704.75
3.	\$	-
4.	\$	-
5.	\$	-
6.	\$	-
7.	\$	-
8.	\$	-
9.	\$	-
10.	\$	-
11.	\$	-
12.	\$	-
13.	\$	-
14.	\$	-
15.	\$	-
16.	\$	-
17.	\$	-
18.	\$	-
19.	\$	-
20.	\$	-
1.	\$	-
(04) Total Amount Claimed	\$	517,084
<small>[Line (3.1b) + line (3.2b) + line (3.3b) + ...line (3.21b)]</small>		

**MANDATED COSTS
HEALTH FEE ELIMINATION
CLAIM SUMMARY**

**FORM
HFE-1.1**

(01) Claimant: State Center Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2000-01
--	---	----------------------------

(03) Name of College Fresno City College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, **STOP**, do not complete the form. No reimbursement is allowed.

LESS SAME MORE

	Direct Cost	Indirect Cost of: 37.73%	Total
(05) Cost of Health Services for the Fiscal year of Claim	\$ 366,830	\$ 138,405	\$ 505,235
(06) Cost of providing current fiscal year health services which are in excess of the level provided in 1986/87	\$ -	\$ -	\$ -
(07) Cost of providing current fiscal year health services at the 1986/87 level [Line (05) - line (06)]	\$ 366,830	\$ 138,405	\$ 505,235

(08) Complete Columns (a) through (g) to provide detail data for health fees

Period for which health fees were collected	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code § 76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code § 76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per fall semester	7,205	8,338		\$ -		\$ -	\$ 78,753
2. Per spring semester	6,588	8,181		\$ -		\$ -	\$ 74,830
3. Per summer session	145	6,067		\$ -		\$ -	\$ 31,473
4. Per first quarter				\$ -		\$ -	\$ -
5. Per second quarter				\$ -		\$ -	\$ -
6. Per third quarter				\$ -		\$ -	\$ -
(09) Total health fee that could have been collected	[Line (8.1g) + (8.2g) +(8.6g)]						\$ 185,056
(10) Sub-total	[Line (07) - line (09)]						\$ 320,179

Cost Reduction		
(11) Less: Offsetting Savings, if applicable		\$ 2,800.00
(12) Less: Other Reimbursements, if applicable		\$ -
(13) Total Amount Claimed	[Line (10) - {(line (11) + line (12))}]	\$ 317,379

**STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY01**

Classification of Expenses	Reclassified Expenditures			Adjustments			Direct Costs			Adjusted Costs		
	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total
Instructional Divisions	44,549,155	6,467,957	51,017,112	-	(363,848)	44,549,155	6,467,957	51,017,112	44,549,155	6,467,957	51,017,112	
Academic Support	2,339,414	1,312,408	3,651,822	-	-	2,339,414	1,312,408	3,651,822	2,339,414	1,312,408	3,651,822	
Institutional Support	3,632,594	1,884,012	5,516,606	-	(363,848)	3,632,594	1,884,012	5,516,606	3,632,594	1,884,012	5,516,606	
Student Services	16,934,668	3,424,031	20,358,699	(970,900)	-	15,963,768	3,424,031	19,387,799	15,963,768	3,424,031	19,387,799	
Maintenance & Operations	5,497,258	4,249,319	9,746,577	-	(850,555)	5,497,258	4,249,319	9,746,577	5,497,258	4,249,319	9,746,577	
Public Information	352,463	253,305	605,768	(352,463)	(253,305)	-	-	-	-	-	-	
Deans	696,178	161,861	858,039	(56,736)	(56,736)	696,178	161,861	858,039	696,178	161,861	858,039	
General Administrative	3,702,603	3,776,167	7,478,770	(327,167)	(854,950)	3,375,436	3,776,167	7,151,603	3,375,436	3,776,167	7,151,603	
Library	2,451,199	1,207,646	3,658,845	-	(628,864)	2,451,199	1,207,646	3,658,845	2,451,199	1,207,646	3,658,845	
Department Administration	279,457	62,769	342,226	-	(46,890)	279,457	62,769	342,226	279,457	62,769	342,226	
Co-Curricular Activities	7,222	445,392	452,614	-	-	7,222	445,392	452,614	7,222	445,392	452,614	
Computer Center	962,673	714,771	1,677,444	-	-	962,673	714,771	1,677,444	962,673	714,771	1,677,444	
Total General Fund	81,404,884	23,959,638	105,364,522	(1,650,530)	(3,055,148)	63,822,232	12,364,559	76,186,791	63,822,232	12,364,559	76,186,791	
Auxiliary Enterprises	353,209	290,663	643,872	-	-	353,209	290,663	643,872	353,209	290,663	643,872	
Cafeteria	209,509	89,889	299,398	-	-	209,509	89,889	299,398	209,509	89,889	299,398	
Residence Hall	-	48,796	48,796	-	-	-	48,796	48,796	-	48,796	48,796	
Debt Service	941,412	560,509	1,501,921	-	-	941,412	560,509	1,501,921	941,412	560,509	1,501,921	
Bookstore	1,504,130	989,857	2,493,987	-	-	1,504,130	989,857	2,493,987	1,504,130	989,857	2,493,987	
Total Auxiliary Enterprises	353,209	290,663	643,872	-	-	353,209	290,663	643,872	353,209	290,663	643,872	
Total	81,758,093	24,250,301	106,008,394	(1,650,530)	(3,055,148)	76,186,791	12,655,222	88,842,013	76,186,791	12,655,222	88,842,013	

**STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY01**

	Reclassified Expenditures	Adjustments	Direct Costs	F & A Costs
Trust Funds	-	-	-	-
Associated Students	-	(92,673)	-	-
Scholarship & Loan	92,673	-	291,812	-
Student Financial Aid	291,812	(25,350,223)	-	-
Total Trust Funds	25,350,223	(25,442,896)	291,812	-
	25,734,708	-	-	-
Capital Projects	4,732,519	(4,666,562)	-	5,332
Self Insurance	99,449	107,952	-	8,503
Total Other Funds	4,831,968	(4,666,562)	-	13,835
Totals	55,516,171	(1,650,530)	13,646,228	15,945,957
	138,439,020	(33,164,606)	65,326,362	8,705,337

F & A Cost Rate Computation

F & A Costs	15,945,957
Salaries and Benefits	8,705,337
Other	24,651,294
Total F & A Costs	65,326,362
Direct Salaries and Benefits	24,651,294
F & A Cost Rate:	37.73%

**MANDATED COSTS
HEALTH FEE ELIMINATION
CLAIM SUMMARY**

**FORM
HFE-1.2**

(01) Claimant: State Center Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2000-01
--	---	----------------------------

(03) Name of College Reedley College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, STOP, do not complete the form. No reimbursement is allowed.

LESS SAME MORE

	Direct Cost	Indirect Cost of: 37.73%	Total
(05) Cost of Health Services for the Fiscal year of Claim	\$ 207,227	\$ 78,187	\$ 285,414
(06) Cost of providing current fiscal year health services which are in excess of the level provided in 1986/87	\$ -	\$ -	\$ -
(07) Cost of providing current fiscal year health services at the 1986/87 level [Line (05) - line (06)]	\$ 207,227	\$ 78,187	\$ 285,414

(08) Complete Columns (a) through (g) to provide detail data for health fees

Period for which health fees were collected	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code § 76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code § 76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per fall semester	4,098	2,898		\$ -		\$ -	\$ 36,160
2. Per spring semester	3,937	2,983		\$ -		\$ -	\$ 35,765
3. Per summer session	72	2,095		\$ -		\$ -	\$ 11,198
4. Per first quarter				\$ -		\$ -	\$ -
5. Per second quarter				\$ -		\$ -	\$ -
6. Per third quarter				\$ -		\$ -	\$ -
(09) Total health fee that could have been collected	[Line (8.1g) + (8.2g) +(8.6g)]						\$ 83,123
(10) Sub-total	[Line (07) - line (09)]						\$ 202,291

Cost Reduction		
(11) Less: Offsetting Savings, if applicable		\$ 2,586.00
(12) Less: Other Reimbursements, if applicable		\$ -
(13) Total Amount Claimed	[Line (10) - {(line (11) + line (12))}]	\$ 199,705

12/13/01

Fiscal Year: 2001

GL Account

Date

Sc Ref No

Description

City

Revenue

Expenses

Allocated Budget

Unexpended Balance

Encumbrances

Unencumbered Balance/Pcnt

STATE CENTER COMMUNITY COLLEGE DISTRICT
Detail Budget Status Report
For Period 07/01/2000 Thru 06/30/2001

FUND: 11 - UNRESTRICTED (XXO,LTO,PFE)

GL Account	Date	Sc Ref No	Description	Allocated Budget	Unexpended Balance	Encumbrances	Unencumbered Balance/Pcnt
11-20-000000-88935-000			GENERAL : HEALTH SERVICES				
			Opening Balances -->				
04/12 JH J006182			CORR HEP B VACCINATIONS		2,280.00-		
06/29 JH J006706			EXP TRAN #7894 HEP B VAC		520.00-		
			Current Period Totals -->		2,800.00-	0.00	2,800.00
			To Date Totals -->	0.00	2,800.00	0.00	2,800.00
			Future Totals -->				
			Fiscal Totals -->	0.00	2,800.00	0.00	2,800.00
11-30-000000-88935-000			GENERAL : HEALTH SERVICES				
			Opening Balances -->				
06/26 JH J005561			RECLASS HEP B SHOTS		1,450.00-		
06/29 JH J006673			RC CC/FLU SHOTS,ETC. 197-100		1,135.50-		
			Current Period Totals -->		2,585.50-	0.00	2,585.50
			To Date Totals -->	0.00	2,585.50	0.00	2,585.50
			Future Totals -->				
			Fiscal Totals -->	0.00	2,585.50	0.00	2,585.50
Totals for FUND: 11 - UNRESTRICTED (XXO,LTO,PFE)							
			To Date Totals -->	0.00	5,385.50	0.00	5,385.50
			Future Totals -->	0.00	0.00	0.00	0.00
			Fiscal Totals -->	0.00	5,385.50	0.00	5,385.50

Revenue
OFFSET
5/20/01

REVENUES
OFFSETS

**STATE CENTER COMMUNITY COLLEGE DISTRICT
Health Fee Elimination - Mandated Cost Claim
BOGG/Health Fee Revenue Adjustments Worksheet
FY 2000-2001**

A) BOGG split based on % of total FT and PT students.

FCC	FT	PT	Total	%	FCC-split BOGG #
Su 2000	145	8,449	8,594	0.1700738	2,382
F2000	7,205	14,299	21,504	0.4255605	5,961
Sp2001	6,588	13,845	20,433	0.4043656	5,664
			50,531		14,008

FC BOGG # 14,008

RC	FT	PT	Total	%	RC-split BOGG #
Su 2000	72	3,049	3,121	0.1347175	954
F2000	4,098	5,980	10,078	0.4350153	3,082
Sp2001	3,937	6,031	9,968	0.4302672	3,048
			23,167		7,084

RC BOGG # 7,084

31,473
 78,753
 74,830
 185,056

\$ 11,198
 36,160
 35,765
 83,123

B) HEALTH FEE REVENUE SPLIT

based on % total students

				VTC HF	HF-Split Total
FCC	50,531	0.6856495	\$ 181,305	\$ 3,751	\$ 185,056
RC	23,167	0.3143505	\$ 83,123	\$ -	\$ 83,123
	73,698		\$ 264,428	\$ 3,751	\$ 268,179

HF Revenue \$ 264,428

GL Account	Allocated Budget	Actual	% Used	Available
11-20-311100-91215-XX0	74,009.00	54,912.17	74.20	19,096.83
11-20-311100-91220-XX0	147,045.00	110,889.11	75.41	36,155.89
11-20-311100-91410-XX0	0.00	0.00	0.00	0.00
11-20-311100-91415-XX0	58,515.00	53,287.55	91.07	5,227.45
11-20-311100-92110-XX0	24,000.00	19,321.45	80.51	4,678.55
11-20-311100-92310-XX0	7,189.00	13,497.13	187.75	6,308.13
11-20-311100-93110-XX0	0.00	0.00	0.00	0.00
11-20-311100-93130-XX0	18,237.00	23,015.70	126.20	4,778.70
11-20-311100-93310-XX0	0.00	0.00	0.00	0.00
11-20-311100-93330-XX0	7,837.00	2,400.06	30.62	5,436.94
11-20-311100-93410-XX0	0.00	0.00	0.00	0.00
11-20-311100-93430-XX0	33,653.00	20,570.36	61.12	13,082.64
11-20-311100-93510-XX0	0.00	0.00	0.00	0.00
11-20-311100-93530-XX0	193.00	204.72	106.07	11.72
11-20-311100-93610-XX0	0.00	0.00	0.00	0.00
11-20-311100-93630-XX0	4,193.00	3,206.06	76.46	986.94
11-20-311100-93710-XX0	1,618.00	246.64	15.24	1,371.36
11-20-311100-94210-XX0	0.00	0.00	0.00	0.00
11-20-311100-94290-XX0	200.00	0.00	0.00	200.00
11-20-311100-94410-XX0	12,086.00	11,148.60	92.24	937.40
11-20-311100-94490-XX0	100.00	49.99	49.99	50.01
11-20-311100-94530-XX0	200.00	48.00	24.00	152.00
11-20-311100-95210-XX0	1,050.00	0.00	0.00	1,050.00
11-20-311100-95225-XX0	0.00	1,567.23	149.26	517.23
11-20-311100-95235-XX0	0.00	95.79	0.00	95.79
11-20-311100-95310-XX0	0.00	49.00	0.00	49.00
11-20-311100-95315-XX0	200.00	114.54	57.27	85.46
11-20-311100-95320-XX0	200.00	148.70	74.35	151.65
11-20-311100-95410-XX0	2,000.00	450.00	22.50	1,550.00
11-20-311100-95520-XX0	1,000.00	500.00	50.00	500.00
11-20-311100-95525-XX0	154.00	0.00	0.00	154.00
11-20-311100-95530-XX0	0.00	52.00	0.00	52.00
11-20-311100-95640-XX0	51,510.00	51,055.00	99.12	455.00
Totals for LOCATION: 20 - FRESNO CITY COLLEGE	445,439.00	366,829.80	82.35	78,609.20

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STATE CENTER COMMUNITY COLLEGE DISTRICT
 Budget to Actual Report Ending 06/30/2001
 Options - Available/Met/Exceeded Budget

LOCATION: 30 - REEDLEY COLLEGE

EL Account	Allocated Budget	Actual	% Used	Available
11-30-311100-91215-XX0	8,223.00	8,719.72	106.04	496.72-
11-30-311100-91220-XX0	77,019.00	88,058.26	114.33	11,039.26-
11-30-311100-91330-XX0	792.00	459.68	58.04	332.32
11-30-311100-91415-XX0	42,018.00	46,234.09	110.03	4,216.09-
11-30-311100-92110-XX0	33,612.00	0.10	0.00	33,611.90
11-30-311100-92310-XX0	3,312.00	10,977.63	331.45	7,665.63-
11-30-311100-93110-XX0	0.00	0.00	0.00	0.00
11-30-311100-93130-XX0	7,032.00	11,846.36	168.46	4,814.36-
11-30-311100-93310-XX0	52.00	6.67	12.83	45.33
11-30-311100-93330-XX0	4,424.00	521.18	11.78	3,902.82
11-30-311100-93410-XX0	0.00	0.00	0.00	0.00
11-30-311100-93430-XX0	14,423.00	14,528.49	100.73	105.49-
11-30-311100-93510-XX0	2.00	0.28	14.00	1.72
11-30-311100-93530-XX0	97.00	128.19	132.15	31.19-
11-30-311100-93610-XX0	46.00	5.98	13.00	40.02
11-30-311100-93710-XX0	2,099.00	2,001.81	95.37	97.19
11-30-311100-93730-XX0	114.00	0.00	0.00	114.00
11-30-311100-94210-XX0	1,363.00	262.52	19.26	1,100.48
11-30-311100-94290-XX0	0.00	57.51	0.00	57.51-
11-30-311100-94410-XX0	300.00	0.00	0.00	300.00
11-30-311100-94415-XX0	4,429.00	5,161.01	116.53	732.01-
11-30-311100-94510-XX0	149.00	0.00	0.00	149.00
11-30-311100-94525-XX0	50.00	25.43	17.07	123.57
11-30-311100-94530-XX0	200.00	146.91	293.82	96.91-
11-30-311100-95125-XX0	300.00	0.00	0.00	300.00
11-30-311100-95225-XX0	60.37	60.37	20.12	239.63
11-30-311100-95310-XX0	166.80	166.80	99.88	0.20
11-30-311100-95410-XX0	384.00	680.33	177.17	296.33-
11-30-311100-95415-XX0	471.00	292.50	62.10	178.50
11-30-311100-95520-XX0	1,000.00	622.00	62.20	378.00
11-30-311100-95525-XX0	210.00	0.00	0.00	210.00
11-30-311100-95640-XX0	350.00	522.81	149.36-	872.81
11-30-311100-95725-XX0	300.00	0.00	0.00	300.00
11-30-311100-95725-XX0	15,121.00	16,774.00	110.93	1,653.00-
11-30-311100-95725-XX0	0.00	12.28	0.00	12.28-
Totals for LOCATION: 30 - REEDLEY COLLEGE	218,209.00	207,227.29	94.97	10,981.71



**MANDATED COSTS
HEALTH FEE ELIMINATION
COMPONENT/ACTIVITY COST DETAIL**

**FORM
HFE-2.1**

Claimant State Center Community College District	Fiscal Year 2000-01	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.	(a) FY 1986/87	(b) FY of Claim
Accident Reports	X	X
Appointments	X	X
College Physician, surgeon		
Dermatology, Family practice		
Internal Medicine		
Outside Physician		
Dental Services	X	X
Outside Labs, (X-ray, etc.)	X	X
Psychologist, full services	X	X
Cancel/Change Appointments	X	X
Registered Nurse	X	X
Check Appointments		
Assessment, Intervention and Counseling		
Birth Control	X	X
Lab Reports	X	X
Nutrition	X	X
Test Results, office	X	X
Venereal Disease	X	X
Communicable Disease	X	X
Upper Respiratory Infection	X	X
Eyes, Nose and Throat	X	X
Eye/Vision	X	X
Dermatology/Allergy	X	X
Gynecology/Pregnancy Service	X	X
Neuralgic	X	X
Orthopedic	X	X
Genito/Urinary	X	X
Dental	X	X
Gastro-Intestinal	X	X
Stress Counseling	X	X
Crisis Intervention	X	X
Child Abuse Reporting and Counseling	X	X
Sunstance Abuse Identification and Counseling	X	X
Eating Disorders	X	X
Weight Control	X	X
Personal Hygiene	X	X
Burnout	X	X
Other Medical Problems, list Hypertension, Cardio-Vascular, Seizure Disorder, Pulmonary	X	X
Examinations, minor illnesses		
Recheck Minor Injury	X	X
Health Talks or Fairs, Information		
Sexually Transmitted Disease	X	X
Drugs	X	X
Acquired Immune Deficiency Syndrome	X	X
Child Abuse	X	X

**MANDATED COSTS
HEALTH FEE ELIMINATION
COMPONENT/ACTIVITY COST DETAIL**

**FORM
HFE-2.1**

Claimant

Fiscal Year

State Center Community College District

2000-01

(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.

(a) FY 1986/87	(b) FY of Claim
----------------------	-----------------------

Birth Control/Family Planning
Stop Smoking
Library, Videos and Cassettes

X	X
X	X
X	X

First Aid, Major Emergencies
First Aid, Minor Emergencies
First Aid Kits, Filled

X	X
X	X
X	X

Immunizations
Diphtheria/Tetanus
Measles/Rubella
Influenza
Information

X	X
X	X
X	X

Insurance
On Campus Accident
Voluntary
Insurance Inquiry/Claim Administration

X	X
X	X

Laboratory Tests Done
Inquiry/Interpretation
Pap Smears

Physical Examinations
Employees
Students
Athletes

X	X
---	---

Medications
Antacids
Antidiarrheal
Aspirin, Tylenol, etc.,
Skin Rash Preparations
Eye Drops
Ear Drops
Toothache, oil cloves
Stingkill
Midol, Menstrual Cramps
Other-List: Toinaftate, Cortisone, CTM, Pseudoephedrine HCE, Diphenhydramine
Pediculosis Control, Cough Syrup, Lozenges

X	X
X	X
X	X
X	X
X	X
X	X
X	X
X	X
X	X
X	X
X	X

Parking Cards/Elevator Keys
Tokens
Return Card/Key
Parking Inquiry
Elevator Passes
Temporary Handicapped Parking Permits

**MANDATED COSTS
HEALTH FEE ELIMINATION
COMPONENT/ACTIVITY COST DETAIL**

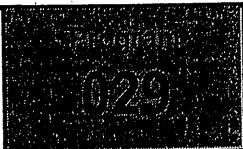
**FORM
HFE-2.1**

Claimant State Center Community College District	Fiscal Year 2000-01	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.	(a) FY 1986/87	(b) FY of Claim
Referrals to Outside Agencies	X	X
Private Medical Doctor	X	X
Health Department	X	X
Clinic	X	X
Dental	X	X
Counseling Centers	X	X
Crisis Centers	X	X
Transitional Living Facilities, battered/homeless women	X	X
Family Planning Facilities	X	X
Other Health Agencies	X	X
Tests	X	X
Blood Pressure	X	X
Hearing	X	X
Tuberculosis	X	X
Reading	X	X
Information	X	X
Vision		
Glucometer		
Urinalysis	X	X
Hemoglobin		
EKG		
Strep A Testing		
PG Testing		
Monospot		
Hemacult		
Others, list Psychological Testing	X	X
Miscellaneous	X	X
Absence Excuses/PE Waiver		
Allergy Injections	X	X
Band-aids	X	X
Booklets/Pamphlets	X	X
Dressing Change	X	X
Rest	X	X
Suture Removal	X	X
Temperature	X	X
Weigh	X	X
Information	X	X
Report/Form	X	X
Wart Removal		
Others, list		
Committees	X	X
Safety		
Environmental	X	X
Disaster Planning	X	X
Campus Committees		
Eye Drops		

Exhibit I

CLAIM FOR PAYMENT
 Pursuant to Government Code Section 17561
HEALTH FEE ELIMINATION

For State Controller Use only
 (19) Program Number 00029
 (20) Date File ___/___/___
 (21) LRS Input ___/___/___



(01) Claimant Identification Number:
 S-10225

(02) Mailing Address:
 Claimant Name
 State Center Community College District
 County of Location
 Fresno
 Street Address
 1525 East Weldon Avenue
 City State Zip Code
 Fresno CA 93704-6398

Reimbursement Claim Data	
(22) HFE - 1.0, (04)(b)	\$ 604,202
(23)	
(24)	
(25)	
(26)	
(27)	
(28)	
(29)	
(30)	
(31)	
(32)	
(33)	
(34)	
(35)	
(36)	
(37)	

Type of Claim	Estimated Claim	Reimbursement Claim
(03) Estimated <input checked="" type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	
(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	
(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	
Fiscal Year of Cost	(06) 2002-2003	(12) 2001-2002
Total Claimed Amount	(07) \$ 600,000	(13) \$ 604,202
Less: 10% Late Penalty, but not to exceed \$1000		(14) \$ -
Less: Estimate Claim Payment Received		(15) \$ 131,954
Net Claimed Amount		(16) \$ 472,248
Due from State	(08) \$ 600,000	(17) \$ 472,248
Due to State		(18) \$ -

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code § 17561, I certify that I am the officer authorized by the local agency to file claims with the State of California for costs mandated by Chapter 1, Statutes of 1984, and Chapter 1118, Statutes of 1987, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of services of an existing program mandated by Chapter 1, Statutes of 1984, and Chapter 1118, Statutes of 1987.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 1, Statutes of 1984, and Chapter 1118, Statutes of 1987, set forth on the attached statements.

Signature of Authorized Officer

 Douglas R. Brinkley
 Type or Print Name

Date
 12/20/02
 Vice Chancellor, Finance & Administration
 Title

(39) Name of Contact Person or Claim
 Telephone Number (858) 514-8605
 SixTen and Associates
 E-Mail Address kbpsixten@aol.com

**MANDATED COSTS
HEALTH FEE ELIMINATION
CLAIM SUMMARY**

**FORM
HFE-1.0**

(01) Claimant:	(02) Type of Claim:	Fiscal Year
Claimant Name	Reimbursement <input checked="" type="checkbox"/>	
State Center Community College District	Estimated <input type="checkbox"/>	2001-2002

(03) List all the colleges of the community college district identified in form HFE-1.1, line (03)

	(a) Name of College		(b) Claimed Amount
1.	Frenso City College	\$	427,942.57
2.	Reedley College	\$	176,259.68
3.		\$	-
4.		\$	-
5.		\$	-
6.		\$	-
7.		\$	-
8.		\$	-
9.		\$	-
10.		\$	-
11.		\$	-
12.		\$	-
13.		\$	-
14.		\$	-
15.		\$	-
16.		\$	-
17.		\$	-
18.		\$	-
19.		\$	-
20.		\$	-
21.		\$	-
(04) Total Amount Claimed	[Line (3.1b) + line (3.2b) + line (3.3b) + ...line (3.21b)]	\$	604,202

**MANDATED COSTS
HEALTH FEE ELIMINATION
CLAIM SUMMARY**

**FORM
HFE-1.1**

(01) Claimant: State Center Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2001-2002
--	---	------------------------------

(03) Name of College Frenso City College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, STOP, do not complete the form. No reimbursement is allowed.

LESS SAME MORE

	Direct Cost	Indirect Cost of: 35.06%	Total
(05) Cost of Health Services for the Fiscal year of Claim	\$ 500,535	\$ 175,488	\$ 676,023
(06) Cost of providing current fiscal year health services which are in excess of the level provided in 1986/87	\$ -	\$ -	\$ -
(07) Cost of providing current fiscal year health services at the 1986/87 level [Line (05) - line (06)]	\$ 500,535	\$ 175,488	\$ 676,023

(08) Complete Columns (a) through (g) to provide detail data for health fees

Period for which health fees were collected	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code § 76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code § 76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per fall semester	5,517	11,373		\$ -		\$ -	\$ 96,756
2. Per spring semester	5,267	11,449		\$ -		\$ -	\$ 95,757
3. Per summer session	760	6,842		\$ -		\$ -	\$ 43,547
4. Per first quarter				\$ -		\$ -	\$ -
5. Per second quarter				\$ -		\$ -	\$ -
6. Per third quarter				\$ -		\$ -	\$ -

(09) Total health fee that could have been collected [Line (8.1g) + (8.2g) +(8.6g)] \$ 242,070

(10) Sub-total [Line (07) - line (09)] \$ 433,953

Cost Reduction	
(11) Less: Offsetting Savings, if applicable	\$ -
(12) Less: Other Reimbursements, if applicable	\$ 6,010
(13) Total Amount Claimed [Line (10) - (line (11) + line (12))]	\$ 427,943

<p>MANDATED COSTS HEALTH FEE ELIMINATION CLAIM SUMMARY</p>	<p>FORM HFE-1.2</p>
---	--

<p>(01) Claimant: State Center Community College District</p>	<p>(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/></p>	<p>Fiscal Year 2001-2002</p>
--	---	---------------------------------------

(03) Name of College: Reedley College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, STOP, do not complete the form. No reimbursement is allowed.

LESS SAME MORE

	Direct Cost	Indirect Cost of: 35.06%	Total
(05) Cost of Health Services for the Fiscal year of Claim	\$ 215,136	\$ 75,427	\$ 290,563
(06) Cost of providing current fiscal year health services which are in excess of the level provided in 1986/87	\$ -	\$ -	\$ -
(07) Cost of providing current fiscal year health services at the 1986/87 level [Line (05) - line (06)]	\$ 215,136	\$ 75,427	\$ 290,563

(08) Complete Columns (a) through (g) to provide detail data for health fees

Period for which health fees were collected	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code § 76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code § 76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per fall semester	3,208	4,753		\$ -		\$ -	
2. Per spring semester	2,946	4,803		\$ -		\$ -	
3. Per summer session	248	2,240		\$ -		\$ -	
4. Per first quarter				\$ -		\$ -	\$ -
5. Per second quarter				\$ -		\$ -	\$ -
6. Per third quarter				\$ -		\$ -	\$ -

(09) Total health fee that could have been collected [Line (8.1g) + (8.2g) +(8.6g)] \$ 111,823

(10) Sub-total [Line (07) - line (09)] \$ 178,740

Cost Reduction

(11) Less: Offsetting Savings, if applicable \$ -

(12) Less: Other Reimbursements, if applicable \$ 2,480

(13) Total Amount Claimed [Line (10) - {(line (11) + line (12))}] \$ 176,260

Schedule 2
STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION
FY02

Classification of Expenses	Reclassified Expenditures			Adjustments			Direct Costs			Adjusted Costs			F & A Costs		
	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total	Salaries & Benefits	Other	Total
Instructional Divisions	49,194,526	5,240,256	54,434,782												
Academic Support	3,214,235	909,614	4,123,849												
Institutional Support	3,870,220	1,821,379	5,691,599	(239,765)	(887,379)	(1,127,144)									
Student Services	19,627,525	3,479,131	23,106,656	(1,334,900)	(38,537)	(1,373,437)									
Maintenance & Operations	5,981,949	6,158,553	12,140,502	-	(2,244,188)	(2,244,188)									
Public Information	547,070	733,375	1,280,445	(547,070)	(733,375)	(1,280,445)									
Deans	749,235	94,219	843,454		(10,926)	(10,926)									
General Administrative	5,199,671	1,966,839	7,166,510	(218,206)	(380,046)	(598,252)									
Library	2,753,290	820,259	3,573,549	-	(393,038)	(393,038)									
Department Administration	399,714	18,555	418,269		(7,039)	(7,039)									
Co-Curricular Activities	4,888	504,556	509,444												
Computer Center	1,060,592	725,232	1,785,824												
Total General Fund	92,602,915	22,471,968	115,074,883	(2,339,941)	(4,694,528)	(7,034,469)	4,888	1,060,592	1,065,480	10,820,252	18,496,108	29,320,360	3,630,455	934,000	4,564,455
Auxiliary Enterprises															
Cafeteria	380,119	326,328	706,447												
Residence Hall	214,715	91,514	306,229												
Debt Service	-	33,300	33,300												
Bookstore	968,694	634,114	1,602,808												
Total Auxiliary Enterprises	1,563,528	1,085,256	2,648,784												

Schedule 2

STATE CENTER COMMUNITY COLLEGE DISTRICT
OVERHEAD RATE CALCULATION

FY02

	Reclassified Expenditures	Adjustments	Direct Costs	F & A Costs
Trust Funds	-	-	-	-
Associated Students	-	-	-	-
Scholarship & Loan	108,060	(108,060)	-	-
Student Financial Aid	185,136	-	-	185,136
Total Trust Funds	31,922,660	(31,922,660)	-	-
	32,215,856	(32,030,720)	-	185,136
Capital Projects	-	-	-	-
Self Insurance	10,536	(16,252,755)	-	10,536
Total Other Funds	9,876	(16,252,755)	-	9,876
Totals	20,412	(16,252,755)	-	20,412
	94,186,855	(2,339,941)	73,330,394	18,516,520
	72,262,114	(52,978,003)	12,090,644	7,193,467

F & A Cost Rate Computation

F & A Costs	18,516,520
Salaries and Benefits	7,193,467
Other	25,709,987
Total F & A Costs	73,330,394

Direct Salaries and Benefits

F & A Cost Rate:	25,709,987
	73,330,394
	35.06%

L.Hopper
12/11/02 11:30 AM
StateC 01-02 ICR.xls

P2.062

**STATE CENTER COMMUNITY COLLEGE DISTRICT
Health Fee Elimination - Mandated Cost Claim
BOGG/Health Fee Revenue Adjustments Worksheet
FY 2001-2002**

A) BOGG split based on % of total FT and PT students.

FCC	FCC-split		FCC BOGG Split		
	FT	PT	BOGG #	FT	PT
Su 2001	1,032	9,293	2,723	272	2,451
F2001	7,494	15,447	6,051	1,977	4,074
Sp2002	7,154	15,550	5,988	1,887	4,101
			14,762	4,136	10,626

FC BOGG # 14,762

RC	RC-split		RC BOGG Split		
	FT	PT	BOGG #	FT	PT
Su 2001	353	3,182	1,047	105	942
F2001	4,558	6,753	3,349	1,350	2,000
Sp2002	4,185	6,824	3,260	1,239	2,021
			7,656	2,693	4,963

RC BOGG # 7,656

B) HEALTH FEE REVENUE SPLIT

based on % total students

			CTC HF		HF-Split
			Total		Total
FCC	55,970	0.6840208	\$ 242,070	\$ -	\$ 242,070
RC	25,855	0.3159792	\$ 111,823	\$ -	\$ 111,823
	81,825		\$ 353,893	\$ -	\$ 353,893

HF Revenue \$ 353,893

SIX TEN & ASSOC.
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Fiscal Year: 2002

LOCATION: 20 - FRESNO CITY COLLEGE

Account	Allocated Budget	Actual	Encumbrances	%Committed	Available
-20-311100-91215-KX0 HEALTH SERVICES : REG-COUNSELO	82,794.00	83,104.33	0.00	100.37	310.33-
-20-311100-91220-KX0 HEALTH SERVICES : REG NON-MANA	164,499.00	165,109.01	0.00	100.37	610.01-
-20-311100-91415-KX0 HEALTH SERVICES : HRLY NON-WAN	58,515.00	75,010.52	0.00	128.19	16,495.52-
-20-311100-92110-KX0 HEALTH SERVICES : REG-CLASSIFI	28,729.00	27,963.75	0.00	97.34	765.25
-20-311100-92150-KX0 HEALTH SERVICES : O/T-CLASSIFI	0.00	2,586.87	0.00	0.00	2,586.87
-20-311100-92310-KX0 HEALTH SERVICES : HOURLY	3,660.00	15,380.77	0.00	420.24	11,720.77-
-20-311100-93110-KX0 HEALTH SERVICES : STRS-INSTRUC	0.00	0.00	0.00	0.00	0.00
-20-311100-93130-KX0 HEALTH SERVICES : STRS NON-INS	20,402.00	26,075.64	0.00	127.81	5,673.64-
-20-311100-93310-KX0 HEALTH SERVICES : OASDI-INSTRU	0.00	0.00	0.00	0.00	0.00
-20-311100-93330-KX0 HEALTH SERVICES : OASDI NON-IN	8,663.00	3,174.94	0.00	36.65	5,488.06
-20-311100-93410-KX0 HEALTH SERVICES : H&W-INSTRUCT	0.00	0.00	0.00	0.00	0.00
-20-311100-93430-KX0 HEALTH SERVICES : H&W NON-INST	36,299.00	31,181.11	0.00	85.90	5,117.89
-20-311100-93510-KX0 HEALTH SERVICES : SUI-INSTRUCT	0.00	0.00	0.00	0.00	0.00
-20-311100-93530-KX0 HEALTH SERVICES : SUI NON-INST	207.00	455.98	0.00	220.28	248.98-
-20-311100-93610-KX0 HEALTH SERVICES : WORK COMP IN	0.00	0.00	0.00	0.00	0.00
-20-311100-93630-KX0 HEALTH SERVICES : WORK COMP NO	4,646.00	4,762.90	0.00	102.52	116.90-
-20-311100-93710-KX0 HEALTH SERVICES : PARS-INSTRUC	0.00	0.00	0.00	0.00	0.00
-20-311100-93730-KX0 HEALTH SERVICES : PARS NON-INS	1,580.00	88.29	0.00	5.59	1,491.71
-20-311100-94210-KX0 HEALTH SERVICES : TEXT BOOKS	125.00	0.00	0.00	0.00	125.00
-20-311100-94290-KX0 HEALTH SERVICES : OTHER BOOKS	0.00	0.00	0.00	0.00	0.00
-20-311100-94410-KX0 HEALTH SERVICES : OFFICE SUPPL	12,466.00	12,047.36	0.00	96.64	418.64
-20-311100-94415-KX0 HEALTH SERVICES : SOFTWARE NON	0.00	0.00	0.00	0.00	0.00
-20-311100-94490-KX0 HEALTH SERVICES : OTHER SUPPLI	160.00	156.12	0.00	97.58	3.88
-20-311100-94525-KX0 HEALTH SERVICES : RECORDS/TAPE	17.00	16.14	0.00	94.94	0.86
-20-311100-94530-KX0 HEALTH SERVICES : PUBLICATIONS	75.00	64.58	0.00	86.11	10.42
-20-311100-95210-KX0 HEALTH SERVICES : EQUIPMENT RE	212.00	0.00	0.00	0.00	212.00
-20-311100-95225-KX0 HEALTH SERVICES : EQUIP REPR &	1,755.00	1,741.93	0.00	99.26	13.07
-20-311100-95235-KX0 HEALTH SERVICES : COMPUTER HW/	97.00	96.01	0.00	98.98	0.99
-20-311100-95310-KX0 HEALTH SERVICES : CONFERENCE	200.00	200.00	0.00	100.00	0.00
-20-311100-95315-KX0 HEALTH SERVICES : MILEAGE	103.00	0.00	0.00	0.00	103.00
-20-311100-95320-KX0 HEALTH SERVICES : CHARTER SERV	20.00	0.00	0.00	0.00	20.00
-20-311100-95410-KX0 HEALTH SERVICES : DUES/MEMBERS	673.00	525.00	0.00	78.01	148.00
-20-311100-95520-KX0 HEALTH SERVICES : CONSULTANT S	1,000.00	500.00	0.00	50.00	500.00
-20-311100-95525-KX0 HEALTH SERVICES : MEDICAL SERV	154.00	0.00	0.00	0.00	154.00
-20-311100-95640-KX0 HEALTH SERVICES : STUDENT INS	51,860.00	53,147.57	0.00	102.48	1,287.57-
-20-311100-95990-KX0 HEALTH SERVICES : MISCELLANEOU	200.00	152.85	0.00	76.43	47.15
-20-311100-96410-KX0 HEALTH SERVICES : CONSTRUCTION	0.00	0.00	0.00	0.00	0.00
-20-311100-96515-KX0 HEALTH SERVICES : NEW NON-INST	264.00	0.00	0.00	0.00	264.00
TOTALS FOR LOCATION: 20 - FRESNO CITY COLLEGE	479,375.00	498,367.93	0.00	103.96	18,992.93-

267.05 ← Madena Center Costs

500,534.98

2002 OCT 11 PM 12:06

SIX TEN & ASSOC.

LOCATION: 30 - REEDLEY COLLEGE

iscal Year: 2002

Account	Allocated Budget	Actual	Encumbrances	%Committed	Available
-30-311100-91215-XX0 HEALTH SERVICES : REG-COUNSELO	9,199.00	9,230.66	0.00	100.34	31.66-
-30-311100-91220-XX0 HEALTH SERVICES : REG NON-MANA	74,161.00	72,864.99	0.00	98.25	1,296.01
-30-311100-91330-XX0 HEALTH SERVICES : HRLY-SUMMER	846.00	0.00	0.00	0.00	846.00
-30-311100-91415-XX0 HEALTH SERVICES : HRLY NON-MAN	42,018.00	56,857.22	0.00	135.32	14,839.22-
-30-311100-92110-XX0 HEALTH SERVICES : REG-CLASSIFI	25,233.00	2,784.49	0.00	11.04	22,448.51
-30-311100-92310-XX0 HEALTH SERVICES : HOURLY	13,312.00	22,999.73	0.00	172.77	9,687.73-
-30-311100-93110-XX0 HEALTH SERVICES : STRS-INSTRUC	0.00	0.00	0.00	0.00	0.00
-30-311100-93130-XX0 HEALTH SERVICES : STRS NON-INS	7,867.00	10,370.19	0.00	131.82	2,503.19-
-30-311100-93310-XX0 HEALTH SERVICES : OASDI-INSTRU	49.00	0.00	0.00	0.00	49.00
-30-311100-93330-XX0 HEALTH SERVICES : OASDI NON-IN	4,949.00	2,341.12	0.00	47.30	2,607.88
-30-311100-93410-XX0 HEALTH SERVICES : H&W-INSTRUCT	0.00	0.00	0.00	0.00	0.00
-30-311100-93430-XX0 HEALTH SERVICES : H&W NON-INST	16,668.00	9,271.51	0.00	55.62	7,396.49
-30-311100-93510-XX0 HEALTH SERVICES : SUI-INSTRUCT	2.00	0.00	0.00	0.00	2.00
-30-311100-93530-XX0 HEALTH SERVICES : SUI NON-INST	109.00	188.73	0.00	173.15	79.73-
-30-311100-93610-XX0 HEALTH SERVICES : WORK COMP-IN	51.00	0.00	0.00	0.00	51.00
-30-311100-93630-XX0 HEALTH SERVICES : WORK COMP NO	2,348.00	2,148.64	0.00	91.51	199.36
-30-311100-93710-XX0 HEALTH SERVICES : PARS-INSTRUC	128.00	0.00	0.00	0.00	128.00
-30-311100-93730-XX0 HEALTH SERVICES : PARS NON-INS	1,525.00	444.69	0.00	29.16	1,080.31
-30-311100-94210-XX0 HEALTH SERVICES : TEXT BOOKS	50.00	49.47	0.00	98.94	0.53
-30-311100-94290-XX0 HEALTH SERVICES : OTHER BOOKS	72.00	72.00	0.00	100.00	0.00
-30-311100-94410-XX0 HEALTH SERVICES : OFFICE SUPPL	5,040.00	5,100.83	0.00	101.21	60.83-
-30-311100-94415-XX0 HEALTH SERVICES : SOFTWARE NON	0.00	0.00	0.00	0.00	0.00
-30-311100-94490-XX0 HEALTH SERVICES : OTHER SUPPLI	24.00	28.68	0.00	119.50	4.68-
-30-311100-94510-XX0 HEALTH SERVICES : NEWSPAPERS	0.00	0.00	0.00	0.00	0.00
-30-311100-94525-XX0 HEALTH SERVICES : RECORDS/TAPE	0.00	0.00	0.00	0.00	0.00
-30-311100-94530-XX0 HEALTH SERVICES : PUBLICATIONS	235.00	234.95	0.00	99.98	0.05
-30-311100-95125-XX0 HEALTH SERVICES : TELE/PAGER/C	420.00	422.91	0.00	100.69	2.91-
-30-311100-95225-XX0 HEALTH SERVICES : EQUIP REPR &	384.00	321.00	0.00	83.59	63.00
-30-311100-95310-XX0 HEALTH SERVICES : CONFERENCE	1,385.00	1,384.26	0.00	99.95	0.74
-30-311100-95315-XX0 HEALTH SERVICES : MILEAGE	450.00	552.94	0.00	122.88	102.94-
-30-311100-95410-XX0 HEALTH SERVICES : DUES/MEMBERS	100.00	100.00	0.00	100.00	0.00
-30-311100-95520-XX0 HEALTH SERVICES : CONSULTANT S	0.00	0.00	0.00	0.00	0.00
-30-311100-95525-XX0 HEALTH SERVICES : MEDICAL SERV	50.00	45.00	0.00	90.00	5.00
-30-311100-95640-XX0 HEALTH SERVICES : STUDENT INS	17,322.00	17,322.00	0.00	100.00	0.00
=====					8,860.99
Total for LOCATION: 30 - REEDLEY COLLEGE					223,997.00
Total for LOCATION: 30 - REEDLEY COLLEGE					215,136.01
=====					96.04

2002 OCT 11 PM 12:06
 SIX TEEN & ASSOCI.

iscal Year: 2002

LOCATION: 40 - MADERA CENTER

Account	Allocated Budget	Actual	Encumbrances	%Committed	Available
L-40-311100-91415-XX0 HEALTH SERVICES : HRLY NON-MAN	0.00	1,950.00	0.00	0.00	1,950.00-
L-40-311100-93110-XX0 HEALTH SERVICES : STRS-INSTRUC	0.00	0.00	0.00	0.00	0.00
L-40-311100-93130-XX0 HEALTH SERVICES : STRS NON-INS	0.00	160.88	0.00	0.00	160.88-
L-40-311100-93310-XX0 HEALTH SERVICES : OASDI-INSTRU	0.00	0.00	0.00	0.00	0.00
L-40-311100-93330-XX0 HEALTH SERVICES : OASDI NON-IN	0.00	28.28	0.00	0.00	28.28-
L-40-311100-93510-XX0 HEALTH SERVICES : SUI-INSTRUCT	0.00	0.00	0.00	0.00	0.00
L-40-311100-93530-XX0 HEALTH SERVICES : SUI NON-INST	0.00	2.54	0.00	0.00	2.54-
L-40-311100-93610-XX0 HEALTH SERVICES : WORK COMP-IN	0.00	0.00	0.00	0.00	0.00
L-40-311100-93630-XX0 HEALTH SERVICES : WORK COMP NO	0.00	25.35	0.00	0.00	25.35-
Totals for LOCATION: 40 - MADERA CENTER	0.00	2,167.05	0.00	0.00	2,167.05-

ADD TO PUESNO CITY

2002 OCT 11 PM 12:06

SIX TEN & ASSOC.

State Center Community College District
 Account Availability Report Ending 06/30/2002
 Options - Available/Met/Exceeded Budget

9/26/02

Fiscal Year: 2002

SIX TEN & ASSOC.
 HEALTH FEES

OBJECT: 88760 - HEALTH FEES

2002-06-30 PM 12:05

L Account	Allocated Budget	Actual	Encumbrances	%Committed
1-10-000000-88760-000 GENERAL : HEALTH FEES	270,000.00-	353,892.50-	0.00	131.07
Totals for LOCATION: 10 - DISTRICT OFFICE	270,000.00-	353,892.50-	0.00	131.07
Totals for OBJECT: 88760 - HEALTH FEES	270,000.00-	353,892.50-	0.00	131.07

Health Services Fee Income
 Fresno College
 Reedley
 242,070
 111,823
353,893 M

OBJECT: 88935 - HEALTH SERVICES

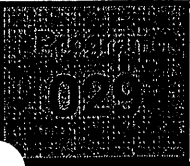
Account	Allocated Budget	Actual	Encumbrances	%Committed	Available
-20-000000-88935-000 GENERAL : HEALTH SERVICES	2,000.00-	6,010.00-	0.00	300.50	4,010.00
Totals for LOCATION: 20 - FRESNO CITY COLLEGE	2,000.00-	6,010.00-	0.00	300.50	4,010.00
-30-000000-88935-000 GENERAL : HEALTH SERVICES	0.00	2,480.00-	0.00	0.00	2,480.00
Totals for LOCATION: 30 - REEDLEY COLLEGE	0.00	2,480.00-	0.00	0.00	2,480.00
Totals for OBJECT: 88935 - HEALTH SERVICES	2,000.00-	8,490.00-	0.00	424.50	6,490.00

Flu Shots

6010 Fresno College
 2480 Reedley College

8,490

SIX TEN & ASSOC.
 2002 OCT 11 PM 12:05

	MANDATED COSTS HEALTH FEE ELIMINATION COMPONENT/ACTIVITY COST DETAIL	FORM HFE-2.1
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(1) Claimant State Center Community College District	Fiscal Year 2001-2002
---	------------------------------

(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.	(a) FY 1986/87	(b) FY of Claim
Accident Reports	X	X
Appointments		
College Physician, surgeon		
Dermatology, Family practice		
Internal Medicine		
Outside Physician		
Dental Services	X	X
Outside Labs, (X-ray, etc.,)	X	X
Psychologist, full services	X	X
Cancel/Change Appointments	X	X
Registered Nurse	X	X
Check Appointments	X	X
Assessment, Intervention and Counseling		
Birth Control	X	X
Lab Reports		
Nutrition	X	X
Test Results, office		
Venereal Disease	X	X
Communicable Disease	X	X
Upper Respiratory Infection	X	X
Eyes, Nose and Throat	X	X
Eye/Vision	X	X
Dermatology/Allergy	X	X
Gynecology/Pregnancy Service	X	X
Neuralgic	X	X
Orthopedic	X	X
Genito/Urinary	X	X
Dental	X	X
Gastro-Intestinal	X	X
Stress Counseling	X	X
Crisis Intervention	X	X
Child Abuse Reporting and Counseling	X	X
Substance Abuse Identification and Counseling	X	X
Eating Disorders	X	X
Weight Control	X	X
Personal Hygiene	X	X
Burnout	X	X
Other Medical Problems, list	X	X
Hypertension, Cardio-Vascular, Seisure Disorder,		
Pulmonary Examinations, Minor Illnesses	X	X
Examinations, minor illnesses		
Recheck Minor Injury	X	X
Health Talks or Fairs, Information		
Sexually Transmitted Disease	X	X
Drugs	X	X
Acquired Immune Deficiency Syndrome	X	X
Child Abuse	X	X

**MANDATED COSTS
HEALTH FEE ELIMINATION
COMPONENT/ACTIVITY COST DETAIL**

**FORM
HFE-2.1**

(1) Claimant State Center Community College District	Fiscal Year 2001-2002	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.	(a) FY 1986/87	(b) FY of Claim
Birth Control/Family Planning Stop Smoking Library, Videos and Cassettes	X X X	X X X
First Aid, Major Emergencies First Aid, Minor Emergencies First Aid Kits, Filled	X X X	X X X
Immunizations Diphtheria/Tetanus Measles/Rubella Influenza Information	X X X X	X X X X
Insurance On Campus Accident Voluntary Insurance Inquiry/Claim Administration	X X X	X X X
Laboratory Tests Done Inquiry/Interpretation Pap Smears		
Physical Examinations Employees Students Athletes	X	X
Medications Antacids Antidiarrheal Aspirin, Tylenol, etc., Skin Rash Preparations Eye Drops Ear Drops Toothache, oil cloves Stingkill Midol, Menstrual Cramps Other, List Tolnaftate, Cortisone, CTM, Pseudeophedrine HCE, Diphenhydramine, Pediculosis Control, Cough Syrup, Lozenges	X X X X X X X X X X X X	X X X X X X X X X X X
Parking Cards/Elevator Keys Tokens Return Card/Key Parking Inquiry Elevator Passes Temporary Handicapped Parking Permits		

**MANDATED COSTS
HEALTH FEE ELIMINATION
COMPONENT/ACTIVITY COST DETAIL**

**FORM
HFE-2.1**

1) Claimant State Center Community College District	Fiscal Year 2001-2002	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.	(a) FY 1986/87	(b) FY of Claim
Referrals to Outside Agencies		
Private Medical Doctor	X	X
Health Department	X	X
Clinic	X	X
Dental	X	X
Counseling Centers	X	X
Crisis Centers	X	X
Transitional Living Facilities, battered/homeless women	X	X
Family Planning Facilities	X	X
Other Health Agencies	X	
Tests		
Blood Pressure	X	X
Hearing	X	X
Tuberculosis	X	X
Reading	X	X
Information	X	X
Vision	X	X
Glucometer		
Urinalysis		
Hemoglobin	X	X
EKG		
Strep A Testing		
PG Testing		
Monospot		
Hemacult		
Others, list Psychological Testing	X	X
Miscellaneous		
Absence Excuses/PE Waiver	X	X
Allergy Injections		
Band-aids	X	X
Booklets/Pamphlets	X	X
Dressing Change	X	X
Rest	X	X
Suture Removal	X	X
Temperature	X	X
Weight	X	X
Information	X	X
Report/Form		
Wart Removal		
Others, list		
Committees		
Safety	X	X
Environmental	X	X
Disaster Planning	X	X
Others. List Campus Committees	X	X

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



September 9, 2014

Mr. Keith B. Petersen
 SixTen & Associates
 P.O. Box 340430
 Sacramento, CA 95834-0430

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

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

Re: **Draft Proposed Decision, Schedule for Comments, and Notice of Hearing**
Health Fee Elimination, 05-4206-I-05
 Education Code Section 76355
 Statutes 1984, Chapter 1, 2nd E.S.; Statutes 1987, Chapter 1118
 Fiscal Years 1999-2000, 2000-2001, and 2001-2002
 State Center Community College District, Claimant

Dear Mr. Petersen 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 **September 30, 2014**. You are advised that comments filed with the 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, December 5, 2014**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. The proposed decision will be issued on or about November 21, 2014. 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.

Please contact Matthew Jones at (916) 323-3562 if you have any questions.

Sincerely,

Heather Halsey
 Executive Director

ITEM __
INCORRECT REDUCTION CLAIM
DRAFT
PROPOSED DECISION

Former Education Code Section 72246 (Renumbered as 76355)¹

Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.); Statutes 1987, Chapter 1118

Health Fee Elimination

Fiscal Years 1999-2000, 2000-2001, and 2001-2002

05-4206-I-05

State Center Community College District, Claimant

EXECUTIVE SUMMARY

Overview

This analysis addresses an incorrect reduction claim (IRC) filed by State Center Community College District (Claimant) regarding reductions made by the State Controller's Office (Controller) to reimbursement claims for costs incurred during fiscal years 1999-2000 through 2001-2002 under the *Health Fee Elimination* program. Over the three fiscal years in question, reductions totaling \$385,753 were made based on alleged understated offsetting health fees authorized to be collected and additional reductions totaling \$415,502 were made based on disallowed indirect costs rates.

The following issues are in dispute in this IRC:

- The statute of limitations applicable to audits of reimbursement claims by the Controller;
- The amount of offsetting revenue to be applied from health service fee authority; and
- Reduction of indirect costs claimed based on asserted faults in claimant's development and application of indirect cost rates.

Health Fee Elimination Program

Prior to 1984, former Education Code section 72246 authorized community college districts to charge almost all students a general fee (health service fee) for the purpose of voluntarily providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers.² In 1984, the Legislature repealed the

¹ Statutes 1993, chapter 8.

² Former Education Code section 72246 (Stats. 1981, ch. 763) [Low-income students, students that depend upon prayer for healing, and students attending a college under an approved apprenticeship training program, were exempt from the fee.]

community colleges' fee authority for health services.³ However, the Legislature also reenacted section 72246, to become operative on January 1, 1988, in order to reauthorize the fee, at \$7.50 for each semester (or \$5 for quarter or summer semester).⁴

In addition to temporarily repealing community college districts' authority to levy a health services fee, the 1984 enactment required any district that provided health services during the 1983-1984 fiscal year, for which districts were previously authorized to charge a fee, to maintain health services at the level provided during the 1983-1984 fiscal year for every subsequent fiscal year until January 1, 1988.⁵ As a result, community college districts were required to maintain health services provided in the 1983-1984 fiscal year without any fee authority for this purpose until January 1, 1988.

In 1987,⁶ the Legislature amended former Education Code section 72246, operative January 1, 1988, to incorporate and extend the maintenance of effort provisions of former Education Code section 72246.5, which became inoperative by its own terms as of January 1, 1988.⁷ In addition, Statutes 1987, chapter 1118 restated that the fee would be reestablished at not more than \$7.50 for each semester, or \$5 for each quarter or summer semester.⁸ As a result, beginning January 1, 1988 all community college districts were required to maintain the same level of health services they provided in the 1986-1987 fiscal year each year thereafter, with a limited fee authority to offset the costs of those services. In 1992, section 72246 was amended to provide that the health fee could be increased by the same percentage as the Implicit Price Deflator whenever that calculation would produce an increase of one dollar.⁹

Procedural History

On January 13, 2001, claimant filed its fiscal year 1999-2000 reimbursement claim with the Controller. On December 27, 2001, claimant filed its fiscal year 2000-2001 reimbursement claim. On December 20, 2002, claimant's fiscal year 2001-2002 reimbursement claim was signed and dated. On May 12, 2003, an audit entrance conference was held. On September 17, 2004, the Controller's audit report was issued. On September 6, 2005, claimant filed this IRC.¹⁰ On February 13, 2008, the Controller submitted comments on the IRC.¹¹

³ Statutes 1984, 2nd Extraordinary Session, chapter 1, section 4 [repealing Education Code section 72246].

⁴ Statutes 1984, 2nd Extraordinary Session, chapter 1, section 4.5.

⁵ Education Code section 72246.5 (Stats. 1984, 2d. Ex. Sess., ch. 1, § 4.7).

⁶ Statutes 1987, chapter 1118.

⁷ Education Code section 72246 (as amended, Stats. 1987, ch. 1118). See also former Education Code section 72246.5 (Stats. 1984, 2d Ex. Sess., ch. 1, § 4.7).

⁸ Education Code section 72246 (as amended, Stats. 1987, ch. 1118).

⁹ Education Code section 72246 (as amended, Stats. 1992, ch. 753). In 1993, former Education Code section 72246, was renumbered as Education Code section 76355. (Stats. 1993, ch. 8).

¹⁰ Exhibit A, Incorrect Reduction Claim, at pp. 1-2; 19.

¹¹ Exhibit B, Controller's Comments on State Center CCD IRC.

Commission staff issued a draft proposed decision on the IRC on September 9, 2014.

Commission Responsibilities

Government Code section 17561(b) authorizes the Controller to audit the claims filed by local agencies and school districts and to reduce any claim for reimbursement of state-mandated costs that the Controller determines is excessive or unreasonable.

Government Code Section 17551(d) requires the Commission to hear and decide a claim that the Controller has incorrectly reduced payments to the local agency or school district. If the Commission determines that a reimbursement claim has been incorrectly reduced, section 1185.9 of the Commission's regulations requires the Commission to send the decision to the Controller and request that the costs in the claim be reinstated.

The Commission must review questions of law, including interpretation of parameters and guidelines, de novo, without consideration of conclusions made by the Controller in the context of an audit. 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 6.¹² The Commission must also interpret the Government Code and implementing regulations in accordance with the broader constitutional and statutory scheme. 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."¹³

With regard to the Controller's audit decisions, the Commission must determine whether they were arbitrary, capricious, or entirely lacking in evidentiary support. This standard is similar to the standard used by the courts when reviewing an alleged abuse of discretion of a state agency.¹⁴ The Commission must also review the Controller's audit in light of the fact that the initial burden of providing evidence for a claim of reimbursement lies with claimant.¹⁵ In addition, section 1185.2(c) of the Commission's regulations requires that any assertions of fact by the parties to an IRC must be supported by documentary evidence. The Commission's ultimate findings of fact must be supported by substantial evidence in the record.¹⁶

¹² *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551, 17552.

¹³ *County of Sonoma*, supra, 84 Cal.App.4th 1264, 1280, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

¹⁴ *Johnston v. Sonoma County Agricultural* (2002) 100 Cal.App.4th 973, 983-984. See also *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547.

¹⁵ *Gilbert v. City of Sunnyvale* (2005) 130 Cal.App.4th 1264, 1274-1275.

¹⁶ Government Code section 17559(b), which provides that 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.

Claims

The following chart provides a brief summary of the claims and issues raised and staff's recommendation.

Issue	Description	Staff Recommendation
<p>Statute of limitations applicable to the audit of claimant's 1999-2000 and 2000-2001 annual reimbursement claims.</p>	<p>At the time the underlying reimbursement claims were filed, Government Code section 17558.5 stated: A reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter is subject to audit by the Controller no later than two years after the end of the calendar year in which the reimbursement claim is filed or last amended. However, if no funds are appropriated for the program for the fiscal year for which the claim is made, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim.</p> <p>Claimant asserts that the claim was no longer <i>subject to audit</i> at the time the final audit report was issued.</p>	<p>Deny – Staff finds that the plain language of section 17558.5, at the time the reimbursement claims were filed, did not require the Controller to complete an audit within any specified period of time, and that a subsequent amendment to the statute demonstrates that “subject to audit” means “subject to the initiation of an audit.” Therefore, staff finds that the subject audits are not barred.</p>
<p>Reductions based on asserted flaws in the development of indirect cost rates.</p>	<p>Claimant asserts that the Controller incorrectly reduced indirect costs claimed, because claimant did not obtain federal approval for its indirect cost rate proposals calculated under the OMB Circular A-21 method. Claimant argues that there is no requirement that an indirect cost rate proposal be federally approved. Claimant further argues that the use of the alternative state method, the FAM-29C was arbitrary and capricious.</p>	<p>Deny – Staff finds that claimant did not comply with the requirements in the parameters and guidelines and claiming instructions in developing and applying its indirect cost rate. Claimant used the OMB A-21 method, but did not obtain federal approval for its indirect costs, as required by the OMB Circular A-21 method. Thus, the reduction is correct as a matter of law. Staff further finds that the Controller's recalculation of indirect costs using the Form FAM-29C was consistent with the parameters and guidelines and the claiming instructions and, thus, the Controller's recalculation of indirect costs was not arbitrary, capricious,</p>

		or entirely lacking in evidentiary support.
Reductions based on understated offsetting revenues from student health fees.	Claimant asserts that the Controller incorrectly reduced costs claimed based on the Controller's application of health service fees that claimant was authorized to collect, but did not as offsetting revenue.	Deny – Staff finds that the reduction is correct as a matter of law. This issue has been conclusively decided by <i>Clovis Unified School District v. Chiang</i> (2010) 188 Cal.App.4th 794, in which the court held that local government could choose not to exercise statutory fee authority to its maximum extent, but not at the state's expense.

Staff Analysis

A. The Statute of Limitations Found in Government Code Section 17558.5 does not Bar the Controller's Audit of Claimant's 1999-2000 and 2000-2001 Reimbursement Claims.

Government Code section 17558.5, as added by Statutes 1995, chapter 945 (operative July 1, 1996), provides that a reimbursement claim “is subject to audit by the Controller *no later than two years after the end of the calendar year* in which the reimbursement claim is filed or last amended.”¹⁷ Claimant asserts that the fiscal year 1999-2000 and 2000-2001 claims were no longer *subject to audit* at the time the final audit report was issued on September 17, 2004, based on filing dates of January 13, 2001 and December 27, 2001. The audit entrance conference was held on May 12, 2003, less than two years after the end of the calendar year in which the claims were filed. However, claimant argues that “subject to audit” means subject to completion of an audit. The Controller argues that section 17558.5 does not require an audit to be *completed* within two years; “subject to audit,” the Controller holds, means subject to *initiation* of an audit.¹⁸ Staff agrees with the Controller's interpretation. A 2002 amendment, which supports this interpretation, clarifies that reimbursement claims are subject to “the initiation of an audit” within a specified time.¹⁹

The 2002 amendment also expanded the statute of limitations to *initiate an audit* to “three years after the date that the actual reimbursement claim is filed or last amended.”²⁰ An expansion of a statute of limitations generally applies to matters pending but not yet barred,²¹ and therefore the 2002 amendment to section 17558.5 applies.

¹⁷ Government Code section 17558.5 (Stats. 1995, ch. 945 (SB 11)) [emphasis added].

¹⁸ Exhibit B, Controller's Comments on State Center IRC, at pp. 19-20.

¹⁹ Government Code section 17558.5 (Stats. 2002, ch. 1128 (AB 2834)).

²⁰ Statutes 2002, chapter 1128 (AB 2834) (effective January 1, 2003).

²¹ *Douglas Aircraft Co. v. Cranston* (1962) 58 Cal.2d 462, at p. 465.

Based on the plain language of the statute, and the Legislature's subsequent clarifying amendment to the statute, staff finds that the plain language of section 17558.5, at the time the reimbursement claims were filed, did not require the Controller to complete an audit within any specified period of time, and that a subsequent amendment to the statute demonstrates that "subject to audit" means "subject to the initiation of an audit." In this case, the deadline to initiate the audit would have been December 31, 2003 under the 1995 statute. However, under the 2002 amendment the deadlines are January 13, 2004 and December 27, 2004, respectively, for the 1999-2000 and 2000-2001 claims. The audit was initiated on May 12, 2003, before the deadline expired under either statute. Therefore, the statute of limitations found in section 17558.5 does not bar the audit of the 1999-2000 and 2000-2001 reimbursement claims.

B. The Controller's Reduction and Recalculation of Claimed Indirect Costs is Correct as a Matter of Law and is not Arbitrary, Capricious, or Entirely Lacking in Evidentiary Support.

The Controller reduced indirect costs claimed by a total of \$415,502 for the three audited fiscal years, on the ground that claimant did not utilize a federally approved indirect cost rate.²²

Claimant disputes the Controller's findings that the indirect cost rate proposal was incorrectly applied, and was required to be federally approved, charging that the Controller's conclusions are without basis in the law.

The parameters and guidelines expressly require claimants to claim indirect costs in the manner described in the Controller's claiming instructions, which in turn provide that an indirect cost rate may be developed in accordance with federal OMB guidelines (which require federal approval), or by using the state Form FAM-29C.²³

Staff finds that claimant did not comply with the requirements in the parameters and guidelines and claiming instructions in developing and applying its indirect cost rate, since it did not obtain federal approval for the rate. Therefore, the reduction is correct as a matter of law. Staff further finds that the Controller's use of the Form FAM-29C was consistent with the parameters and guidelines and the claiming instructions. Therefore, the Controller's reduction of claimant's indirect costs was not arbitrary, capricious, or entirely lacking in evidentiary support.

C. The Controller's Reductions for Understated Offsetting Revenues Pursuant to *Clovis Unified* and the Health Fee Rule are Correct as a Matter of Law.

The Controller reduced the reimbursement claims by a total of \$385,753 for the three audited fiscal years.²⁴ These reductions were made on the basis of claimant's fee authority, multiplied by the number of students subject to the fee, less any amount of offsetting revenue claimed.

Claimant argues that the parameters and guidelines only require a claimant to declare offsetting revenues that the claimant "experiences," and that while the fee amount that community college districts were authorized to impose may have increased during the applicable audit period, nothing in the Education Code made the increase of those fees mandatory.

²² Exhibit A, Incorrect Reduction Claim, at p. 11.

²³ Exhibit A, Incorrect Reduction Claim, at p. 34 [Parameters and Guidelines].

²⁴ Exhibit A, Incorrect Reduction Claim, at p. 15.

Staff finds that the reductions are correct as a matter of law. After claimant filed its IRC, the Third District Court of Appeal issued its opinion in *Clovis Unified*, which upheld the Controller’s use of the Health Fee Rule to reduce reimbursement claims based on the fees districts are *authorized* to charge. In making its decision the court declared:

To the extent a local agency or school district “has the authority” to charge for the mandated program or increased level of service, that charge cannot be recovered as a state-mandated cost.²⁵

The court also noted that, “this basic principle flows from common sense as well. As the Controller succinctly puts it, ‘Claimants can choose not to require these fees, but not at the state’s expense.’”²⁶ Since the *Clovis* case is a final decision of the court addressing the merits of the issue presented here, the Commission, under principles of stare decisis, is required to apply the rule set forth by the court.²⁷

Based on the foregoing, staff finds that the Controller’s reduction of reimbursement to the extent of the fee authority found in Education Code section 76355 is legally correct.

Conclusion

Pursuant to Government Code section 17551(d) and section 1185.7 of the Commission’s regulations, staff finds that the following reductions are correct as a matter of law, and not arbitrary, capricious, or entirely lacking in evidentiary support:

- The reduction of \$385,753 based on understated health fee revenues; and
- The reduction of indirect costs claimed by \$415,502, based on the claimant’s failure to comply with the claiming instructions in the development of its indirect cost rate, and the Controller’s use of an alternative method to calculate indirect costs authorized by the parameters and guidelines and claiming instructions.

Staff Recommendation

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

²⁵ *Clovis Unified School Dist. v. Chiang, supra*, 188 Cal.App.4th at page 812.

²⁶ *Ibid.*

²⁷ *Fenske v. Board of Administration* (1980) 103 Cal.App.3d 590, 596.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE INCORRECT REDUCTION CLAIM
ON:

Former Education Code Section 72246
(Renumbered as 76355)²⁸

Statutes 1984, Chapter 1 (1983-1984 2nd Ex.
Sess.) (AB 1) and Statutes 1987, Chapter 1118
(AB 2336)

Fiscal Years 1999-2000, 2000-2001, and
2001-2002

State Center Community College District,
Claimant.

Case No.: 05-4206-I-05

Health Fee Elimination

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: December 5, 2014)

DECISION

The Commission on State Mandates (Commission) heard and decided this incorrect reduction claim (IRC) during a regularly scheduled hearing on December 5, 2014. [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/partially approve/deny] this IRC at the hearing by a vote of [vote count will be included in the adopted decision].

Summary of the Findings

This analysis addresses an IRC filed by State Center Community College District (Claimant) regarding reductions made by the State Controller's Office (Controller) to reimbursement claims for costs incurred during fiscal years 1999-2000 through 2001-2002 under the *Health Fee Elimination* program. Over the three fiscal years in question, reductions totaling \$385,753 were made based on alleged understated offsetting health fees authorized to be collected, and additional reductions totaling \$415,502 were made based on disallowed indirect costs rates.

The Commission denies this IRC, finding that the statute of limitations pursuant to Government Code section 17558.5 does not bar the subject audit. The Commission further finds that the reduction of indirect costs based on the District's failure to obtain federal approval for its indirect cost rate proposals, and the Controller's reduction of costs based on the District's underreporting of health service fee revenue authorized by statute, are correct as a matter of law and are not arbitrary, capricious, or entirely lacking in evidentiary support.

²⁸ Statutes 1993, chapter 8.

COMMISSION FINDINGS

I. Chronology

- 01/13/2001 Claimant, State Center Community College District, filed its fiscal year 1999-2000 reimbursement claim.
- 12/27/2001 Claimant filed its fiscal year 2000-2001 reimbursement claim.
- 12/20/2002 Claimant signed and dated its fiscal year 2002-2003 reimbursement claim.
- 05/12/2003 An entrance conference for the audit of all three fiscal years was held.
- 09/17/2004 The Controller issued a final audit report.
- 09/06/2005 Claimant filed this IRC.
- 02/13/2008 The Controller filed comments on the IRC.
- 09/09/2014 Commission staff issued a draft proposed decision.

II. Background

Health Fee Elimination Program

Prior to 1984, former Education Code section 72246 authorized community college districts to charge almost all students a general fee (health service fee) for the purpose of voluntarily providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers.²⁹ In 1984, the Legislature repealed the community colleges' fee authority for health services.³⁰ However, the Legislature also reenacted section 72246, to become operative on January 1, 1988, in order to reauthorize the fee, at \$7.50 for each semester (or \$5 for quarter or summer semester).³¹

In addition to temporarily repealing community college districts' authority to levy a health services fee, the 1984 enactment required any district that provided health services during the 1983-1984 fiscal year, for which districts were previously authorized to charge a fee, to maintain health services at the level provided during the 1983-1984 fiscal year for every subsequent fiscal year until January 1, 1988.³² As a result, community college districts were required to maintain health services provided in the 1983-1984 fiscal year without any fee authority for this purpose until January 1, 1988.

In 1987,³³ the Legislature amended former Education Code section 72246, operative January 1, 1988, to incorporate and extend the maintenance of effort provisions of former Education Code

²⁹ Former Education Code section 72246 (Stats. 1981, ch. 763) [Low-income students, students that depend upon prayer for healing, and students attending a college under an approved apprenticeship training program, were exempt from the fee.].

³⁰ Statutes 1984, 2nd Extraordinary Session, chapter 1, section 4 [repealing Education Code section 72246].

³¹ Statutes 1984, 2nd Extraordinary Session, chapter 1, section 4.5.

³² Education Code section 72246.5 (Stats. 1984, 2d. Ex. Sess., ch. 1, § 4.7).

³³ Statutes 1987, chapter 1118.

section 72246.5, which became inoperative by its own terms as of January 1, 1988.³⁴ In addition, Statutes 1987, chapter 1118 restated that the fee would be reestablished at not more than \$7.50 for each semester, or \$5 for each quarter or summer semester.³⁵ As a result, beginning January 1, 1988 all community college districts were required to maintain the same level of health services they provided in the 1986-1987 fiscal year each year thereafter, with a limited fee authority to offset the costs of those services. In 1992, section 72246 was amended to provide that the health fee could be increased by the same percentage as the Implicit Price Deflator whenever that calculation would produce an increase of one dollar.³⁶

On November 20, 1986, the Commission determined that Statutes 1984, chapter 1 imposed a reimbursable state-mandated new program upon community college districts. On August 27, 1987, the Commission adopted parameters and guidelines for the Health Fee Elimination program. On May 25, 1989, the Commission adopted amendments to the parameters and guidelines for the Health Fee Elimination program to reflect amendments made by Statutes 1987, chapter 1118.

The parameters and guidelines generally provide that eligible community college districts shall be reimbursed for the costs of providing a health services program, and that only services specified in the parameters and guidelines and provided by the community college in the 1986-1987 fiscal year may be claimed.

The Controller's Audit and Summary of the Issues

Over the three fiscal years in question (1999-2000, 2000-2001, and 2001-2002), reductions totaling \$385,753 were made based on alleged understated offsetting health fees authorized to be collected and additional reductions totaling \$415,502 were made based on disallowed indirect costs rates.

This IRC addresses the following issues:

- The statute of limitations applicable to audits of reimbursement claims by the Controller;
- Reduction of costs based on asserted faults in the development and application of indirect cost rates; and
- The amount of offsetting revenue to be applied from health service fee authority.

III. Positions of the Parties

State Center Community College District

Claimant asserts that the Controller incorrectly reduced costs claimed for fiscal years 1999-2000 through 2001-2002, totaling \$801,255. Specifically, claimant asserts that the reduction of \$415,502 in overstated indirect costs on the basis that "the district did not obtain federal approval for its [indirect cost rates,]" was incorrect. Claimant argues that "[c]ontrary to the Controller's

³⁴ Education Code section 72246 (as amended, Stats. 1987, ch. 1118). See also former Education Code section 72246.5 (Stats. 1984, 2d Ex. Sess., ch. 1, § 4.7).

³⁵ Education Code section 72246 (as amended, Stats. 1987, ch. 1118).

³⁶ Education Code section 72246 (as amended, Stats. 1992, ch. 753). In 1993, former Education Code section 72246, was renumbered as Education Code section 76355. (Stats. 1993, ch. 8)

ministerial preferences, there is no requirement in law that the district's indirect cost rate must be 'federally' approved," and the Controller did not make findings that claimant's rate was excessive or unreasonable.³⁷ And, claimant asserts that a reduction of its total claim in the amount of \$385,753, based on understated authorized health service fees was incorrect, because the parameters and guidelines require claimants to state offsetting savings "experienced," and claimant did not experience offsetting savings for fees that it did not charge to students.³⁸ In addition, claimant asserts that the statute of limitations applicable to the Controller's audits of reimbursement claims barred auditing its fiscal year 1999-2000 and 2000-2001 reimbursement claims.³⁹

Claimant does not dispute the Controller's findings with respect to unallowable services and supplies and unallowable salary costs.⁴⁰

State Controller's Office

The Controller asserts that claimant overstated its indirect costs, because claimant did not obtain federal approval for its indirect cost rate proposals, as required by the Controller's claiming instructions. The Controller explains that the auditors "calculated indirect cost rates using the alternate methodology" provided in the claiming instructions, which "did not support the rates that the district claimed."⁴¹ In addition, the Controller states that it "is not responsible for identifying the district's responsible federal agency" authorized to approve indirect cost rates.⁴²

The Controller further found that claimant understated its authorized health service fees for the audit period in the amount of \$385,753. Using enrollment and exemption data, the Controller recalculated the health fees that claimant was authorized to collect, and reduced the claim by the amount not stated as offsetting revenues.⁴³ The Controller argues that "[t]he relevant amount [of offsetting savings] is not the amount charged, nor the amount collected, rather, it is the amount authorized."⁴⁴

Finally, the Controller argues that claimant "incorrectly applies the 1996 version of [the statute of limitations.]" The Controller explains that the prior version of section 17558.5 provided that a reimbursement claim is "subject to audit" for two years after the end of the calendar year in which the claim is filed, meaning that claimant's 1999-2000 claim, filed January 13, 2001, would be "subject to audit" through December 31, 2003. The Controller asserts that the audit in dispute in this IRC was initiated no later than "when the entrance conference was held,"⁴⁵ which

³⁷ Exhibit A, Incorrect Reduction Claim, at p. 14.

³⁸ Exhibit A, Incorrect Reduction Claim, at pp. 15-19.

³⁹ Exhibit A, Incorrect Reduction Claim, at pp. 19-23.

⁴⁰ Exhibit A, Incorrect Reduction Claim, at pp. 11; 50-51.

⁴¹ Exhibit B, Controller's Comments on IRC, at pp. 12-13.

⁴² Exhibit B, Controller's Comments on IRC, at p. 14.

⁴³ Exhibit B, Controller's Comments on IRC, at pp. 15; 18.

⁴⁴ Exhibit B, Controller's Comments on IRC, at p. 2.

⁴⁵ Exhibit B, Controller's Comments on IRC, at p. 2.

claimant asserts was on May 12, 2003.⁴⁶ The Controller argues that there is no support for the theory that “subject to audit” requires the Controller to issue a final audit report before the two year period expires.⁴⁷ Moreover, the Controller argues that as of January 1, 2003 section 17558.5 was amended to provide that a reimbursement claim “is subject to the initiation of an audit by the Controller no later than three years after the reimbursement claim is filed or last amended, whichever is later...” The Controller argues that “the phrase ‘initiation of an audit’ implies the first step taken by the Controller,” in this case, the entrance conference.⁴⁸

IV. Discussion

Government Code section 17561(b) authorizes the Controller to audit the claims filed by local agencies and school districts and to reduce any claim for reimbursement of state mandated costs that the Controller determines is excessive or unreasonable.

Government Code Section 17551(d) requires the Commission to hear and decide a claim that the SCO has incorrectly reduced payments to a local agency or school district. If the Commission determines that a reimbursement claim has been incorrectly reduced, section 1185.9 of the Commission’s regulations requires the Commission to send the statement of decision to the SCO and request that the costs in the claim be reinstated.

The Commission must review questions of law, including interpretation of the parameters and guidelines, *de novo*, without consideration of legal conclusions made by the Controller in the context of an audit. 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 6.⁴⁹ The Commission must also interpret the Government Code and implementing regulations in accordance with the broader constitutional and statutory scheme. 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.”⁵⁰

With regard to the Controller’s audit decisions, the Commission must determine whether they were arbitrary, capricious, or entirely lacking in evidentiary support. This standard is similar to the standard used by the courts when reviewing an alleged abuse of discretion of a state agency.⁵¹ Under this standard, the courts have found that:

⁴⁶ Exhibit A, Incorrect Reduction Claim, at p. 19.

⁴⁷ Exhibit B, Controller’s Comments on IRC, at p. 20.

⁴⁸ *Ibid.*

⁴⁹ *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551, 17552.

⁵⁰ *County of Sonoma, supra*, 84 Cal.App.4th 1264, 1280, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

⁵¹ *Johnston v. Sonoma County Agricultural* (2002) 100 Cal.App.4th 973, 983-984. See also *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547.

When reviewing the exercise of discretion, “[t]he scope of review is limited, out of deference to the agency’s authority and presumed expertise: ‘The court may not reweigh the evidence or substitute its judgment for that of the agency. [Citation.]’” ... “In general ... the inquiry is limited to whether the decision was arbitrary, capricious, or entirely lacking in evidentiary support. . . .” [Citations.] When making that inquiry, the “ ‘ ‘court must ensure that an agency has adequately considered all relevant factors, and has demonstrated a rational connection between those factors, the choice made, and the purposes of the enabling statute.’ ”⁵²

The Commission must review the Controller’s audit in light of the fact that the initial burden of providing evidence for a claim of reimbursement lies with claimant.⁵³ In addition, section 1185.2(c) of the Commission’s regulations requires that any assertions of fact by the parties to an IRC must be supported by documentary evidence. The Commission’s ultimate findings of fact must be supported by substantial evidence in the record.⁵⁴

A. The Statute of Limitations Found in Government Code Section 17558.5 does not Bar the Controller’s Audit of Claimant’s 1999-2000 and 2000-2001 Reimbursement Claims.

Claimant asserts that “the audit adjustments for Fiscal Year 1999-00 and 2000-01 are barred by the statute of limitations...”⁵⁵ When claimant incurred costs for fiscal years 1999-2000 and 2000-2001, Government Code section 17558.5, as added in 1995, stated the following:

A reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter is subject to audit by the Controller *no later than two years after the end of the calendar year* in which the reimbursement claim is filed or last amended. However, if no funds are appropriated for the program for the fiscal year for which the claim is made, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim.⁵⁶
(Emphasis added.)

Since the 1999-2000 and 2000-2001 reimbursement claims were submitted on January 13, 2001, and December 27, 2001, those claims were “subject to audit” by the plain language of the statute until December 31, 2003. The audit was initiated on May 12, 2003, when an audit entrance conference was held, less than two years after the end of the calendar year in which they were filed. Therefore, the initiation of the audit was timely.

⁵² *American Bd. of Cosmetic Surgery, Inc, supra*, 162 Cal.App.4th at pgs. 547-548.

⁵³ *Gilbert v. City of Sunnyvale* (2005) 130 Cal.App.4th 1264, 1274-1275.

⁵⁴ Government Code section 17559(b), which provides that 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.

⁵⁵ Exhibit A, Incorrect Reduction Claim, p. 17.

⁵⁶ Government Code section 17558.5 (Stats. 1995, ch. 945 (SB 11)).

Claimant, however, interprets “subject to audit” to require the *completion* of an audit within the two year period, and therefore concludes that an audit report issued September 17, 2004 is not timely, and “[t]he audit findings are therefore void for those two claims.”⁵⁷ The Controller argues that “the Legislature modified the previous language to clarify its intent.” The Controller states that the plain language of “subject to” does not require the Controller to issue its final audit report before the two years expires; rather, the Controller “exercised its authority to audit the district’s claims by conducting the audit entrance conference within the statute of limitations.”⁵⁸

As amended by Statutes 2002, chapter 1128 (AB 2834), effective January 1, 2003, section 17558.5 stated the following:

A reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter is subject to the initiation of an audit by the Controller no later than ~~two-three~~ years after the ~~end of the calendar year in which 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 ~~made~~ filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim.⁵⁹

Effective January 1, 2003, Statutes 2002, chapter 1128, amended the statute of limitations for audits again by clarifying that when funds are appropriated, the claim is subject “to *the initiation of an audit...*” for the statutory period. The 2002 statute also changed the requirement to initiate the audit from *two years after the end of the calendar year* in which the reimbursement claim is filed or last amended, to *three years after the date that the actual reimbursement claim is filed* or last amended. Any enlargement of a statute of limitations that is made by a statutory amendment that becomes effective after a reimbursement claim is filed, but the audit period is still pending and not already barred, applies to those claims already filed. In *Douglas Aircraft*, the court stated the general rules as follows:

The extension of the statutory period within which an action must be brought is generally held to be valid if made before the cause of action is barred. (*Weldon v. Rogers*, 151 Cal. 432.) The party claiming to be adversely affected is deemed to suffer no injury where he was under an obligation to pay before the period was lengthened. This is on the theory that the legislation affects only the remedy and not a right. (*Mudd v. McColgan*, 30 Cal.2d 463; *Davis & McMillan v. Industrial Acc. Com.*, 198 Cal. 631; 31 Cal.Jur.2d 434.) An enlargement of the limitation period by the Legislature has been held to be proper in cases where the period had not run against a corporation for additional franchise taxes (*Edison Calif. Stores, Inc. v. McColgan*, 30 Cal.2d 472), against an individual for personal income taxes (*Mudd v. McColgan, supra*, 30 Cal.2d 463), and against a judgment debtor (*Weldon v. Rogers, supra*, 151 Cal. 432). It has been held that unless the statute

⁵⁷ Exhibit A, Incorrect Reduction Claim, at pp. 19-23.

⁵⁸ Exhibit B, Controller’s Comments on IRC, at pp. 19-20.

⁵⁹ Government Code section 17558.5 (Stats. 2002, ch. 1128 (AB 2834)).

expressly provides to the contrary any such enlargement applies to matters pending but not already barred. (*Mudd v. McColgan, supra*, 30 Cal.2d 463.)⁶⁰

Based only upon the plain language of the 1995 version of section 17558.5, the reimbursement claims in issue would be “subject to audit” until the end of the calendar year 2003, for the reimbursement claims filed in 2001. Based on the plain language as amended in 2002 (effective January 1, 2003), the reimbursement claims in issue would be “subject to the initiation of an audit” until three years after the claims were filed, or January 13, 2004, for the 1999-2000 reimbursement claim. Because an entrance conference was held May 12, 2003, the audit was initiated prior to the running of the statutory period. And, because the 2002 statute expanded the statutory period while it was still pending, the Controller receives the benefit of the additional time.

The only reading of these facts and of section 17558.5 that could bar the subject audits would be to hold that section 17558.5 requires an audit to be *completed* within two years of filing, in which case the final audit report issued September 17, 2004 would be barred. This is the interpretation urged by the District, but this reading of the code is not supported by the plain language of the statute. At the time the costs were incurred in this case, section 17558.5 did not expressly fix the time for which an audit must be completed. Nevertheless, the Controller was still required under common law to complete the audit within a reasonable period of time. Under appropriate circumstances, the defense of laches may operate to bar a claim by a public agency if there is evidence of unreasonable delay by the agency and resulting prejudice to the claimant.⁶¹ In this case, the audit was completed when the final audit report was issued on September 17, 2004, approximately 16 months after the audit was initiated. Thus, there is no evidence of an unreasonable delay in the completion of the audit.

Based on the foregoing, the Commission finds that the audit of the subject reimbursement claims is timely and not barred by the statute of limitations.

B. The Controller’s Reduction and Recalculation of Claimed Indirect Costs is Correct as a Matter of Law, and is not Arbitrary, Capricious, or Entirely Lacking in Evidentiary Support.

The Controller reduced indirect costs claimed by a total of \$415,502 for all three fiscal years, on grounds that claimant did not utilize a federally approved indirect cost rate.⁶² Claimant disputes that federal approval is required, and challenges the Controller’s substitution of the alternative state method and the resulting disallowance.

The Commission finds that the parameters and guidelines require claimants to adhere to the claiming instructions when claiming indirect costs, and that the claimant here did not do so.

⁶⁰ *Douglas Aircraft Co. v. Cranston* (1962) 58 Cal.2d 462, 465.

⁶¹ *Cedar-Sinai Medical Center v. Shewry* (2006) 137 Cal.App.4th 964, 985-986. In that case, the court determined that the hospital failed to establish an unreasonable delay in audits conduct by Department of Health Services, since the Department conducted audits two years or less after the end of the fiscal period that it was auditing, which was less than the three-year period permitted by statute.

⁶² Exhibit A, Incorrect Reduction Claim, at p. 11.

Therefore, the reduction was correct as a matter of law. The Commission further finds that the Controller's use of the other authorized method in the claiming instructions to calculate indirect costs was not arbitrary, capricious, or entirely lacking in evidentiary support.

1. *The parameters and guidelines expressly require claimants to claim indirect costs in the manner described in the Controller's claiming instructions, which in turn provide that an indirect cost rate may be developed in accordance with federal OMB guidelines or by using the state Form FAM-29C.*

The parameters and guidelines provide that “[i]ndirect costs may be claimed in the manner described by the State Controller in his claiming instructions.”⁶³ The claiming instructions specific to the *Health Fee Elimination* mandate, included in the submissions of both claimant and of the Controller,⁶⁴ do not discuss specific rules or guidelines for claiming indirect costs with respect to this mandate. However, the School Mandated Cost Manual contains *general instructions* for school districts and community college districts seeking to claim indirect costs, and those instructions provide guidance to claimants for *all mandates*, absent specific provisions to the contrary.⁶⁵ The claiming instructions applicable to all community college district reimbursement claims in effect at the time this reimbursement claim was filed (*i.e.*, the Mandated Cost Manual) specified the option of using a federally approved rate using the OMB A-21 or using the Form FAM 29C method as follows:

A college has the option of using a federally approved rate, utilizing the cost accounting principles from Office of Management and Budget Circular A-21 “Cost Principals for Educational Institutions,” or the Controller’s methodology outlined in the following paragraphs.^[66] If a federal rate is used, it must be from the same fiscal year in which the costs were incurred.

The Controller allows the following methodology for use by community colleges in computing an indirect cost rate for state mandates. The objective of this computation is to determine an equitable rate for use in allocating administrative support to personnel that performed the mandated cost activities claimed by the community college. This methodology assumes that administrative services are provided to all activities of the institution in relation to the direct costs incurred in the performance of those activities. Form FAM-29C has been developed to assist the community college in computing an indirect cost rate for state mandates.⁶⁷

⁶³ Exhibit B, Controller’s Comments, at p. 40 [Parameters and Guidelines, Adopted August 27, 1987].

⁶⁴ Exhibit A, Incorrect Reduction Claim, at pp. 37-39 [Health Fee Elimination Claiming Instructions]; Exhibit B, Controller’s Comments, at pp. 95-97 [Health Fee Elimination Claiming Instructions].

⁶⁵ See Exhibit X, Mandated Cost Manual General Instructions Excerpt 1999-2000.

⁶⁶ Note that the methodology later outlined is the state *Form FAM-29C*.

⁶⁷ See Exhibit B, Controller’s Comments, at p. 23 [General Claiming Instructions, Revised September 2002].

Claimant argues that “[c]ontrary to the Controller’s ministerial preferences, there is no requirement in law that the district’s indirect cost rate must be ‘federally’ approved, and neither the Commission nor the Controller has ever specified the federal agencies which have the authority to approve indirect cost rates.” Claimant argues that “[n]o particular indirect cost rate calculation is required by law,” and that the parameters and guidelines “do not require that indirect costs be claimed in the manner described by the Controller.” Claimant recognizes that the parameters and guidelines plainly state that “indirect costs *may be claimed in the manner described by the State Controller*,” but claimant argues that the word “may” is permissive, and that therefore the parameters and guidelines do not require that indirect costs be claimed in the manner described by the Controller.⁶⁸ Claimant’s argument is unsound: the interpretation that is consistent with the plain language of the parameters and guidelines is that “indirect costs may be claimed,” or may not, but if a claimant chooses to claim indirect costs, the claimant must adhere to the Controller’s claiming instructions.⁶⁹

More recently the manuals for school districts and community college districts have been printed separately.⁷⁰ The Mandated Cost Manual for Community Colleges now contains general instructions for claiming under all mandates, with the suggestion that claimants refer to the parameters and guidelines and specific claiming instructions, as follows:

This manual is issued to assist claimants in preparing mandated cost claims for submission to the State Controller’s Office (SCO). The information contained in this manual is based on the State of California’s statutes, regulations, and the parameters and guidelines (P’s & G’s) adopted by the Commission on State Mandates (CSM). Since each mandate is unique, it is imperative that claimants refer to the claiming instructions and P’s & G’s of each program for updated data on established policies, procedures, eligible reimbursable activities, and revised forms.⁷¹

Therefore, the reference in the parameters and guidelines to the Controller’s claiming instructions necessarily includes the general provisions of the School Mandated Cost Manual (and later the Mandated Cost Manual for Community Colleges), and the manual provides ample notice to claimants as to how they may properly claim indirect costs. The Controller submitted an excerpt of the School Mandated Cost Manual addressing indirect cost rates, revised September 2002, in response to the IRC.⁷² And both claimant and the Controller submitted an excerpt of the School Mandated Cost Manual revised September 1997, which contained the

⁶⁸ Exhibit A, Incorrect Reduction Claim, at pp. 11-12.

⁶⁹ Exhibit B, Controller’s Comments, at p. 14.

⁷⁰ See, e.g., Exhibit X, Schools Mandated Cost Manual General Instructions revised September 29, 2000, and Mandated Cost Manual for Community Colleges, September 30, 2003.

⁷¹ Exhibit X, Community College Mandated Cost Manual Foreword Revised 07/12.

⁷² Exhibit B, Controller’s Comments, at pp. 23-26 [General Claiming Instructions, Revised September 2002].

program-specific instructions for the *Health Fee Elimination Mandate*.⁷³ The program-specific instructions do not address indirect cost rates, and so claimants are required to adhere to the general instructions for indirect cost claiming, shown in pertinent part above.

Claimant's assertion that "[n]either applicable law nor the Parameters and Guidelines made compliance with the Controller's claiming instructions a condition of reimbursement"⁷⁴ is therefore in error. The parameters and guidelines, which were duly adopted at a Commission hearing, require compliance with the claiming instructions.

Claimant also argues that "the Controller's claiming instructions were never adopted as law, or regulations pursuant to the Administrative Procedure Act," and therefore, claimant argues, "the claiming instructions are merely a statement of the ministerial interests of the Controller and not law."⁷⁵ In *Clovis Unified*, the Controller's contemporaneous source document rule, or CSDR, was held to be an unenforceable underground regulation because it was applied generally against school districts and had never been adopted as a regulation under the APA.⁷⁶ Here, claimant alleges, somewhat indirectly, the same fault in the claiming instructions with respect to indirect cost rates. But the distinction is that here the parameters and guidelines, which *were* duly adopted at a Commission hearing, require compliance with the claiming instructions on indirect cost rates. Furthermore, the Commission is not in a position to declare the Controller's claiming instructions an underground regulation; the Commission assumes that duly-adopted claiming instructions are valid and enforceable, absent a contrary ruling by the courts.

Therefore, the parameters and guidelines expressly require claimants to claim indirect costs in the manner described in the Controller's claiming instructions, which in turn provide that an indirect cost rate may be developed in accordance with federal OMB guidelines or by using the state Form FAM-29C.

2. *Claimant did not comply with the requirements of the claiming instructions in developing and applying its indirect cost rates. Therefore, the Controller's reduction and recalculation of costs based on applying the Form FAM-29C calculation to provide an indirect cost rate is correct as a matter of law and is not arbitrary, capricious, or entirely lacking in evidentiary support.*

In the audit of claimant's reimbursement claims for the period of July 1, 1999 through June 30, 2002, the Controller concluded that the claimed indirect costs were based on a rate that was not federally approved, and that the Controller's calculated rates did not support the indirect cost rates claimed.⁷⁷ Claimant filed indirect cost rates of 38.74 percent, 37.73 percent, and 35.06

⁷³ Exhibit A, Incorrect Reduction Claim, at pp. 37-39 [Health Fee Elimination Claiming Instructions]; Exhibit B, Controller's Comments, at pp. 95-97 [Health Fee Elimination Claiming Instructions].

⁷⁴ Exhibit C, Claimant Rebuttal Comments, at p. 7.

⁷⁵ Exhibit A, Incorrect Reduction Claim, at p. 13.

⁷⁶ *Clovis Unified School District v. State Controller* (2010) 188 Cal.App.4th, at p. 807.

⁷⁷ Exhibit A, Incorrect Reduction Claim, at p. 52 [Controller's Audit Report].

percent for the three audit years. The Controller reduced the claimed indirect cost rates, based on the alternative state method, to 14.07 percent, 14.38 percent, and 13.86 percent.⁷⁸

The Controller maintains that the claiming instructions “require that districts obtain federal approval of ICRPs prepared according to Office of Management and Budget (OMB) Circular A-21.”⁷⁹ Or, “[a]lternatively, districts may use form FAM-29C to compute indirect costs rates.”⁸⁰

The Controller asserts that a claimant “should obtain federal approval when it prepares ICRPs using OMB Circular A-21.”⁸¹ In addition, the Controller states that it is “not responsible for identifying the district’s responsible federal agency.” The Controller cites OMB Circular A-21:

[Cognizant agency responsibility] is assigned to the Department of Health and Human Services (HHS) or the Department of Defense's Office of Naval Research (DOD), normally depending on which of the two agencies (HHS or DOD) provides more funds to the educational institution for the most recent three years... In cases where neither HHS nor DOD provides Federal funding to an educational institution, the cognizant agency assignment shall default to HHS.⁸²

As discussed above, the Commission’s duly adopted parameters and guidelines require compliance with the Controller’s claiming instructions. Thus, the Commission finds that the claimant did not comply with the parameters and guidelines and claiming instructions and, thus, the reduction is correct as a matter of law.

In its audit of the subject reimbursement claims, the Controller, concluding that the rate was not approved, and therefore not supported consistently with the parameters and guidelines and the claiming instructions, recalculated the indirect cost rate using the alternative state procedure, the “FAM-29C method,” outlined in the Schools Mandated Cost Manual.⁸³ Claimant argues that the Controller “made no determination as to whether the method used by the District was reasonable, but, merely substituted its FAM-29C method for the method reported by the District [*sic*].”⁸⁴ In addition, claimant argues that “there is no mention of the Controller’s FAM-29C method in the parameters and guidelines adopted for *this* mandate program.”⁸⁵

Claimant’s argument is not persuasive. The Controller argues that its finding that the indirect cost rates claimed were not supported, and not calculated consistently with the parameters and guidelines is indeed a determination that the rates were excessive.⁸⁶ Moreover, the absence of a direct “mention of the Controller’s FAM-29C method in the parameters and guidelines adopted

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² Exhibit B, Controller’s Comments, at p. 14.

⁸³ See Exhibit B, Controller’s Comments, at p. 15.

⁸⁴ Exhibit A, Incorrect Reduction Claim, at p. 14.

⁸⁵ Exhibit C, Claimant Rebuttal Comments, at p. 6.

⁸⁶ See Exhibit B, Controller’s Comments, at p. 15.

for this mandate program” is not dispositive. As discussed above, the parameters and guidelines require claimants to comply with the Controller’s claiming instructions, and the claiming instructions applicable to all mandated programs state that community colleges may use either the OMB method (with federal approval) or the FAM-29C method.⁸⁷

Moreover, as claimant points out, “both the District’s method and the Controller’s method utilized the same source document, the CCFS-311 annual financial and budget report required by the state.”⁸⁸ Therefore, the Controller’s selection of the alternative state method was effectively the only valid alternative available, given that claimant failed to obtain federal approval in accordance with the other (OMB) option.

Based on the foregoing, the Commission finds that the Controller’s reduction was based on an alternative method authorized by the claiming instructions for calculating indirect costs, and is therefore not arbitrary, capricious, or entirely lacking in evidentiary support.

C. The Controller’s Reduction for Understated Offsetting Revenues Pursuant to the Health Fee Rule is Correct as a Matter of Law.

The Controller reduced the reimbursement claims filed by claimant in the amount of \$385,753 for the three years at issue.⁸⁹ These reductions were made on the basis of the fee authority available to claimant, multiplied by the number of students subject to the fee, less the amount of offsetting revenue claimed.

Claimant disputes the reduction, arguing that the relevant Education Code provisions permit, but do not require, a community college district to levy a health services fee, and that the parameters and guidelines require a community college district to deduct from its reimbursement claims “[a]ny offsetting savings that the claimant experiences as a direct result of this statute...” Claimant argues that “[i]n order for the district to ‘experience’ these ‘offsetting savings’ the district must actually have collected these fees.” Claimant concludes that “[s]tudent fees actually collected must be used to offset costs, but not student fees that could have been collected and were not.”⁹⁰

The Commission finds that the correct calculation and application of offsetting revenue from student health fees has been resolved by the *Clovis Unified* decision, and that the reduction is correct as a matter of law.

After claimant filed its IRC, the Third District Court of Appeal issued its opinion in *Clovis Unified*, which specifically addressed the Controller’s practice of reducing claims of community college districts by the maximum fee amount that districts are statutorily authorized to charge students, whether or not a district chooses to charge its students those fees. As cited by the court, the Health Fee Rule states in pertinent part:

Eligible claimants will be reimbursed for health service costs at the level of service provided in the 1986/87 fiscal year. The reimbursement will be reduced

⁸⁷ See Exhibit B, Controller’s Comments, at pp. 23-26.

⁸⁸ Exhibit A, Incorrect Reduction Claim, at p. 12.

⁸⁹ Exhibit A, Incorrect Reduction Claim, at p. 15.

⁹⁰ Exhibit A, Incorrect Reduction Claim, at p. 16.

by the amount of student health fees authorized per the Education Code [section] 76355.⁹¹

The Health Fee Rule relies on Education Code section 76355(a), which provides in relevant part:

(a)(1) The governing board of a district maintaining a community college may require community college students to pay a fee in the total amount of not more than ten dollars (\$10) for each semester, seven dollars (\$7) for summer school, seven dollars (\$7) for each intersession of at least four weeks, or seven dollars (\$7) for each quarter for health supervision and services, including direct or indirect medical and hospitalization services, or the operation of a student health center or centers, or both.

(a)(2) The governing board of each community college district may increase [the health service fee] by the same percentage increase as the Implicit Price Deflator for State and Local Government Purchase of Goods and Services. Whenever that calculation produces an increase of one dollar (\$1) above the existing fee, the fee may be increased by one dollar (\$1).

Pursuant to the plain language of Education Code section 76355(a)(2), the fee authority given to districts automatically increases at the same rate as the Implicit Price Deflator; when that calculation produces an increase of one dollar above the existing fee, the fee may be increased by one dollar.⁹² Here, the Controller asserts that claimant should have collected an additional fee amount in accordance with the notices periodically issued by the Chancellor of the California Community Colleges, stating that the Implicit Price Deflator Index had increased enough to support a one dollar increase in student health fees.⁹³ Claimant argues that the actual increase of the fee imposed upon students requires action of the community college district governing board, and that “the Controller cannot rely on the Chancellor’s notice as a basis to adjust the claim for ‘collectible’ student health services fees.”⁹⁴ But the *authority* to impose the health service fees increases with the Implicit Price Deflator, as noticed by the Chancellor, and without any legislative action by a community college district, or any other entity (state or local). Moreover, the court in *Clovis Unified* upheld the Controller’s use of the Health Fee Rule to reduce reimbursement claims based on the fees districts are *authorized* to charge. In making its decision the court notes that the concept underlying the state mandates process that Government Code sections 17514 and 17556(d) embody is:

⁹¹ *Clovis Unified School Dist. v. Chiang, supra*, 188 Cal.App.4th at page 811.

⁹² See Education Code section 76355 (Stats. 1995, ch. 758 (AB 446)). The Implicit Price Deflator for State and Local Purchase of Goods and Services is a number computed annually (and quarterly) by the United States Department of Commerce as part of its statistical series on measuring national income and product, and is used to adjust government expenditure data for the effect of inflation.

⁹³ See Exhibit B, Controller’s Comments, at p. 17; Exhibit A, Incorrect Reduction Claim, at pp. 66-67.

⁹⁴ Exhibit A, Incorrect Reduction Claim, at pp. 17-18.

To the extent a local agency or school district “has the authority” to charge for the mandated program or increased level of service, that charge cannot be recovered as a state-mandated cost.⁹⁵

The court also notes that, “this basic principle flows from common sense as well. As the Controller succinctly puts it, ‘Claimants can choose not to require these fees, but not at the state’s expense.’”⁹⁶ Additionally, in responding to the community college districts’ argument that, “since the Health Fee Rule is a claiming instruction, its validity must be determined *solely* through the Commission’s P&G’s,”⁹⁷ the court held:

To accept this argument, though, we would have to ignore, and so would the Controller, the fundamental legal principles underlying state-mandated costs. We conclude *the Health Fee Rule is valid*.⁹⁸ (Italics added.)

Thus, pursuant to the court’s decision in *Clovis Unified*, the Health Fee Rule used by the Controller to adjust reimbursement claims filed by claimants for the *Health Fee Elimination* program is valid. Since the *Clovis* case is a final decision of the court addressing the merits of the issue presented here, the Commission, under principles of stare decisis, is required to apply the rule set forth by the court.⁹⁹ Moreover, the claimant was a party to the *Clovis* action, and under principles of collateral estoppel, the court’s decision is binding on the claimant with respect to these reimbursement claims.¹⁰⁰

Based on the foregoing, the Commission finds that the Controller’s reduction of reimbursement to the extent of the fee authority found in Education Code section 76355 is correct as a matter of law.

⁹⁵ *Clovis Unified School Dist. v. Chiang, supra*, 188 Cal.App.4th at page 812.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.* (Original italics.)

⁹⁸ *Clovis Unified School Dist. v. Chiang, supra*, 188 Cal.App.4th at page 812.

⁹⁹ *Fenske v. Board of Administration* (1980) 103 Cal.App.3d 590, 596.

¹⁰⁰ *Roos v. Red* (2006) 130 Cal.App.4th 870, 879-880. Collateral estoppel applies when (1) the issue necessarily decided in the previous proceeding is identical to the one that is currently being decided; (2) the previous proceeding terminated with a final judgment on the merits; (3) the party against whom collateral estoppel is asserted is a party to or in privity with a party in the previous proceeding; and (4) the party against whom the earlier decision is asserted had a full and fair opportunity to litigate the issue.

V. Conclusion

Pursuant to Government Code section 17551(d) and section 1185.7 of the Commission's regulations, the Commission concludes that the reductions to the following costs are correct as a matter of law, and not arbitrary, capricious, or entirely lacking in evidentiary support:

- The reduction of \$385,753 based on understated health fee revenues.
- The reduction of \$415,502 in indirect costs claimed, based on the claimant's failure to comply with the claiming instructions in the development of its indirect cost rate, and the Controller's use of an alternative method to calculate indirect costs authorized by the parameters and guidelines and claiming instructions.

Based on the foregoing, the Commission denies this IRC.

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 September 9, 2014, I served the:

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

Health Fee Elimination, 05-4206-I-05

Education Code Section 76355

Statutes 1984, Chapter 1, 2nd E.S.; Statutes 1987, Chapter 1118

Fiscal Years 1999-2000, 2000-2001, and 2001-2002

State Center Community College District, Claimant

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 September 9, 2014 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: 8/18/14

Claim Number: 05-4206-I-05

Matter: Health Fee Elimination

Claimant: State Center Community College District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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

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SixTen and Associates Mandate Reimbursement Services

RECEIVED
September 22, 2014
Commission on
State Mandates

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September 22, 2014

Exhibit D

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

Dear Ms. Halsey:

RE: CSM 05-4206-I-05
State Center Community College District
Fiscal Years: 1999-2000, 2000-2001 and 2001-2002
Health Fee Elimination
Education Code Section 76355
Statutes of 1984, Chapter 1, 2nd. E.S.
Statutes of 1987, Chapter 1118
Incorrect Reduction Claim

I have received the Commission Draft Proposed Decision (DPD) dated September 9, 2014, for the above-referenced incorrect reduction claim, to which I respond on behalf of the District.

PART A. STATUTE OF LIMITATIONS APPLICABLE TO AUDITS OF ANNUAL REIMBURSEMENT CLAIMS

1. Audit Initiation

The District concurs that the audit of the FY 1999-00 and FY 2000-01 annual claims was commenced before the expiration of the statute of limitations to commence an audit.

2. Audit Completion

It is uncontested here that an audit is complete only when the final audit report is issued. The District asserts that the FY 1999-00 (filed January 13, 2001) and FY 2000-01 (filed December 27, 2001) annual claims were beyond the statute of limitations for

completion of the audit (December 31, 2003) when the Controller completed its audit on September 17, 2004. To the contrary, the Commission concludes (DPD, 15) that “at the time the costs were incurred in this case, section 17558.5 [1], did not expressly fix the time for which an audit must be completed.” (Note that the reference to “the time the costs were incurred” is irrelevant to the statutory analysis, since the statute is based on filing dates of the annual claims and not when the costs were incurred.) Instead, the Commission only asserts that the time to commence the audit was not past the statute of limitations (DPD, 15):

Based only upon the plain language of the 1995 version of section 17558.5, the reimbursement claims in issue would be “subject to audit” until the end of the calendar year 2003, for the reimbursement claims filed in 2001. Based on the plain language as amended in 2002 (effective January 1, 2003), the reimbursement claims in issue would be “subject to the initiation of an audit” until three years after the claims were filed, or January 13, 2004, for the 1999-2000 reimbursement claim. Because an entrance conference was held May 12, 2003, the audit was initiated prior to the running of the statutory period. And, because the 2002 statute expanded the statutory period while it was still pending, the Controller receives the benefit of the additional time.

There is no objective basis or evidence in the record to conclude that the period of time allowed to complete an audit is contingent on the notice provision as to when the audit can commence. The numerous cases cited by the Commission speak to the issue of commencing an audit and the extension of that time by future changes to the statute of limitations. These are not relevant to the issue of the completion of the audit. The Commission cites no cases contradicting the practical requirement that completion is measured by the date of the audit report.

Section 17558.5 was amended two more times after the FY 1999-00 and FY 2000-01

¹ First Amendment

Statutes of 1995, Chapter 945, Section 18, operative July 1, 1996, repealed and replaced Section 17558.5, changing only the period of limitations:

“(a) A reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter is subject to audit by the Controller no later than two years after the end of the calendar year in which the reimbursement claim is filed or last amended. However, if no funds are appropriated for the program for the fiscal year for which the claim is made, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim.”

annual claims were filed. As a matter of law, these amendments are not relevant to the determination of statute of limitations for the FY 1999-00 and FY 2000-01 annual claims, so reliance upon the language of the subsequent amendments as a declaration of retroactively consistent legislative policy or intent is without foundation. The adjudication of the issue should end with the 1995 version of Section 17558.5. Regardless, the Commission concludes that its interpretation of the significance of the second sentence in the 1995 version is supported by the 2002 amendment to Section 17558.5² which extends the audit initiation period to three years. The 2002 amendment provides no new information about the audit completion date. The 2004 amendment to Section 17558.5³ does establish a two-year limit to complete a timely filed audit based on date of audit initiation, not based on the date of claim filing. The 2004 amendment

² Second Amendment

Statutes of 2002, Chapter 1128, Section 14.5, operative January 1, 2003, amended Section 17558.5 to state:

“(a) A reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter is subject to the initiation of an audit by the Controller no later than two three years after the end of the calendar year in which 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 made filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim.”

³ Third Amendment

Statutes of 2004, Chapter 890, Section 18, operative January 1, 2005 amended Section 17558.5 to state:

“(a) A reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter 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.”

to Section 17558.5 is definitive to the issue of when the audit completion period was first placed in statute, but it is of no assistance to resolve the 1995 issue.

If, as the Commission asserts, that the first amended version establishes no statutory time limit to complete a timely commenced audit, Section 17558.5 becomes absurd. Once timely commenced, audits could remain unfinished for years either by intent or neglect and the audit findings revised at any time. Thus, the claimant's document retention requirements would become open-ended and eventually punitive. Statutes of limitations are not intended to be open-ended; they are intended to be finite, that is, a period of time measured from an unalterable event, and in the case of the 1995 version of the code, it is the filing date of the annual claim.

In the absence of explicit statutory language in support of its conclusion, the Commission (DPD, 15) then asserts that there is a common law requirement to complete the audit "within a reasonable period of time" and that a claimant can assert the defense of laches:

The only reading of these facts and of section 17558.5 that could bar the subject audits would be to hold that section 17558.5 requires an audit to be *completed* within two years of filing, in which case the final audit report issued September 17, 2004 would be barred. This is the interpretation urged by the District, but this reading of the code is not supported by the plain language of the statute. At the time the costs were incurred in this case, section 17558.5 did not expressly fix the time for which an audit must be completed. Nevertheless, the Controller was still required under common law to complete the audit within a reasonable period of time. Under appropriate circumstances, the defense of laches may operate to bar a claim by a public agency if there is evidence of unreasonable delay by the agency and resulting prejudice to the claimant. In this case, the audit was completed when the final audit report was issued on September 17, 2004, approximately 16 months after the audit was initiated. Thus, there is no evidence of an unreasonable delay in the completion of the audit.

Reliance on the reasonableness of the actual length of the audit period process would mean in practice that the determination of a reasonable audit completion date would become a question of fact for every audit, which is contrary to the concept of a *statute* of limitations. The Commission's reliance on the equitable concept of laches is troublesome. Cases in law are governed by statutes of limitations, which are laws that determine how long a person has to file a lawsuit before the right to sue expires. Laches is the equitable equivalent of statutes of limitations. However, unlike statutes of limitations, laches leaves it up to the adjudicator to determine, based on the unique facts of the case, whether a plaintiff has waited too long to seek relief. Here there is no issue as to whether the District has been tardy in seeking relief. The incorrect reduction claim, the statutory form of relief from an audit, was timely-filed according to the statute.

Laches is a defense to a proceeding in which a plaintiff seeks equitable relief. Cases in equity are distinguished from cases at law by the type of remedy, or judicial relief, sought by the plaintiff. Generally, law cases involve a problem that can be solved by the payment of monetary damages. Equity cases involve remedies directed by the court against a party. An incorrect reduction claim is explicitly a matter of money due the claimant. The District is not seeking an injunction, where the court orders a party to do or not to do something; declaratory relief, where the court declares the rights of the two parties to a controversy; or an accounting, where the court orders a detailed written statement of money owed, paid, and held.

The Commission has not indicated that it has jurisdiction for equitable remedies. Therefore the finding that “there is no evidence of an unreasonable delay in the completion of the audit” is without jurisdiction or consequence and simply irrelevant. Or, if the Commission is suggesting that claimant resort to the courts for an equitable remedy on the issue of statute of limitations, that is contrary to fact that the Government Code establishes primary jurisdiction to the Commission for audit disputes, that is, the incorrect reduction claim process.

PART B. APPLICATION OF AN INDIRECT COST RATE

The audit asserts that the District overstated its indirect cost rates and costs in the amount of \$415,502 for the audit period. This finding is based upon the Controller’s statement that the district did not obtain federal approval for its ICRPs, a stated requirement of the Controller’s claiming instructions.

The threshold Commission conclusion is that claimants must comply with the Controller’s claiming instructions and that the Controller’s use of its own instructions and forms to recalculate the indirect cost rates was not arbitrary and correct as a matter of law. The District asserts that the Controller’s claiming instructions are not alone enforceable as a matter of law as they are not regulations nor were they adopted pursuant to the administrative rulemaking process required to enforce agency manuals and instructions, as did the *Clovis* Court.⁴

⁴ From the Clovis Appellate Court Decision (4):

“Once the Commission determines that a state mandate exists, it adopts regulatory “[P]arameters and [G]uidelines” (P&G’s) to govern the state-mandated reimbursement. (§ 17557.) The Controller, in turn, then issues nonregulatory “[C]laiming [I]nstructions” for each Commission-determined mandate; these instructions must derive from the Commission’s test claim decision and its adopted P&G’s. (§ 17558.) Claiming Instructions may be specific to a particular mandated program, or general to all such programs.” Emphasis added.

The Controller has never asserted that its claiming instructions are alone legally enforceable. The Community College Mandated Cost Manual General Instructions revised or updated September 29, 2000, September 28, 2001, and September 30, 2003 included the following language:

The claiming instructions contained in this manual are issued for the sole purpose of assisting claimants with the preparation of claims for submission to the State Controller's Office. These instructions have been prepared based upon interpretation of the State of California statutes, regulations, and parameters and guidelines adopted by the Commission on State Mandates. Therefore, unless otherwise specified, these instructions should not be construed in any manner to be statutes, regulations, or standards. *Cited in Santa Monica CCD, 05-4206-I-12 (DPD, 15).*

Therefore, any documentation standards or cost accounting formulas published in the claiming instructions, to be enforceable, must derive from another source. However, there are no cost accounting standards for calculating the indirect cost rate for the Health Fee Elimination mandate published anywhere except the Controller's claiming instructions.

Regardless of the lack of legal sources for the indirect cost rate calculation, the Commission asserts (DPD, 17): because "the reference in the parameters and guidelines to the Controller's claiming instructions necessarily includes the general provisions of the School Mandated Cost Manual (and later the Mandated Cost Manual for Community Colleges), and the manual provides ample notice to claimants as to how they may properly claim indirect costs," and because the parameters and guidelines (DPD, 18) "which *were* duly adopted at a Commission hearing, require compliance with the claiming instructions on indirect cost rates," that (DPD, 18) "claimants are required to adhere to the general instructions for indirect cost claiming." Claiming indirect costs is not conditional on the claiming instruction methods. Colleges "may" claim indirect costs, or any other eligible cost, on every mandate, not just Health Fee Elimination.

From the Clovis Appellate Court Decision (15):

"Given these substantive differences between the Commission's pre-May 27, 2004 SDC P&G's and the Controller's CSDR, we conclude that the CSDR implemented, interpreted or made specific the following laws enforced or administered by the Controller: the Commission's pre-May 27, 2004 P&G's for the SDC Program (§ 17558 [the Commission submits regulatory P&G's to the Controller, who in turn issues nonregulatory Claiming Instructions based thereon]; and the Controller's statutory authority to audit state-mandated reimbursement claims (§ 17561, subd. (d)(2))." Emphasis added.

The Commission attribution of the conditional "may" to the ultimate decision to claim indirect costs, rather than the subsequent discretionary choice to use claiming instructions method is gratuitous.

The District agrees that the parameters and guidelines have the force of law, but that it does not extend by mere reference to the general or specific claiming instructions for Health Fee Elimination. Neither the Commission nor the Controller has ever adopted the Controller's claiming instructions pursuant the process required by the regulations relevant to the Commission or the Administrative Procedure Act relevant to the Controller, nor has the Commission ever before stated that parameters and guidelines are subordinate to the Controller's claiming instructions. Regarding the requirement for the administrative rulemaking process to enforce agency manuals and instructions, the Commission (DPD, 18) misses the factual issue:

Furthermore, the Commission is not in a position to declare the Controller's claiming instructions an underground regulation; the Commission assumes that duly-adopted claiming instructions are valid and enforceable, absent a contrary ruling by the courts.

The Commission does not need a court to declare the claiming instructions to be underground regulations or to ascertain whether they are consistent with the claiming instructions. The Commission need only ask the Controller if the claiming instructions have been adopted pursuant to the required process. If the answer is no, the Commission cannot enforce the claiming instructions for the Controller. The Controller's use of the FAM-29C method for audit purposes is a standard of general application without appropriate state agency rulemaking and is therefore unenforceable (Government Code Section 11340.5). The formula is not an exempt audit guideline (Government Code Section 11340.9(e)). State agencies are prohibited from enforcing underground regulations. If a state agency issues, enforces, or attempts to enforce a rule without following the Administrative Procedure Act, when it is required to, the rule is called an "underground regulation." Further, the audit adjustment is a financial penalty against the District, and since the adjustment is based on an underground regulation, the formula cannot be used for the audit adjustment (Government Code Section 11425.50).

Somehow the "assistance" provided by the claiming instructions has become a requirement even though the parameters and guidelines use the word "may." The Commission now has concluded that the contents of the claiming instructions are as a matter of law derivative of the authority of the parameters and guidelines, without benefit of a legal citation for this leap of jurisprudence. Assuming for argument that the leap can be made, would that derivative authority continue for any changes made to the claiming instructions after the adoption of the 1989 parameters and guidelines, that is, an open-ended commitment of the Commission's authority to the Controller who can make changes without reference to the Commission process? Is this derivative

authority limited to Health Fee Elimination or applicable to all mandates?

Note that the Health Fee Elimination parameters and guidelines were amended on January 29, 2010. However, the indirect cost rate language remained the same:

3. Allowable Overhead Cost

Indirect costs may be claimed in the manner described by the State Controller in his claiming instructions.

The Commission has had numerous opportunities to clarify its intent and language regarding the indirect cost rate calculation methods and resolve or avoid the delegation and derivation issue. For example, and by contrast, the parameters and guidelines language for the new college mandate Cal Grants, adopted on the same date as the January 29, 2010, amendment for Health Fee Elimination, has the needed specific and comprehensive language:

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 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.

Community colleges have the option of using: (1) a federally approved rate, utilizing the cost accounting principles from the Office of Management and Budget Circular A-21, "Cost Principles of Educational Institutions"; (2) the rate calculated on State Controller's Form FAM-29C; or (3) a 7% indirect cost rate.

This language in the parameters and guidelines for Cal Grants makes the Controller's guidance on the suggested three choices of indirect cost calculation methods legally enforceable. The Commission properly adopted this language within the scope of their regulatory discretion and has utilized it in new program college mandate parameters and guidelines since at least 2002. However, this language has never been adopted by the Commission for Health Fee Elimination.

In the absence of legally enforceable claiming instructions, rules or methods, or standards or specific language in the parameters and guidelines for the indirect cost rate calculation, the remaining standard is Government Code Section 17561. No particular indirect cost rate calculation method is required by law. Government Code Section 17561(d)(2) requires the Controller to pay claims, provided that the Controller may audit the records of any school district to verify the actual amount of the mandated costs, and may reduce any claim that the Controller determines is excessive or unreasonable. The Controller is authorized to reduce a claim if the Controller determines the claim to be excessive or unreasonable. Here, the District computed indirect cost rates utilizing cost accounting principles from the Office of Management and Budget Circular A-21, and the Controller has disallowed the rates without a determination of whether the product of the District's calculation is excessive, unreasonable, or inconsistent with cost accounting principles.

There is no rebuttable presumption for this mandate that the Controller's methods are per se the only reasonable method. The Controller made no determination as to whether the method used by the District was reasonable or not, but merely substituted the Controller's method for the method used by the Districts. The substitution of the Controller's method is an arbitrary choice of the auditor, not a "finding" enforceable either by fact or law. In order to move forward with the adjustment, the burden of proof is on the Controller to prove that the District's calculation is unreasonable. Indeed, federally "approved" rates which the Controller will accept without further action, are "negotiated" rates calculated by the district and submitted for approval, indicating that the process is not an exact science, but a determination of the relevance and reasonableness of the cost allocation assumptions made for the method used. Neither the Commission nor the Controller can assume that the Controller's calculation methods are intrinsically more accurate and the Commission cannot shift that burden or create the presumption to the contrary where none is present in law.

PART C. UNDERSTATED OFFSETTING REVENUES

This finding is the result of the Controller's recalculation of the student health services fees which may have been "collectible" which was then compared to the District's student health fee revenues actually received, resulting in a total adjustment of \$385,753 for the audit period. The Controller computed the total student health fees collectible based on state rates while the District reported actual fees collected.

The Commission (DPD, 20) finds that the correct calculation and application of offsetting revenue from student health fees have been resolved by the *Clovis Unified* decision, and that the reduction is correct as a matter of law:

After claimant filed its IRC, the Third District Court of Appeal issued its opinion in *Clovis Unified*, which specifically addressed the Controller's practice of reducing claims of community college districts by the maximum fee amount that districts

are statutorily authorized to charge students, whether or not a district chooses to charge its students those fees. As cited by the court, the Health Fee Rule states in pertinent part:

Eligible claimants will be reimbursed for health service costs at the level of service provided in the 1986/87 fiscal year. The reimbursement will be reduced by the amount of student health fees authorized per the Education Code [section] 76355.

The District agrees that claimants and state agencies are bound to apply the Health Fee Rule as decided law and that this extends to retroactive fiscal years still within the Commission's or Controller's jurisdiction.

On October 27, 2011, the Commission adopted a consolidated statement of decision for seven Health Fee Elimination incorrect reduction claims. The statement of decision for these seven districts included issues presented in this current incorrect reduction claim. The application of the Health Fee Rule, as determined by the Commission's October 27, 2011, statement of decision, however, involves two factual elements: the number of exempt students and the specific enrollment statistics for each semester. That decision approved the Controller's use of specific Community College Chancellor's MIS data to obtain these enrollment amounts. That approved method is stated in the more recent HFE audits as:

FINDING— Understated authorized health service fees

We obtained student enrollment data from the CCCCCO. The CCCCCO identified enrollment data from its management information system (MIS) based on student data that the district reported. CCCCCO identified the district's enrollment based on its MIS data element STD7, codes A through G. CCCCCO eliminated any duplicate students based on their Social Security numbers. *Cited from the October 19, 2012 HFE Audit Report for State Center CCD. Available at the Controller's web site.*

For this audit, completed September 17, 2004, well before the October 27, 2011, Commission decision, the source of the enrollment statistics used by the auditor was different:

FINDING 4— Understated authorized health service fees

The district's Institutional Research Office (IRO) provided student enrollment data for each fiscal year. The IRO also identified students who received Board of Governors Grants (BOGG waivers) and were exempt from health fees. Using the student enrollment and exemption data, the following table calculates authorized health fees the district was authorized to collect. *Table not cited here.*

Therefore, to properly implement the Health Fee Rule, it will be necessary for the Controller to utilize the statistics approved by the October 27, 2011, decision. Until then, the Commission's ultimate conclusion that the adjustments here are not arbitrary or lacking in evidentiary support is unfounded.

CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this submission is true and complete to the best of my own knowledge or information or belief, and that any attached documents are true and correct copies of documents received from or sent by the District or state agency which originated the document.

Executed on September 22, 2014, at Sacramento, California, by



Keith B. Petersen, President
SixTen & Associates

Service by Commission Electronic Drop Box

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 September 23, 2014, I served the:

Claimant Comments

Health Fee Elimination, 05-4206-I-05

Education Code Section 76355

Statutes 1984, Chapter 1, 2nd E.S.; Statutes 1987, Chapter 1118

Fiscal Years 1999-2000, 2000-2001, and 2001-2002

State Center Community College District, Claimant

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 September 23, 2014 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: 8/18/14

Claim Number: 05-4206-I-05

Matter: Health Fee Elimination

Claimant: State Center Community College District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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

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Exhibit E

RECEIVED
September 30, 2014
Commission on
State Mandates

JOHN CHIANG
California State Controller

September 30, 2014

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

Re: **Draft Proposed Decision**
Incorrect Reduction Claim
Health Fee Elimination, 05-4206-I-05
Education Code Section 76355
Statutes 1984, Chapter 1, 2nd E.S.; Statutes 1987, Chapter 1118
Fiscal Years 1999-2000, 2000-2001, and 2001-2002
State Center Community College District, Claimant

Dear Ms. Halsey:

The State Controller's Office has reviewed the Commission on State Mandates' (Commission) draft staff analysis related to the above incorrect reduction claim filed by State Center Community College District. We support the Commission's conclusion.

The audit was completed within the applicable statute of limitations. Further, the district did not follow the parameters and guidelines that direct claimants to claim indirect costs consistent with the claiming instructions. The district also did not deduct authorized, but uncollected, health service fees as offsetting revenue consistent with the appellate court decision in *Clovis Unified School District v. Chiang*.

If you have any questions, please contact me by telephone at (916) 323-5849.

Sincerely,

JIM L. SPANO, Chief
Mandated Cost Audits Bureau
Division of Audits

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 October 1, 2014, I served the:

SCO Comments

Health Fee Elimination, 05-4206-I-05

Education Code Section 76355

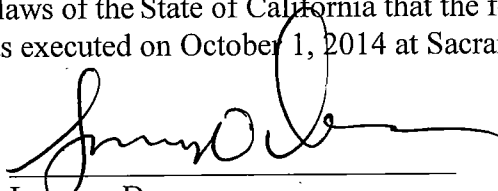
Statutes 1984, Chapter 1, 2nd E.S.; Statutes 1987, Chapter 1118

Fiscal Years 1999-2000, 2000-2001, and 2001-2002

State Center Community College District, Claimant

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 October 1, 2014 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: 8/18/14

Claim Number: 05-4206-I-05

Matter: Health Fee Elimination

Claimant: State Center Community College District

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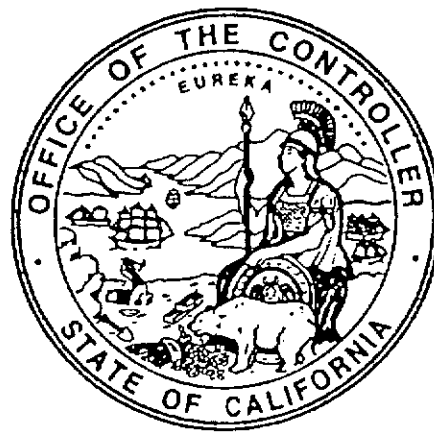
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MANDATED COST MANUAL FOR SCHOOL DISTRICTS

STATE OF CALIFORNIA



KATHLEEN CONNELL
STATE CONTROLLER

FOREWORD

The claiming instructions contained in this manual are issued for the sole purpose of assisting claimants with the preparation of claims for submission to the State Controllers Office. These instructions have been prepared based upon interpretation of the State of California statutes, regulations, and parameters and guidelines adopted by the Commission on State Mandates. Therefore, unless otherwise specified, these instructions should not be construed in any manner to be statutes, regulations, or standards.

If you have any questions concerning the enclosed material, write to the address below or call the Local Reimbursements Section at (916) 323-3258.

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

Prepared by the State Controller's Office
Updated September 29, 2000

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- A State Mandate Apportionment System
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FILING A CLAIM

1. Introduction

The law in the State of California provides for the reimbursement of costs incurred by local agencies and school districts for costs mandated by the State. Costs mandated by the State means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted after January 1, 1975, or any executive order implementing such statute which mandates a new program or higher level of service of an existing program.

Estimated claims that show costs to be incurred in the current fiscal year and reimbursement claims that detail the costs actually incurred for the prior fiscal year may be filed with the State Controller's Office. Claims for on-going programs are filed annually by January 15. Claims for new programs are filed within 120 days from the date claiming instructions are issued for the program. A penalty is assessed for late claims. The State Controller's Office may audit the records of any local agency or school district to verify the actual amount of mandated costs and may reduce any claim which is excessive or unreasonable.

When a program has been reimbursed for three or more years, the Commission On State Mandates may approve the program for inclusion in the State Mandates Apportionment System (SMAS). For programs included in SMAS, the State Controller's Office determines the amount of each claimant's entitlement based on an average of three consecutive fiscal years of actual costs adjusted by any changes in the implicit price deflator. Claimants with an established entitlement receive an annual apportionment adjusted by any changes in the implicit price deflator and, under certain circumstances, by any changes in workload. Claimants with an established entitlement do not file further claims for the program.

The State Controller's Office is authorized to make payments for costs of mandated programs from amounts appropriated by the State Budget Act, by the State Mandates Claims Fund, or by specific legislation. In the event there is insufficient appropriation to pay claims in full, claimants will receive prorated payments in proportion to the dollar amount of approved claims for the program. Balances of prorated payments are paid when supplementary funds are made available.

The instructions contained in this manual are intended to provide general guidance for filing a mandated cost claim. Since each mandate is administered separately, it is important to refer to the specific program for information relating to established policies on eligible reimbursable costs.

2. Types of Claims

A claimant may file a reimbursement claim for mandated costs incurred during the previous fiscal year or may file an estimated claim for mandated costs to be incurred during the current fiscal year. For mandates included in the State Mandates Apportionment System, a claimant who had established a base year entitlement would automatically be reimbursed by the State Controller's Office for the mandate.

All claims received by the State Controller's Office will be reviewed to verify costs. Adjustments to the claims will be made if the amounts claimed are determined to be excessive, improper or unreasonable. Claims must be filed with sufficient documentation to support the costs claimed. The types of documentation required to substantiate a claim are

identified in the "Cost Elements of a Claim" section of this manual. The certification on Form FAM-27 must be signed and dated by the entity's authorized representative in order for the State Controller's Office to make payment on the claim.

A. Reimbursement Claim

A reimbursement claim is defined by Government Code Section 17522 as any claim for costs incurred by a school district and filed with the State Controller's Office against an appropriation made for the purpose of paying the claim.

- A claimant may file an annual reimbursement claim by January 15 following the fiscal year in which costs were incurred for an on-going program. A reimbursement claim must detail the costs actually incurred for a fiscal year. The claim must include supporting documentation to substantiate the costs claimed. Prior to January 1, 1990, if a claimant submitted an otherwise valid reimbursement claim after the deadline, the Controller would have paid the claim in an amount equal to 80 percent of the amount that would have been paid had the claim been timely filed. Any reimbursement claim submitted more than one year after the deadline would not be paid.
- After January 1, 1990, the late penalty provision was changed by Chapter 589/89. Any reimbursement claim with a filing deadline that is after January 1, 1990, will be reduced by 10 percent of the approved costs, but not to exceed \$1,000 if it is filed after the deadline. Any reimbursement claim submitted more than one year after the deadline will not be paid.

B. Estimated Claim

An estimated claim is defined by Government Code Section 17522 as any claim filed with the State Controller's Office during the fiscal year in which the mandated costs are to be incurred by the school district against an appropriation made to the State Controller's Office for the purpose of paying those costs.

- A claimant may file an estimated claim for mandated costs to be incurred during the fiscal year. Estimated claims are due by January 15 of the fiscal year in which the costs are to be incurred or by a date specified in the claiming instructions. After having received payment for an estimated claim, the claimant must file a reimbursement claim by January 15 of the following fiscal year. The reimbursement claim must detail the actual costs incurred for the fiscal year in which the estimated claim was filed. If actual costs are greater than or less than the estimated claim, the balance is either the amount due to the claimant or due from the claimant.

C. Entitlement Claim

An entitlement claim is defined by Government Code Section 17522 as any claim filed by a school district with the State Controller's Office for the sole purpose of establishing or adjusting a base year entitlement for a mandate that has been included in the State Mandates Apportionment System. School mandates included in the State Mandates Apportionment System are listed in Appendix A.

Once a mandate has been included in the State Mandates Apportionment System and the claimant has established a base year entitlement, the claimant will receive automatic payments from the State Controller's Office for the mandate. The automatic apportionment is determined by adjusting the claimant's base year entitlement for changes in the implicit price deflator of costs of goods and services to governmental

agencies, as determined by the State Department of Finance. For programs approved by the Commission On State Mandates for inclusion in the State Mandates

Apportionment System on or after January 1, 1988, the payment for each year succeeding the three year base period is adjusted according to any changes by both the deflator and average daily attendance. Annual apportionments for programs included in the system are paid on or before November 30 of each year.

- A base year entitlement is determined by computing an average of the claimant's costs for fiscal years 1982-83, 1983-84, 1984-85 or any three consecutive years thereafter. The amount is first adjusted according to any changes in the deflator. The deflator is applied separately to each year's costs for the three years which comprise the base year. The State Controller's Office will perform this computation for each claimant who has filed claims for three consecutive years. If a claimant has incurred costs for three consecutive years but has not filed a claim in each of those years, the claimant may file an entitlement claim, Form FAM-43, to establish a base year entitlement. An entitlement claim does not result in the claimant being reimbursed for the costs incurred, but rather entitles the claimant to receive automatic payments from the State Mandates Apportionment System.

3. Minimum Claim Amount

The State Controller's Office will not accept or make payment on a claim of \$200 or less. However, a county superintendent of schools may submit a combined claim which exceeds \$200 on behalf of school districts even though an individual district's costs may be \$200 or less, provided the county superintendent is the fiscal agent for the districts. All subsequent claims based upon the same mandate shall be filed in the combined form. The county superintendent shall attach a schedule showing the names of those school districts that are included in the combined claim. A school district may withdraw from the combined claim form by providing a written notice of its intent to file a separate claim to the county superintendent of schools and to the Controller at least 180 days prior to the deadline for filing the claim.

4. Eligibility of Costs

Unless specified in the statutes, regulations, or parameters and guidelines, the determination of allowable and unallowable costs for mandates is based on generally accepted accounting principles. The determination of allowable reimbursable mandated costs for unfunded mandates is made by the Commission on State Mandates. The State Controller's Office determines allowable reimbursable costs, subject to amendment by the Commission on State Mandates, for mandates funded by special legislation. Unless specified, allowable costs are those direct and indirect costs, less applicable credits, considered to be eligible for reimbursement. In order for costs to be allowable and thus eligible for reimbursement, the costs must meet the following general criteria.

- A. The cost is necessary and reasonable for proper and efficient administration of the mandate and not a general expense required to carry out the overall responsibilities of government.
- B. The cost is allocable to a particular cost objective.
- C. The cost is net of any applicable credits that offset or reduce expenses of items allocable to the mandate.

The State Controller's Office has identified certain costs that, for the purpose of claiming mandated costs, are unallowable and should not be claimed on the claim forms unless specified as reimbursable under the program. These expenses include, but are not limited to, subscriptions, depreciation, memberships, conferences, workshops, and general education.

5. Cost Elements of a Claim

Claims for reimbursement of mandated costs are comprised of allowable costs that are either direct or indirect. Because each mandate is unique, the cost element guidelines in this chapter are provided as a general reference. If the requirements of a specific mandate differ from these cost guidelines, the requirements outlined under the specific mandate shall take precedence.

A. Direct Costs

A direct cost is a cost that can be identified specifically with a particular program or activity. Costs that are typically classified as direct costs are:

Table 1 Annual Billable Hours

	Days	Hours Per Day	Total Hours
Gross Hours	365	8	2,920
Weekends	104	8	(832)
Holidays (G.C. 6700)	11	8	(88)
Vacation	14	8	(112)
Sick Leave, Misc.	11	8	(88)
Annual Billable Hours			1,800

- As illustrated in Table 1, a claimant may use 1,800 hours for a full-time employee. If a claimant uses an amount less than 1,800 hours as annual billable hours, a computation of how these hours were computed must be included with the claim.
- Compensation of employees for time devoted specifically to the execution of the mandate.
- Cost of materials acquired, consumed, or expended specifically for the purpose of the mandate.
- Services furnished specifically for the mandate by other entities.

(1) Employee Wages, Salaries, and Fringe Benefits

For each of the mandated activities performed, the claimant must list the names of the employees who worked on the mandate, their job classification, hours worked on the mandate, and rate of pay.

The claimant may in-lieu of reporting actual compensation and fringe benefits use an hourly rate:

- (a) Compute a billable hourly rate for salaried employees to include actual fringe benefit costs. The methodology for converting a salary to a billable hourly rate is to compute the employee's annual salary and fringe benefits and divide by the annual billable hours. Annual billable hours equal the gross annual hours less non-work hours.

Table 2 Annual Billable Rate, Salary + Benefits Method

Formula:	Description:
$[(EAS + Benefits) \div ABH] = ABR$	EAS = Employee's Annual Salary
	ABH = Annual Billable Hours
$[(\$26,000 + \$7,750) \div 1,800 \text{ hrs}] = \18.75	ABR = Annual Billable Rate

- As illustrated in Table 2, if you assume an employee's compensation was \$26,000 and \$7,750 for annual salary and fringe benefits, respectively, using the "Salary + Benefits Method," the annual billable rate would be \$18.75.

- (b) A claimant may also compute the annual billable rate by using the "Percent of Salary Method."

Table 3 Annual Billable Rate, Percent of Salary Method

Example:

Step 1: Fringe Benefits as a Percent of Salary **Step 2: Annual Billable Rate**

<table border="0"> <tr> <td>Retirement</td> <td style="text-align: right;">15.00%</td> </tr> <tr> <td>Social Security</td> <td style="text-align: right;">6.30</td> </tr> <tr> <td>Health & Dental Insurance</td> <td style="text-align: right;">5.25</td> </tr> <tr> <td>Workers Compensation</td> <td style="text-align: right; border-bottom: 1px solid black;">3.25</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">29.80%</td> </tr> </table>	Retirement	15.00%	Social Security	6.30	Health & Dental Insurance	5.25	Workers Compensation	3.25	Total	29.80%	<p>Formula:</p> <p>$[(EAS \times (1 + FBR)) \div ABH] = ABR$</p> <p>$[(\\$26,000 + (1.2698)) \div 1,800] = \\18.75</p>
Retirement	15.00%										
Social Security	6.30										
Health & Dental Insurance	5.25										
Workers Compensation	3.25										
Total	29.80%										

Description:

EAS = Employee's Annual Salary	ABH = Annual Billable Hours
FBR = Fringe Benefit Rate	ABR = Annual Billable Rate

- As illustrated in Table 3, both methods produce the same annual billable rate.

Reimbursement for personal services includes, but is not limited to, compensation paid for salaries, wages and employee fringe benefits. Employee fringe benefits include regular compensation paid to employees during periods of authorized absences (i.e., annual leave, sick leave, etc.) and employer's contributions for social security, pension plans, insurance, workmen's compensation insurance and similar payments. These benefits are eligible for reimbursement as long as they are distributed equitably to all activities. Whether these costs are allowable is based on the following presumptions:

- The amount of compensation is reasonable for the service rendered.

- The compensation paid and benefits received are appropriately authorized by the governing board.
- Amounts charged for personal services are based on payroll documents that are supported by time and attendance or equivalent records for individual employees.
- The methods used to distribute personal services should produce an equitable distribution of direct and indirect allowable costs.

For each of the employees included in the claim, the claimant must use reasonable rates and hours in computing the wage cost. If a person of a higher-level job position performs an activity which normally would be performed by a lower-level position, reimbursement for time spent is allowable at the average salary range for the lower-level position. The salary rate of the person at the higher-level position may be claimed if it can be shown that it was more cost effective in comparison to the performance by a person at the lower-level position under normal circumstances and conditions. The number of hours charged to an activity should reflect the time expected to complete the activity under normal circumstances and conditions. The number of hours in excess of normal expected hours are not reimbursable.

It is the responsibility of the claimant to make available to the State Controller's Office, upon request, documentation in the form of time sheets, payroll journals, canceled payroll warrants, personnel files, organization charts, duty statements, pay rate schedules, and other relevant documents to support claimed costs. The type of documentation necessary for each claim may differ with the type of mandate.

(2) Materials and Supplies

Only those materials and supplies not included in the overhead rate and used exclusively for the mandated activity are reimbursable under this cost element. The claimant must list the materials and supplies that were used to perform the mandated activity, the number of units consumed, the cost per unit and the dollar amount claimed as a cost. Material and supplies purchased to perform a particular mandated activity are expected to be reasonable in quality, quantity and costs. Purchases in excess of reasonable quality, quantity and costs are not reimbursable. Materials and supplies that are withdrawn from inventory must be charged to the mandated activity based upon a recognized method of pricing, consistently applied.

It is the responsibility of the claimant to make available to the State Controller, upon request, documentation in the form of general and subsidiary ledgers, purchase orders, invoices, canceled warrants and other inventory records to support claimed costs. The type of documentation necessary for each claim may differ with the type of mandate.

(3) Contracted Services

For each of the activities performed, the claimant must list the name of the consulting firm that was contracted with to provide the service and describe the specific mandated activities performed by the consultant. The claimant must also provide the inclusive dates when the service was performed, the number of hours spent to perform the mandate, and the consultant's hourly billing rate. The hourly billing rate shall not exceed the rate specified in the claiming instructions for the mandated program. The consultant's statement, which includes an itemized list of costs for services performed, must accompany the claim.

It is the responsibility of the claimant to make available to the State Controller, upon request, documentation in the form of general and subsidiary ledgers, contracts, invoices, canceled warrants and other relevant documents to support the claimed costs. The type of documentation necessary for each claim may differ with the type of mandate.

(4) Equipment Rental Costs

Equipment purchases and leases (with an option to purchase) are not reimbursable as a direct cost unless specifically allowed by the claiming instructions for a particular mandate. Equipment rentals used solely for the mandate are reimbursable to the extent such costs do not exceed the retail purchase price of the equipment plus a finance charge. For each of the activities performed, the claimant must identify the equipment that was rented, the time period for which the equipment was rented and the cost of the rental.

It is the responsibility of the claimant to make available to the State Controller, upon request, documentation in the form of general and subsidiary ledgers, invoices, canceled warrants, equipment usage records, and other relevant documents to support the claimed costs. The type of documentation necessary for each claim may differ with the type of mandate.

(5) Capital Outlays

Capital outlays for land, building, equipment, furniture and fixtures may be claimed only if the claiming instructions specify them as allowable for the program. If the capital outlays are allowable, the claiming instructions for the mandated program will specify the basis for the reimbursement.

It is the responsibility of the claimant to make available to the State Controller, upon request, documentation in the form of general and subsidiary ledgers, invoices, canceled warrants, equipment usage records, and other relevant documents to support the claimed costs. The type of documentation necessary for each claim may differ with the type of mandate.

(6) Travel Expenses

Travel expenses are normally reimbursable in accordance with travel rules and regulations of local jurisdictions, except for programs which must be reimbursed in accordance with the State Board of Control travel standards (Refer to Appendix B, State of California Travel Expense Guidelines, for current rates.). For each activity performed, the claimant must identify the purpose of the trip, the name and address of the person incurring the expense, the date and time of departure and return for each trip, a description of each expense claimed, the cost of commercial transportation or number of private auto miles traveled and amount of tolls and parking with receipts over \$6.00.

It is the responsibility of the claimant to make available to the State Controller, upon request, documentation in the form of general and subsidiary ledgers, receipts, employee time sheets, canceled warrants, agency travel guidelines, and other relevant documents to support the claimed costs. The type of documentation the claimant should submit with the claim differs with the type of mandate and is discussed in the Claim Forms and Instructions section of each mandate.

B. Indirect Cost

Indirect costs are: (a) Incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. Indirect costs can originate in the department performing the mandate or in departments that supply the department performing the mandate with goods, services and facilities. As noted previously, in order for a cost to be allowable, it must be allocable to a particular cost objective. With respect to indirect costs, this requires that the cost be distributed to benefiting cost objectives on bases which produce an equitable result in relation to the benefits derived by the mandate.

(1) Indirect Costs for Schools

School districts and county superintendents of schools may claim indirect costs incurred for mandated costs. For fiscal years prior to 1986-87, school districts and county superintendents of schools may use the Department of Education Form Nos. J41A or J-73A, respectively, applicable to the fiscal year of the claim. The rate, however, must not be applied to items of direct costs claimed in complying with the mandate if those same costs are included in cost centers identified as General Support (i.e., EDP Codes 400, 405, 410 in Column 3). For the 1986-87 and subsequent fiscal years, school districts and county superintendents of schools may use the Annual Program Cost Data Report, Department of Education Form Nos. J-380 or J-580, respectively, applicable to the fiscal year of the claim.

The amount of indirect costs the claimant is eligible to claim is computed by multiplying the rate by direct costs. When applying the rate, multiply the rate by direct costs not included in total support services EDP No.422 of the J-380 or J-580. If there are any exceptions to this general rule for applying the indirect cost rate, they will be found in the individual mandate instructions.

(2) Indirect Cost Rate for Community Colleges

A college has the option of using a federally approved rate, utilizing the cost accounting principles from Office of Management and Budget Circular A-21 "Cost Principles for Educational Institutions," or the State Controller's methodology outlined in the following paragraphs. If the federal rate is used, it must be from the same fiscal year in which the costs were incurred.

The State Controller allows the following methodology for use by community colleges in computing an indirect cost rate for state mandates. The objective of this computation is to determine an equitable rate for use in allocating administrative support to personnel that performed the mandated cost activities claimed by the community college. This methodology assumes that administrative services are provided to all activities of the institution in relation to the direct costs incurred in the performance of those activities. Form FAM-29C has been developed to assist the community college in computing an indirect cost rate for state mandates. Completion of this form consists of three main steps:

- The elimination of unallowable costs from the expenses reported on the financial statements.
- The segregation of the adjusted expenses between those incurred for direct and indirect activities.

Table 4 Indirect Cost Rate for Community Colleges

MANDATED COST INDIRECT COST RATE FOR COMMUNITY COLLEGES					FORM FAM-29C	
(01) Claimant:				(02) Period of Claim:		
(03) Expenditures by Activity				(04) Allowable Costs		
Activity	EDP	Total	Adjustments	Total	Indirect	Direct
Subtotal Instruction	599	\$19,590,357	\$1,339,059	\$18,251,298	\$0	\$18,251,298
Instructional Administration	6000					
Academic Administration	301	2,941,386	105,348	2,836,038	0	2,836,038
Course Curriculum & Develop.	302	21,595	0	21,595	0	21,595
Instructional Support Service	6100					
Learning Center	311	22,737	863	21,874	0	21,874
Library	312	518,220	2,591	515,629	0	515,629
Media	313	522,530	115,710	406,820	0	406,820
Museums and Galleries	314	0	0	0	0	0
Admissions and Records	6200	584,939	12,952	571,987	0	571,987
Counseling and Guidance	6300	1,679,596	54,401	1,625,195	0	1,625,195
Other Student Services	6400					
Financial Aid Administration	321	391,459	20,724	370,735	0	370,735
Health Services	322	0	0	0	0	0
Job Placement Services	323	83,663	0	83,663	0	83,663
Student Personnel Admin.	324	289,926	12,953	276,973	0	276,973
Veterans Services	325	25,427	0	25,427	0	25,427
Other Student Services	329	0	0	0	0	0
Operation & Maintenance	6500					
Building Maintenance	331	1,079,260	44,039	1,035,221	0	1,035,221
Custodial Services	332	1,227,668	33,677	1,193,991	0	1,193,991
Grounds Maintenance	333	596,257	70,807	525,450	0	525,450
Utilities	334	1,236,305	0	1,236,305	0	1,236,305
Other	339	3,454	3,454	0	0	0
Planning and Policy Making	6600	587,817	22,451	565,366	565,366	0
General Inst. Support Services	6700					
Community Relations	341	0	0	0	0	0
Fiscal Operations	342	634,605	17,270	617,335	553,184	(a) 64,151
Subtotal		\$32,037,201	\$1,856,299	\$30,180,902	\$1,118,550	\$29,062,352

Table 4 Indirect Cost Rate for Community Colleges (continued)

MANDATED COST INDIRECT COST RATE FOR COMMUNITY COLLEGES						FORM FAM-29C
(01) Claimant:				(02) Period of Claim:		
(03) Expenditures by Activity				(04) Allowable Costs		
Activity	EDP	Total	Adjustments	Total	Indirect	Direct
General Inst. Sup. Serv. (cont.)	6700					
Administrative Services	343	\$1,244,248	\$219,331	\$1,024,917	\$933,494	(a) \$91,423
Logistical Services	344	1,650,889	126,935	1,523,954	1,523,954	0
Staff Services	345	0	0	0	0	0
Noninstr. Staff Benft & Incent.	346	10,937	0	10,937	0	10,937
Community Services	6800					
Community Recreation	351	703,858	20,509	683,349	0	683,349
Community Service Classes	352	423,188	24,826	398,362	0	398,362
Community Use of Facilities	353	89,877	10,096	79,781	0	79,781
Ancilliary Services	6900					
Bookstores	361	0	0	0	0	0
Child Development Center	362	89,051	1,206	87,845	0	87,845
Farm Operations	363	0	0	0	0	0
Food Services	364	0	0	0	0	0
Parking	365	420,274	6,857	413,417	0	413,417
Student Activities	3663	0	0	0	0	0
Student Housing	67	0	0	0	0	0
Other	379	0	0	0	0	0
Auxiliary Operations	7000					
Auxiliary Classes	381	1,124,557	12,401	1,112,156	0	1,112,156
Other Auxiliary Operations	382	0	0	0	0	0
Physical Property Acquisitions	7100	814,318	814,318	0	0	0
(06) Total		\$38,608,398	\$3,092,778	\$35,515,620	\$3,575,998	\$31,939,622
(07) Indirect Cost Rate: (Total Indirect Cost/Total Direct Cost)				11.1961%		
(08) Notes						
(a) Mandated Cost activities designated as direct costs per claim instructions.						

- The development of a ratio between the total indirect expenses and total direct expenses incurred by the community college.

The computation is based on total expenditures as reported in "California Community Colleges Annual Financial and Budget Report, Expenditures by Activity (CCFS-311)." Expenditures classified by activity are segregated by the function they serve. Each function may include expenses for salaries, fringe benefits, supplies and capital outlay. OMB Circular A-21 requires expenditures for capital outlays to be excluded from the indirect cost rate computation.

Generally, a direct cost is one incurred specifically for one activity, while indirect costs are of a more general nature and are incurred for the benefit of several activities. As previously noted, the objective of this computation is to equitably allocate administrative support costs to personnel that perform mandated cost activities claimed by the college. For the purpose of this computation we have defined indirect costs to be those costs which provide administrative support to personnel who perform mandated cost activities. We have defined direct costs to be those indirect costs that do not provide administrative support to personnel who perform mandated cost activities and those costs that are directly related to instructional activities of the college. Accounts that should be classified as indirect costs are: Planning and Policy Making, Fiscal Operations, General Administrative Services and Logistical Services. If any costs included in these accounts are claimed as a mandated cost (i.e. salaries of employee performing mandated cost activities), the cost should be reclassified as a direct cost. Accounts in the following groups of accounts should be classified as direct costs: Instruction, Instructional Administration, Instructional Support Services, Admissions and Records, Counseling and Guidance, Other Student Services, Operation and Maintenance of Plant, Community Relations, Staff Services, Non-instructional Staff-Retirees' Benefits and Retirement Incentives, Community Services, Ancillary Services and Auxiliary Operations. A college may classify a portion of the expenses reported in the account Operation and Maintenance of Plant as indirect. The claimant has the option of using a 7% or a higher expense percentage is allowable if the college can support its allocation basis.

The rate, derived by determining the ratio of total indirect expenses and total direct expenses when applied to the direct costs claimed, will result in an equitable distribution of the college's mandate related indirect costs. An example of the methodology used to compute an indirect cost rate is presented in Table 4.

C. Offset Against Mandated Claims

As noted previously, allowable costs are defined as those direct and indirect costs, less applicable credits, considered to be eligible for reimbursement. When all or part of the costs of a mandated program are specifically reimbursable from local assistance revenue sources (e.g., state, federal, foundation, etc.), only that portion of any increased costs payable from school district funds is eligible for reimbursement under the provisions of Government Code Section 17561.

Example 1:

As illustrated in Table 5, this example shows how the "Offset Against State Mandated Claims" is determined for school districts receiving block grant revenues not based on a formula allocation. Program costs for each of the situations equals \$100,000.

Table 5 Offset Against State Mandates, Example 1

	Program Costs	Actual Local Assistance Revenues	State Mandated Costs	Offset Against State Mandated Claims	Claimable Mandated Costs
1.	\$100,000	\$95,000	\$2,500	\$-0-	\$2,500
2.	100,000	97,000	2,500	-0-	2,500
3.	100,000	98,000	2,500	500	2,000
4.	100,000	100,000	2,500	2,500	-0-
5.	100,000 *	50,000	2,500	1,250	1,250
6.	100,000 *	49,000	2,500	250	2,250

* School district share is \$50,000 of the program cost.

Numbers (1) through (4), in Table 5, show intended funding at 100% from local assistance revenue sources. Numbers (5) and (6) show cost sharing on a 50/50 basis with the district.

In numbers (1) through (6), included in the program costs of \$100,000 are state mandated costs of \$2,500. Offset Against State Mandated Claims is the amount of actual local assistance revenues which exceeds the difference between program costs and state mandated costs. The Offset Against State Mandated Claims cannot exceed the amount of state mandated costs.

In (1), local assistance revenues were less than expected. Local assistance funding was not in excess of the difference between program costs and state mandated costs. As a result, the Offset Against State Mandated Claims is zero and \$2,500 is claimable as mandated costs.

In (4), local assistance revenues were fully realized to cover the entire cost of the program, including the state mandate activity; therefore, the Offset Against State Mandated Claims is \$2,500.

In (5), the district is sharing 50% of the project cost. Since local assistance revenues of \$50,000 were fully realized, the Offset Against State Mandated Claims is \$1,250.

In (6), local assistance revenues were less than the amount expended and the Offset Against State Mandated Claims is \$250. Therefore, the Claimable Mandated Costs are \$2,250.

Example 2:

As illustrated in Table 6, this example shows how the Offset Against State Mandated Claims is determined for school districts receiving special project funds based on approved actual costs. Local assistance revenues for special projects must be applied proportionately to approved costs.

Table 6 Offset Against State Mandates, Example 2

	Program Costs	Actual Local Assistance Revenues	State Mandated Costs	Offset Against State Mandated Claims	Claimable Mandated Costs
1.	\$100,000	\$100,000	\$2,500	\$2,500	\$-0-
2.	100,000 **	75,000	2,500	1,875	625
3.	100,000 **	45,000	1,500	1,125	375

** School district share is \$25,000 of the program cost.

In (2), the entire program cost was approved. Since the local assistance revenue source covers 75% of the program cost, it also proportionately covered 75% of the \$2,500 state mandated costs, or \$1,875.

If in (3) local assistance revenues are less than the amount expected because only \$60,000 of the \$100,000 program costs were determined to be valid by the contracting agency, then a proportionate share of State Mandated Costs is likewise reduced to \$1,500. The Offset Against State Mandated Claims is \$1,125. Therefore, the Claimable Mandated Costs are \$375.

6. Federal and State Funding Sources

The listing in Appendix C is not inclusive of all funding sources that should be offset against mandated claims but contains some of the more common ones. State school fund apportionments and federal aid for education, which are based on average daily attendance and are part of the general system of financing public schools as well as block grants which do not provide for specific reimbursement of costs (i.e., allocation formulas not tied to expenditures), should not be included as reimbursements from local assistance revenue sources.

7. Governing Authority

The costs of salaries and expenses of the governing authority, such as the school superintendent and governing board, are not reimbursable. These are costs of general government as described by the federal guideline entitled "Cost Principle and Procedures for Establishing Cost Allocation Plans and Indirect Cost Rates for Grants and Contracts with the Federal Government," A-87.

8. Payment of Claim by State Controller's Office

All claims submitted to the State Controller's Office are reviewed to determine if the claim was prepared in accordance with the claiming instructions. If any adjustments are made to a claim, the claimant will receive a "Notice of Claim Adjustments" detailing adjustments made by the State Controller's Office.

9. Audit of Claim by State Controller's Office

The State Controller's Office has the authority to audit the records of a claimant and may reduce any claim which is determined by the State Controller's Office to be excessive or unreasonable. The claimant has the responsibility of retaining, for a period of two years after the end of the calendar year in which the reimbursement claim is filed or last amended, all supporting documents (books of original entry, general and subsidiary ledgers, purchase orders, invoices, canceled warrants and payroll records). In those instances where no funds are appropriated for the program for the fiscal year which the claim is made, the time for the State Controller's Office to initiate an audit commence to run from the date of initial payment of the claim. The claimant also has the responsibility of organizing the claim, supporting work papers and source documents in a manner which provides the auditor with a clear audit trail from the claim to supporting documents.

10. Claim Forms and Instructions

A claimant may submit a computer generated report in substitution for Form 1 and Form 2, provided the format of the report and data fields contained within the report are identical to the claim forms included with these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file an estimated or reimbursement claim. The State Controller's Office will revise the manual and claim forms as necessary.

A. Form 2, Component/Activity Cost Detail

This form is used to segregate the detail costs by claim component. In some mandates, specific reimbursable activities have been identified for each component. The expenses reported on this form must be supported by the official financial records of the claimant and

copies of supporting documentation, as specified in the claiming instructions, must be submitted with the claims. All supporting documents must be retained for a period of not less than two years after the calendar year in which the reimbursement claim is filed or last amended.

B. Form 1, Claim Summary

This form is used to summarize direct costs by component and compute allowable indirect costs for the mandate. The direct costs summarized on this form are derived from Forms 2 and are carried forward to Form FAM-27.

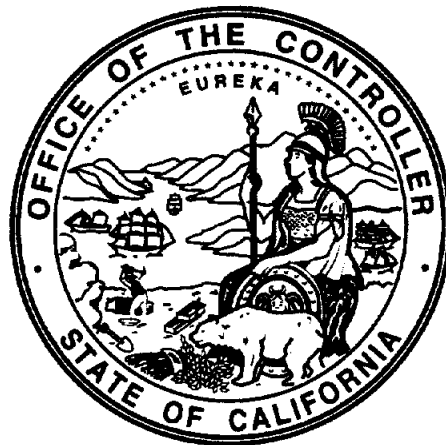
Community colleges have the option of using a federally approved rate (i.e., utilizing the cost accounting principles from Office of Management and Budget Circular A-21) or Form FAM-29C.

C. Form FAM-27, Claim for Payment

This form contains a certification that must be signed by an authorized representative of the county. All applicable information from Form 1 must be carried forward onto this form in order for the State Controller's Office to process the claim for payment.

MANDATED COST MANUAL FOR SCHOOL DISTRICTS

STATE OF CALIFORNIA



KATHLEEN CONNELL
STATE CONTROLLER

FOREWORD

The claiming instructions contained in this manual are issued for the sole purpose of assisting claimants with the preparation of claims for submission to the State Controller's Office. These instructions have been prepared based upon interpretation of the State of California statutes, regulations, and parameters and guidelines adopted by the Commission on State Mandates. Therefore, unless otherwise specified, these instructions should not be construed in any manner to be statutes, regulations, or standards.

If you have any questions concerning the enclosed material, write to the address below or call the Local Reimbursements Section at (916) 324-5729.

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

Prepared by the State Controller's Office
Updated September 28, 2001

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SECTION 3 Appendix

- A State Mandates Apportionment System
- B State of California Travel Expense Guidelines
- C Government Code Sections 17500 - 17616

FILING A CLAIM

1. Introduction

The law in the State of California provides for the reimbursement of costs incurred by local agencies and school districts for costs mandated by the State. Costs mandated by the State means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted after January 1, 1975, or any executive order implementing such statute which mandates a new program or higher level of service of an existing program.

Estimated claims that show costs to be incurred in the current fiscal year and reimbursement claims that detail the costs actually incurred for the prior fiscal year may be filed with the State Controller's Office (SCO). Claims for on-going programs are filed annually by January 15. Claims for new programs are filed within 120 days from the date claiming instructions are issued for the program. A penalty is assessed for late claims. The SCO may audit the records of any local agency or school district to verify the actual amount of mandated costs and may reduce any claim which is excessive or unreasonable.

When a program has been reimbursed for three or more years, the Commission On State Mandates (COSM) may approve the program for inclusion in the State Mandates Apportionment System (SMAS). For programs included in SMAS, the SCO determines the amount of each claimant's entitlement based on an average of three consecutive fiscal years of actual costs adjusted by any changes in the implicit price deflator. Claimants with an established entitlement receive an annual apportionment adjusted by any changes in the implicit price deflator and, under certain circumstances, by any changes in workload. Claimants with an established entitlement do not file further claims for the program.

The SCO is authorized to make payments for costs of mandated programs from amounts appropriated by the State Budget Act, by the State Mandates Claims Fund, or by specific legislation. In the event the appropriation is insufficient to pay claims in full, claimants will receive prorated payments in proportion to the dollar amount of approved claims for the program. Balances of prorated payments will be made when supplementary funds are made available.

The instructions contained in this manual are intended to provide general guidance for filing a mandated cost claim. Since each mandate is administered separately, it is important to refer to the specific program for information relating to established policies on eligible reimbursable costs.

2. Types of Claims

A claimant may file a reimbursement claim for mandated costs incurred during the previous fiscal year or may file an estimated claim for mandated costs to be incurred during the current fiscal year. For mandates included in SMAS, a claimant who had established a base year entitlement would automatically be reimbursed by the SCO for the mandate.

All claims received by the SCO will be reviewed to verify costs. Adjustments to the claims will be made if the amounts claimed are determined to be excessive, improper or unreasonable. Claims must be filed with sufficient documentation to support the costs claimed. The types of documentation required to substantiate a claim are identified in the "Cost Elements of a Claim" section of this manual. The certification on Form FAM-27 must be signed and dated by the entity's authorized representative in order for the SCO to make payment on the claim.

A. Reimbursement Claim

A reimbursement claim is defined by Government Code Section (GC §) 17522 as any claim for costs incurred by a local agency or school district and filed with the SCO against an appropriation made for the purpose of paying the claim.

- A claimant may file an annual reimbursement claim by January 15 following the fiscal year in which costs were incurred for an on-going program. A reimbursement claim must detail the costs actually incurred for a fiscal year. The claim must include supporting documentation to substantiate the costs claimed.
- Prior to January 1, 1990, if a claimant submitted an otherwise valid reimbursement claim after the deadline, the Controller would have paid the claim in an amount equal to 80 percent of the amount that would have been paid had the claim been timely filed. Any reimbursement claim submitted more than one year after the deadline would not be paid.
- After January 1, 1990, the late penalty provision was changed by Chapter 589/89. Any reimbursement claim with a filing deadline that is after January 1, 1990, will be reduced by 10 percent of the approved costs, but not to exceed \$1,000 if it is filed after the deadline. Any reimbursement claim submitted more than one year after the deadline will not be paid.
- As added by Chapter 643/99, on October 10, 1999, all initial claims for all fiscal years required to be filed on their initial filing date for a state-mandated local program shall be considered as one claim for the purpose of computing any late claim penalty.

B. Estimated Claim

An estimated claim is defined by GC § 17522 as any claim filed with the SCO during the fiscal year in which the mandated costs are to be incurred by the local agency or school district against an appropriation made to the SCO for the purpose of paying those costs.

- A claimant may file an estimated claim for mandated costs to be incurred during the fiscal year. Estimated claims are due by January 15 of the fiscal year in which the costs are to be incurred or by a date specified in the claiming instructions. After having received payment for an estimated claim, the claimant must file a reimbursement claim by January 15 of the following fiscal year. The reimbursement claim must detail the actual costs incurred for the fiscal year in which the estimated claim was filed. If actual costs are greater than or less than the estimated claim, the balance is either the amount due to the claimant or due from the claimant.

C. Entitlement Claim

An entitlement claim is defined by GC § 17522 as any claim filed by a local agency or school district with the SCO for the sole purpose of establishing or adjusting a base year entitlement for a mandate that has been included in SMAS. School mandates included in SMAS are listed in Appendix A.

Once a mandate has been included in SMAS and the claimant has established a base year entitlement, the claimant will receive automatic payments from the SCO for the mandate. The automatic apportionment is determined by adjusting the claimant's base year entitlement for changes in the implicit price deflator of costs of goods and services to governmental agencies, as determined by the State Department of Finance. For programs approved by the COSM for inclusion in SMAS on or after January 1, 1988, the payment for each year succeeding the three year base period is adjusted according to any changes by both the deflator and average daily attendance. Annual apportionments for programs included in the system are paid on or before November 30 of each year.

- A base year entitlement is determined by computing an average of the claimant's costs for fiscal years 1982-83, 1983-84, 1984-85 or any three consecutive years thereafter. The amount is first adjusted according to any changes in the deflator. The deflator is applied separately to each year's costs for the three years which comprise the base year. The SCO will perform this computation for each claimant who has filed claims for three consecutive years. If a claimant has incurred costs for three consecutive years but has not filed a claim in each of those years, the claimant may file an entitlement claim, form FAM-43, to

establish a base year entitlement. An entitlement claim does not result in the claimant being reimbursed for the costs incurred, but rather entitles the claimant to receive automatic payments from SMAS.

Claims should be rounded to the nearest dollar. Submit a signed, original form FAM-27, Claim for Payment, and all other forms and supporting documents (no copies necessary). 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 500
Sacramento, CA 95816

3. Minimum Claim Amount

GC Section 17564 provides that no claim shall be filed pursuant to Sections 17551 and 17561, unless such a claim exceeds two hundred dollars (\$200), provided that a county superintendent of schools or county may submit a combined claim on behalf of school districts, direct service districts, or special districts within their county if the combined claim exceeds \$200, even if the individual school district's, direct service district's, or special district's claims do not each exceed \$200. The county superintendent of schools or the county shall determine if the submission of the combined claim is economically feasible and shall be responsible for disbursing the funds to each school, direct service, or special district. These combined claims may be filed only when the county superintendent of schools or the county is the fiscal agent for the districts. A combined claim must show the individual claim costs for each eligible district. All subsequent claims based upon the same mandate shall only be filed in the combined form unless a school district, direct service district, or special district provides to the county superintendent of schools or county and to the SCO, at least 180 days prior to the deadline for filing the claim, a written notice of its intent to file a separate claim.

4. Eligibility of Costs

Unless specified in the statutes, regulations, or parameters and guidelines, the determination of allowable and unallowable costs for mandates is based on generally accepted accounting principles. The determination of allowable reimbursable mandated costs for unfunded mandates is made by the COSM. The SCO determines allowable reimbursable costs, subject to amendment by the COSM, for mandates funded by special legislation. Unless specified, allowable costs are those direct and indirect costs, less applicable credits, considered to be eligible for reimbursement. In order for costs to be allowable and thus eligible for reimbursement, the costs must meet the following general criteria:

- The cost is necessary and reasonable for proper and efficient administration of the mandate and not a general expense required to carry out the overall responsibilities of government.
- The cost is allocable to a particular cost objective.
- The cost is net of any applicable credits that offset or reduce expenses of items allocable to the mandate.

The SCO has identified certain costs that, for the purpose of claiming mandated costs, are unallowable and should not be claimed on the claim forms unless specified as reimbursable under the program. These expenses include, but are not limited to, subscriptions, depreciation, memberships, conferences, workshops, and general education.

5. Cost Elements of a Claim

Claims for reimbursement of mandated costs are comprised of allowable costs that are either direct or indirect. Because each mandate is unique, the cost element guidelines in this chapter are provided as a general reference. If the requirements of a specific mandate differ from these cost guidelines, the requirements outlined under the specific mandate shall take precedence.

A. Direct Costs

A direct cost is a cost that can be identified specifically with a particular program or activity. Costs that are typically classified as direct costs are:

Table 1 Annual Billable Hours

	Days	Hours Per Day	Total Hours
Gross Hours	365	8	2,920
Weekends	104	8	(832)
Holidays	11	8	(88)
Vacation	14	8	(112)
Sick Leave, Misc.	11	8	(88)
Annual Billable Hours			1,800

- As illustrated in Table 1, a claimant may use 1,800 hours for a full-time employee. If a claimant uses an amount less than 1,800 hours as annual billable hours, a computation of how these hours were computed must be included with the claim.
- Compensation of employees for time devoted specifically to the execution of the mandate.
- Cost of materials acquired, consumed, or expended specifically for the purpose of the mandate.
- Services furnished specifically for the mandate by other entities.

(1) Employee Wages, Salaries, and Fringe Benefits

For each of the mandated activities performed, the claimant must list the names of the employees who worked on the mandate, their job classification, hours worked on the mandate, and rate of pay. The claimant may in-lieu of reporting actual compensation and fringe benefits use an hourly rate:

- (a) Compute a billable hourly rate for salaried employees to include actual fringe benefit costs. The methodology for converting a salary to a billable hourly rate is to compute the employee's annual salary and fringe benefits and divide by the annual billable hours. Annual billable hours equal the gross annual hours less non-work hours.

Table 2 Annual Billable Rate, Salary + Benefits Method

Formula:	Description:
$[(EAS + Benefits) \div ABH] = ABR$	EAS = Employee's Annual Salary
	ABH = Annual Billable Hours
$[(\$26,000 + \$7,750)] \div 1,800 \text{ hrs} = \18.75	ABR = Annual Billable Rate

- As illustrated in Table 2, if you assume an employee's compensation was \$26,000 and \$7,750 for annual salary and fringe benefits, respectively, using the "Salary + Benefits Method," the annual billable rate would be \$18.75.

- (b) A claimant may also compute the annual billable rate by using the "Percent of Salary Method."

Table 3 Annual Billable Rate, Percent of Salary Method

Example:		
Step 1: Fringe Benefits as a Percent of Salary		Step 2: Annual Billable Rate
Retirement	15.00 %	Formula:
Social Security	6.30	$[(EAS \times (1 + FBR)) \div ABH] = ABR$
Health & Dental Insurance	5.25	
Workers Compensation	3.25	$[(\$26,000 + (1.2698)) \div 1,800] = \18.75
Total	29.80 %	
Description:		
EAS = Employee's Annual Salary		ABH = Annual Billable Hours
FBR = Fringe Benefit Rate		ABR = Annual Billable Rate

- As illustrated in Table 3, both methods produce the same annual billable rate.

Reimbursement for personnel services includes, but is not limited to, compensation paid for salaries, wages and employee fringe benefits. Employee fringe benefits include regular compensation paid to employees during periods of authorized absences (i.e., annual leave, sick leave, etc.) and employer's contributions for social security, pension plans, insurance, workmen's compensation insurance and similar payments. These benefits are eligible for reimbursement as long as they are distributed equitably to all activities. Whether these costs are allowable is based on the following presumptions:

- The amount of compensation is reasonable for the service rendered.
- The compensation paid and benefits received are appropriately authorized by the governing board.
- Amounts charged for personnel services are based on payroll documents that are supported by time and attendance or equivalent records for individual employees.
- The methods used to distribute personnel services should produce an equitable distribution of direct and indirect allowable costs.

For each of the employees included in the claim, the claimant must use reasonable rates and hours in computing the wage cost. If a person of a higher-level job position performs an activity which normally would be performed by a lower-level position, reimbursement for time spent is allowable at the average salary range for the lower-level position. The salary rate of the person at the higher level position may be claimed if it can be shown that it was more cost effective in comparison to the performance by a person at the lower-level position under normal circumstances and conditions. The number of hours charged to an activity should reflect the time expected to complete the activity under normal circumstances and conditions. The number of hours in excess of normal expected hours are not reimbursable.

(2) Materials and Supplies

Only those materials and supplies not included in the overhead rate and used exclusively for the mandated activity are reimbursable under this cost element. The claimant must list the materials and supplies that were used to perform the mandated activity, the number of units consumed, the cost per unit, and the dollar amount claimed as a cost. Material and supplies purchased to perform a particular mandated activity are expected to be reasonable in quality, quantity and costs. Purchases in excess of reasonable quality, quantity and costs are not reimbursable. Materials and supplies that are withdrawn from inventory must be charged to the mandated activity based upon a recognized method of pricing, consistently applied.

(3) Contracted Services

For each of the activities performed, the claimant must list the name of the consulting firm that was contracted with to provide the service and describe the specific mandated activities performed by the consultant. The claimant must also provide the inclusive dates when the service was performed, the number of hours spent to perform the mandate, and the consultant's hourly billing rate. The hourly billing rate shall not exceed the rate specified in the claiming instructions for the mandated program. The consultant's statement, which includes an itemized list of costs for services performed, must accompany the claim.

(4) Equipment Rental Costs

Equipment purchases and leases (with an option to purchase) are not reimbursable as a direct cost unless specifically allowed by the claiming instructions for a particular mandate. Equipment rentals used solely for the mandate are reimbursable to the extent such costs do not exceed the retail purchase price of the equipment plus a finance charge. For each of the activities performed, the claimant must identify the equipment that was rented, the time period for which the equipment was rented and the cost of the rental.

(5) Capital Outlays

Capital outlays for land, building, equipment, furniture and fixtures may be claimed only if the claiming instructions specify them as allowable for the program. If the capital outlays are allowable, the claiming instructions for the mandated program will specify the basis for the reimbursement.

(6) Travel Expenses

Travel expenses are normally reimbursable in accordance with travel rules and regulations of local jurisdictions, except for programs which must be reimbursed in accordance with the State Board of Control travel standards (Refer to Appendix B, State of California Travel Expense Guidelines, for current rates.). For each activity performed, the claimant must identify the purpose of the trip, the name and address of the person incurring the expense, the date and time of departure and return for each trip, a description of each expense claimed, the cost of commercial transportation or number of private auto miles traveled, and amount of tolls and parking with receipts over \$10.00.

(7) Documentation

It is the responsibility of the claimant to make available to the SCO, upon request, documentation in the form of general and subsidiary ledgers, purchase orders, invoices, contracts, canceled warrants, equipment usage records, land deeds, receipts, employee time sheets, agency travel guidelines, inventory records, and other relevant documents to support claimed costs. The type of documentation necessary for each claim may differ with the type of mandate.

B. Indirect Cost

Indirect costs are: (a) Incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. Indirect costs can originate in the department performing the mandate or in departments that supply the department performing the mandate with goods, services and facilities. As noted previously, in order for a cost to be allowable, it must be allocable to a particular cost objective. With respect to indirect costs, this requires that the cost be distributed to benefiting cost objectives on bases which produce an equitable result in relation to the benefits derived by the mandate.

(1) Indirect Costs for Schools

School districts and county superintendents of schools may claim indirect costs incurred for mandated costs. For fiscal years prior to 1986-87, school districts and county superintendents of schools may use the Department of Education Form Nos. J41A or J-73A, respectively, applicable to the fiscal year of the claim. The rate, however, must not be applied to items of direct costs claimed in complying with the mandate if those same costs are included in cost centers identified as General Support (i.e., EDP Codes 400, 405, 410 in Column 3). For the 1986-87 and subsequent fiscal years, school districts and county superintendents of schools may use the Annual Program Cost Data Report, Department of Education Form Nos. J-380 or J-580, respectively, applicable to the fiscal year of the claim.

The amount of indirect costs the claimant is eligible to claim is computed by multiplying the rate by direct costs. When applying the rate, multiply the rate by direct costs not included in total support services EDP No. 422 of the J-380 or J-580. If there are any exceptions to this general rule for applying the indirect cost rate, they will be found in the individual mandate instructions.

(2) Indirect Cost Rate for Community Colleges

A college has the option of using a federally approved rate, utilizing the cost accounting principles from Office of Management and Budget Circular A-21 "Cost Principles for Educational Institutions," or the Controller's methodology outlined in the following paragraphs. If the federal rate is used, it must be from the same fiscal year in which the costs were incurred.

The Controller allows the following methodology for use by community colleges in computing an indirect cost rate for state mandates. The objective of this computation is to determine an equitable rate for use in allocating administrative support to personnel that performed the mandated cost activities claimed by the community college. This methodology assumes that administrative services are provided to all activities of the institution in relation to the direct costs incurred in the performance of those activities. Form FAM-29C has been developed to assist the community college in computing an indirect cost rate for state mandates. Completion of this form consists of three main steps:

- The elimination of unallowable costs from the expenses reported on the financial statements.
- The segregation of the adjusted expenses between those incurred for direct and indirect activities.
- The development of a ratio between the total indirect expenses and total direct expenses incurred by the community college.

The computation is based on total expenditures as reported in "California Community Colleges Annual Financial and Budget Report, Expenditures by Activity (CCFS-311)." Expenditures classified by activity are segregated by the function they serve. Each function may include expenses for salaries, fringe benefits, supplies, and capital outlay. OMB Circular A-21 requires expenditures for capital outlays to be excluded from the indirect cost rate computation.

Generally, a direct cost is one incurred specifically for one activity, while indirect costs are of a more general nature and are incurred for the benefit of several activities. As previously noted, the objective of this computation is to equitably allocate administrative support costs to personnel that perform mandated cost activities claimed by the college. For the purpose of this computation we have defined indirect costs to be those costs which provide administrative support to personnel who perform mandated cost activities. We have defined direct costs to be those indirect costs that do not provide administrative support to personnel who perform mandated cost activities and those costs that are directly related to instructional activities of the college. Accounts that should be classified as indirect costs are: Planning and Policy Making, Fiscal Operations, General Administrative Services, and Logistical Services. If any costs included in these accounts are claimed as a mandated cost, i.e., salaries of employee performing mandated cost activities, the cost should be reclassified as a direct cost. Accounts in the following groups of accounts should be classified as direct costs: Instruction, Instructional Administration, Instructional Support Services, Admissions and Records, Counseling and Guidance, Other Student Services, Operation and Maintenance of Plant, Community Relations, Staff Services, Non-instructional Staff-Retirees' Benefits and Retirement Incentives, Community Services, Ancillary Services and Auxiliary Operations. A college may classify a portion of the expenses reported in the account Operation and Maintenance of Plant as indirect. The claimant has the option of using a 7% or a higher expense percentage is allowable if the college can support its allocation basis.

The rate, derived by determining the ratio of total indirect expenses and total direct expenses when applied to the direct costs claimed, will result in an equitable distribution of the college's mandate related indirect costs. An example of the methodology used to compute an indirect cost rate is presented in Table 4.

Table 4 Indirect Cost Rate for Community Colleges

MANDATED COST INDIRECT COST RATE FOR COMMUNITY COLLEGES						FORM FAM-29C
(01) Claimant				(02) Period of Claim		
(03) Expenditures by Activity				(04) Allowable Costs		
Activity	EDP	Total	Adjustments	Total	Indirect	Direct
Subtotal Instruction	599	\$19,590,357	\$1,339,059	\$18,251,298	\$0	\$18,251,298
Instructional Administration	6000					
Academic Administration	301	2,941,386	105,348	2,836,038	0	2,836,038
Course Curriculum & Develop.	302	21,595	0	21,595	0	21,595
Instructional Support Service	6100					
Learning Center	311	22,737	863	21,874	0	21,874
Library	312	518,220	2,591	515,629	0	515,629
Media	313	522,530	115,710	406,820	0	406,820
Museums and Galleries	314	0	0	0	0	0
Admissions and Records	6200	584,939	12,952	571,987	0	571,987
Counseling and Guidance	6300	1,679,596	54,401	1,625,195	0	1,625,195
Other Student Services	6400					
Financial Aid Administration	321	391,459	20,724	370,735	0	370,735
Health Services	322	0	0	0	0	0
Job Placement Services	323	83,663	0	83,663	0	83,663
Student Personnel Admin.	324	289,926	12,953	276,973	0	276,973
Veterans Services	325	25,427	0	25,427	0	25,427
Other Student Services	329	0	0	0	0	0
Operation & Maintenance	6500					
Building Maintenance	331	1,079,260	44,039	1,035,221	0	1,035,221
Custodial Services	332	1,227,668	33,677	1,193,991	0	1,193,991
Grounds Maintenance	333	596,257	70,807	525,450	0	525,450
Utilities	334	1,236,305	0	1,236,305	0	1,236,305
Other	339	3,454	3,454	0	0	0
Planning and Policy Making	6600	587,817	22,451	565,366	565,366	0
General Inst. Support Services	6700					
Community Relations	341	0	0	0	0	0
Fiscal Operations	342	634,605	17,270	617,335	553,184	(a) 64,151
Subtotal		\$32,037,201	\$1,856,299	\$30,180,902	\$1,118,550	\$29,062,352

Table 4 Indirect Cost Rate for Community Colleges (continued)

MANDATED COST INDIRECT COST RATE FOR COMMUNITY COLLEGES						FORM FAM-29C
(01) Claimant				(02) Period of Claim		
(03) Expenditures by Activity				(04) Allowable Costs		
Activity	EDP	Total	Adjustments	Total	Indirect	Direct
General Inst. Sup. Serv. (cont.)	6700					
Administrative Services	343	\$1,244,248	\$219,331	\$1,024,917	\$933,494	(a) \$91,423
Logistical Services	344	1,650,889	126,935	1,523,954	1,523,954	0
Staff Services	345	0	0	0	0	0
Noninstr. Staff Benefit & Incent.	346	10,937	0	10,937	0	10,937
Community Services	6800					
Community Recreation	351	703,858	20,509	683,349	0	683,349
Community Service Classes	352	423,188	24,826	398,362	0	398,362
Community Use of Facilities	353	89,877	10,096	79,781	0	79,781
Ancillary Services	6900					
Bookstores	361	0	0	0	0	0
Child Development Center	362	89,051	1,206	87,845	0	87,845
Farm Operations	363	0	0	0	0	0
Food Services	364	0	0	0	0	0
Parking	365	420,274	6,857	413,417	0	413,417
Student Activities	3663	0	0	0	0	0
Student Housing	67	0	0	0	0	0
Other	379	0	0	0	0	0
Auxiliary Operations	7000					
Auxiliary Classes	381	1,124,557	12,401	1,112,156	0	1,112,156
Other Auxiliary Operations	382	0	0	0	0	0
Physical Property Acquisitions	7100	814,318	814,318	0	0	0
(05) Total		\$38,608,398	\$3,092,778	\$35,515,620	\$3,575,998	\$31,939,622
(06) Indirect Cost Rate: (Total Indirect Cost/Total Direct Cost)				11.1961%		
(07) Notes						
(a) Mandated Cost activities designated as direct costs per claim instructions.						

C. Offset Against Mandated Claims

As noted previously, allowable costs are defined as those direct and indirect costs, less applicable credits, considered to be eligible for reimbursement. When all or part of the costs of a mandated program are specifically reimbursable from local assistance revenue sources (e.g., state, federal, foundation, etc.), only that portion of any increased costs payable from school district funds is eligible for reimbursement under the provisions of GC § 17561.

Example 1:

As illustrated in Table 5, this example shows how the "Offset Against State Mandated Claims" is determined for school districts receiving block grant revenues not based on a formula allocation. Program costs for each of the situations equals \$100,000.

Table 5 Offset Against State Mandates, Example 1

	Program Costs	Actual Local Assistance Revenues	State Mandated Costs	Offset Against State Mandated Claims	Claimable Mandated Costs
1.	\$100,000	\$95,000	\$2,500	\$-0-	\$2,500
2.	100,000	97,000	2,500	-0-	2,500
3.	100,000	98,000	2,500	500	2,000
4.	100,000	100,000	2,500	2,500	-0-
5.	100,000 *	50,000	2,500	1,250	1,250
6.	100,000 *	49,000	2,500	250	2,250

* School district share is \$50,000 of the program cost.

Numbers (1) through (4), in Table 5, show intended funding at 100% from local assistance revenue sources. Numbers (5) and (6) show cost sharing on a 50/50 basis with the district. In numbers (1) through (6), included in the program costs of \$100,000 are state mandated costs of \$2,500. The offset against state mandated claims is the amount of actual local assistance revenues which exceeds the difference between program costs and state mandated costs. This offset cannot exceed the amount of state mandated costs.

In (1), local assistance revenues were less than expected. Local assistance funding was not in excess of the difference between program costs and state mandated costs. As a result, the offset against state mandated claims is zero and \$2,500 is claimable as mandated costs.

In (4), local assistance revenues were fully realized to cover the entire cost of the program, including the state mandate activity; therefore, the offset against state mandated claims is \$2,500.

In (5), the district is sharing 50% of the project cost. Since local assistance revenues of \$50,000 were fully realized, the offset against state mandated claims is \$1,250.

In (6), local assistance revenues were less than the amount expended and the offset against state mandated claims is \$250. Therefore, the claimable mandated costs are \$2,250.

Example 2:

As illustrated in Table 6, this example shows how the offset against state mandated claims is determined for school districts receiving special project funds based on approved actual costs. Local assistance revenues for special projects must be applied proportionately to approved costs.

Table 6 Offset Against State Mandates, Example 2

	Program Costs	Actual Local Assistance Revenues	State Mandated Costs	Offset Against State Mandated Claims	Claimable Mandated Costs
1.	\$100,000	\$100,000	\$2,500	\$2,500	\$-0-
2.	100,000 **	75,000	2,500	1,875	625
3.	100,000 **	45,000	1,500	1,125	375

** School district share is \$25,000 of the program cost.

In (2), the entire program cost was approved. Since the local assistance revenue source covers 75% of the program cost, it also proportionately covered 75% of the \$2,500 state mandated costs, or \$1,875.

If in (3) local assistance revenues are less than the amount expected because only \$60,000 of the \$100,000 program costs were determined to be valid by the contracting agency, then a proportionate share of state mandated costs is likewise reduced to \$1,500. The offset against state mandated claims is \$1,125. Therefore, the claimable mandated costs are \$375.

6. Federal and State Funding Sources

The listing in Appendix C is not inclusive of all funding sources that should be offset against mandated claims but contains some of the more common ones. State school fund apportionments and federal aid for education, which are based on average daily attendance and are part of the general system of financing public schools as well as block grants which do not provide for specific reimbursement of costs (i.e., allocation formulas not tied to expenditures), should not be included as reimbursements from local assistance revenue sources.

7. Governing Authority

The costs of salaries and expenses of the governing authority, such as the school superintendent and governing board, are not reimbursable. These are costs of general government as described by the federal guideline entitled "Cost Principle and Procedures for Establishing Cost Allocation Plans and Indirect Cost Rates for Grants and Contracts with the Federal Government," A-87.

8. Payment of Claim by State Controller's Office

All claims submitted to the SCO are reviewed to determine if the claim was prepared in accordance with the claiming instructions. If any adjustments are made to a claim, the claimant will receive a "Notice of Claim Adjustments" detailing adjustments made by the SCO.

9. Audit of Claim by State Controller's Office

The SCO has the authority to audit the records of a claimant and may reduce any claim which is determined by the SCO to be excessive or unreasonable. The claimant has the responsibility of retaining, for a period of two years after the end of the calendar year in which the reimbursement claim is filed or last amended, all supporting documents (books of original entry, general and subsidiary ledgers, purchase orders, invoices, canceled warrants and payroll records). In those instances where no funds are appropriated for the program for the fiscal year which the claim is made, the time for the SCO to initiate an audit commence to run from the date of initial payment of the claim. The claimant also has the responsibility of organizing the claim, supporting work papers and source documents in a manner which provides the auditor with a clear audit trail from the claim to supporting documents.

10. Claim Forms and Instructions

A claimant may submit a computer generated report in substitution for Form-1 and Form-2, provided the format of the report and data fields contained within the report are identical to the claim forms included with these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file an estimated or reimbursement claim. The SCO will revise the manual and claim forms as necessary.

A. Form-2, Component/Activity Cost Detail

This form is used to segregate the detail costs by claim component. In some mandates, specific reimbursable activities have been identified for each component. The expenses reported on this form must be supported by the official financial records of the claimant and copies of supporting documentation, as specified in the claiming instructions, must be submitted with the claims. All supporting documents must be retained for a period of not less than two years after the calendar year in which the reimbursement claim is filed or last amended.

B. Form-1, Claim Summary

This form is used to summarize direct costs by component and compute allowable indirect costs for the mandate. The direct costs summarized on this form are derived from Form-2 and are carried forward to form FAM-27.

Community colleges have the option of using a federally approved rate (i.e., utilizing the cost accounting principles from Office of Management and Budget Circular A-21) or form FAM-29C.

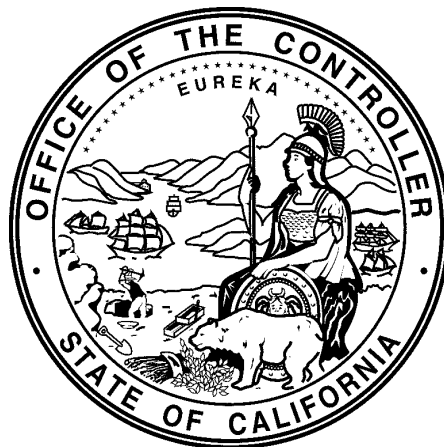
C. Form FAM-27, Claim for Payment

This form contains a certification that must be signed by an authorized representative of the county. All applicable information from Form-1 must be carried forward onto this form in order for the SCO to process the claim for payment.

Received
August 2, 2013
Commission on
State Mandates

MANDATED COST MANUAL FOR SCHOOL DISTRICTS

STATE OF CALIFORNIA



KATHLEEN CONNELL
STATE CONTROLLER

FOREWORD

The claiming instructions contained in this manual are issued for the sole purpose of assisting claimants with the preparation of claims for submission to the State Controller's Office. These instructions have been prepared based upon interpretation of the State of California statutes, regulations, and parameters and guidelines adopted by the Commission on State Mandates. Therefore, unless otherwise specified, these instructions should not be construed in any manner to be statutes, regulations, or standards.

If you have any questions concerning the enclosed material, write to the address below or call the Local Reimbursements Section at (916) 324-5729.

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

Prepared by the State Controller's Office
Updated September 30, 2002

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	Charter Schools	Ch. 781/92	140
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Immunization Records	Ch. 1176/77	32
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Interdistrict Transfer Request: Parent's Employment	Ch. 172/86	149
Intradistrict Attendance	Ch. 161/93	153
Investment Reports	Ch. 783/95	169
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Law Enforcement Agency Notification	Ch. 1117/89	157
Law Enforcement College Jurisdiction Agreements	Ch. 284/98	212
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APPROPRIATIONS FOR THE 2002-03 FISCAL YEAR

Source of State Mandated Cost Appropriations

Schedule	Program	Amount Appropriated
Chapter 379/02, Item 6110-295-0001		
(1) Chapter 448/75	Annual Parent Notification III	\$3,664,000
(2) Chapter 77/78	Absentee Ballots	0 ¹
(3) Chapter 87/86	School Site Discipline Rules	0 ¹
(4) Chapter 98/94	Caregiver Affidavits	395,000
(5) Chapter 160/93	School District of Choice	0 ¹
(6) Chapter 134/87	Pupil Suspension: District Employee Reports	1,000 ²
(7) Chapter 161/93	Intradistrict Attendance	1,000
(8) Chapter 172/86	Interdistrict Attendance	1,000
(9) Chapter 172/86	Interdistrict Attendance: Parent's Employment	1,000
(10) Chapter 486/75	Mandate Reimbursement Process	1,000
(11) Chapter 498/83	Graduation Requirements	14,204,000
(12) Chapter 498/83	Notification of Truancy	8,150,000
(13) Chapter 498/83	Pupil Expulsion/Expulsion Appeals	2,480,000 ²
(14) Chapter 624/92	School Bus Safety	0 ⁴
(15) Chapter 641/86	Open Meetings Act/Brown Act Reform	3,470,000
(16) Chapter 668/78	Pupil Exclusions	396,000
(17) Chapter 781/92	Charter Schools	611,000
(18) Chapter 783/95	Investment Reports	160,000
(19) Chapter 799/80	PERS Increased Death Benefits	788,000 ³
(20) Chapter 818/91	AIDS Prevention Instruction	3,187,000
(21) Chapter 961/75	Collective Bargaining	41,424,000 ²
(22) Chapter 965/77	Pupil Classroom Suspension	1,833,000
(23) Chapter 1208/76	Pupil Health Screenings	3,283,000
(24) Chapter 975/95	Physical Performance Tests	1,202,000
(25) Chapter 1423/84	Juvenile Court Notices II	343,000
(26) Chapter 1107/84	Removal of Chemicals	1,331,000
(27) Chapter 1117/89	Law Enforcement Agency Notification	1,543,000
(28) Chapter 1176/77	Immunization Records	3,520,000
(29) Chapter 1184/75	Habitual Truant	1,000
(30) Chapter 1213/91	Collective Bargaining Agreement Disclosures	277,000 ²

¹ If AB3005 is chaptered, these programs will be changed to optional mandates with no additional funding.

² The programs in Schedules (6) and (13) were consolidated into Pupil Suspensions, Expulsions, and Expulsion Appeals and the programs in schedules (21) and (30) were consolidated into Collective Bargaining.

³ Funds appropriated in Schedules (19) and (35) are for transfer to the Pupil Employees' Retirement System for reimbursement of costs incurred pursuant to Chapter 799/80 and Chapter 1398/74.

⁴ The programs in Schedules (14) and (45) were consolidated into School Bus Safety II. This program has been suspended during the 2002-03 fiscal year, per Budget Act Item 6110-295-0001, Chapter 379/02, Provision 4.5.

APPROPRIATIONS FOR THE 2002-03 FISCAL YEAR (continued)**Source of State Mandated Cost Appropriations**

Schedule	Program	Amount Appropriated
(31) Chapter 1253/75	Expulsion Transcripts	29,000
(32) Chapter 1284/88	Parent Classroom Visits	1,041,000
(33) Chapter 1306/89	Notification to Teachers of Pupil Expulsion	2,916,000
(34) Chapter 1347/80	Scoliosis Screening	2,291,000
(35) Chapter 1398/74	PERS-Unused Sick Leave Credits	3,261,000 ³
(36) Chapter 1463/89	School Accountability Report Cards	2,162,000
(37) Chapter 1607/84	School Crimes Reporting	0
(38) Chapter 1659/84	Emergency Procedures: Earthquake & Disasters	14,542,000
(39) Chapter 1675/84	School Testing Physical Fitness	0 ⁵
(40) Chapter 778/96	American Government Course Document Requirements	206,000
(41) Chapter 309/95	Pupil Residency Verification Appeals	224,000
(42) Chapter 588/97	Criminal Background Checks	5,202,000
(43) Chapter 410/95	School Crimes Reporting II	0 ⁶
(44) Chapter 929/97	Annual Parent Notification-Staff Development	1,318,000
(45) Chapter 831/94	School Bus Safety II	0 ⁶
Total Appropriations, Item 6110-295-001		<u>\$125,459,000</u>
Chapter 379/02, Item 6870-295-0001		
(1) Chapter 1/84	Health Fee Elimination	<u>1,691,000</u>
TOTAL - Funding for the 2002-03 Fiscal Year		<u>\$127,150,000</u>

⁵ No claims shall be filed for Schedule (39) School Testing Physical Fitness as this program is inactive.

⁶ Schedule (43) School Crimes Reporting II and (45) School Bus Safety II have been suspended during the 2002-03 fiscal year, per Budget Act Item 6110-295-0001, Chapter 379/02, Provision 4.5.

REIMBURSABLE STATE MANDATED COST PROGRAMS

Claims for the following State mandated cost programs may be filed with the SCO. For your convenience, the programs are listed in alphabetical order by program name. An "X" indicates the fiscal year for which a claim may be filed.

2001-02 Reimburse- ment Claims	2002-03 Estimated Claims	School Districts and County Offices of Education	
x	x ¹	Chapter 77/78	Absentee Ballots
x	x	Chapter 818/91	AIDS Prevention Instruction
x	x	Chapter 778/96	American Government Course Document Requirements
x	x	Chapter 448/75	Annual Parent Notification III
x	x	Chapter 98/94	Caregiver Affidavits
x	x	Chapter 781/92	Charter Schools
x	x	Chapter 917/87	COE Fiscal Accountability Reporting
x	x	Chapter 961/75	Collective Bargaining
x	x	Chapter 784/95	County Treasury Oversight Committee
x	x	Chapter 588/97	Criminal Background Checks
x	x	Chapter 1659/84	Emergency Procedures: Earthquakes and Disasters
x	x	Chapter 650/94	Employee Benefits Disclosure
x	x	Chapter 1253/75	Expulsion of Pupils: Transcript Cost for Appeals
x	x	Chapter 36/77	Financial and Compliance Audits
x	x	Chapter 498/83	Graduation Requirements
x	x	Chapter 1184/75	Habitual Truant
x	x	Chapter 1120/96	Health Benefits for Survivors of Peace Officers & Firefighters
x	x	Chapter 1/84	Health Fee Elimination
x	x	Chapter 1176/77	Immunization Records
x	x	Chapter 172/86	Interdistrict Attendance Permits
x	x	Chapter 172/86	Interdistrict Transfer Requests: Parents Employment
x	x	Chapter 161/93	Intradistrict Attendance
x	x	Chapter 783/95	Investment Reports
x	x	Chapter 1423/84	Juvenile Court Notices II
x	x	Chapter 1117/89	Law Enforcement Agency Notification
x	x	Chapter 284/98	Law Enforcement College Jurisdiction Agreements
x	x	Chapter 126/93	Law Enforcement Sexual Harassment Training
x	x	Chapter 486/75	Mandate Reimbursement Process
x	x	Chapter 498/83	Notification of Truancy
x	x	Chapter 1306/89	Notification to Teachers: Pupils Subject to Suspension or Expulsion
x	x	Chapter 641/86	Open Meetings Act/Brown Act Reform
x	x	Chapter 1284/88	Parent Classroom Visits
x	x	Chapter 465/76	Peace Officers Procedural Bill of Rights
x	x	Chapter 875/85	Photographic Record of Evidence
x	x	Chapter 64097	Physical Education Reports
x	x	Chapter 975/95	Physical Performance Tests
x	x	Chapter 965/77	Pupil Classroom Suspension: Counseling
x	x	Chapter 668/78	Pupil Exclusions
x	x	Chapter 1208/76	Pupil Health Screenings
x	x	Chapter 309/95	Pupil Residency Verification and Appeals
x	x	Chapter 1253/75	Pupil Suspensions, Expulsions, and Expulsion Appeals

¹ Refer to footnote 1 listed under "Appropriations for the 2002-03 fiscal year."

REIMBURSABLE STATE MANDATED COST PROGRAMS (continued)

2001-02 Reimburse- ment Claims	2002-03 Estimated Claims	School Districts and County Offices of Education	
x	x	Chapter 1107/84	Removal of Chemicals
x	x	Chapter 1463/89	School Accountability Report Cards
x	N/A	Chapter 624/92	School Bus Safety II
x	N/A	Chapter 1607/84	School Crimes Reporting II
x	x	Chapter 100/81	School District Fiscal Accountability Reporting
x	x ¹	Chapter 160/93	School District of Choice: Transfers and Appeals
x	x	Chapter 1138/93	School Site Councils and Brown Act Reform
x	x ¹	Chapter 87/86	Schoolsite Discipline Rules
x	x	Chapter 1347/80	Scoliosis Screening
x	x	Chapter 908/96	Sex Offenders: Disclosure by Law Enforcement Officers
x	x	Chapter 828/97	Standardized Testing and Reporting
Community College Districts			
x	x ¹	Chapter 77/78	Absentee Ballots
x	x	Chapter 961/75	Collective Bargaining
x	x	Chapter 1/84	Health Fee Elimination
x	x	Chapter 783/95	Investment Reports
x	x	Chapter 284/98	Law Enforcement College Jurisdiction Agreements
x	x	Chapter 486/75	Mandate Reimbursement Process
x	x	Chapter 641/86	Open Meetings Act/Brown Act Reform
x	x	Chapter 908/96	Sex Offenders: Disclosure by Law Enforcement Officers
x	x	Chapter 1249/92	Threats Against Peace Officers

If AB3005 is chaptered, these programs will be changed to optional mandates with no additional funding.

AUDIT OF COSTS

All claims submitted to the SCO are reviewed to determine if costs are related to the mandate, costs are reasonable and not excessive, and the claim was prepared in accordance with the claiming instructions. If any adjustments are made to a claim, a "Notice of Claim Adjustment" will be mailed within 30 days after payment of the claim. The notice will specify the claim component adjusted, the amount adjusted, and the reason for the adjustment.

On-site audits will be conducted by the SCO as deemed necessary. Accordingly, documentation to support actual costs claimed must be retained for a period of two years after the end of the calendar year in which the reimbursement claim was filed or last amended. Claim documentation shall be made available to the SCO on request.

RETENTION OF CLAIMING INSTRUCTIONS

For your convenience, the revised claiming instructions in this package have been arranged in alphabetical order by program name. These revisions should be inserted in the School Mandated Cost Manual and the old forms they replace should be removed. The instructions should then be retained permanently for future reference, and the forms should be duplicated to meet your filing requirements. Annually, updated forms and any other information or instructions claimants may need to file claims, as well as instructions and forms for all new programs released throughout the year will be placed on the SCO's web site at www.sco.ca.gov/ard/local/locreim/index/htm.

If you have any questions concerning mandated cost reimbursements, please write to us at the address listed for filing claims, send e-mail to bowen@sco.ca.gov, or call the Local Reimbursements Section at (916) 324-5729.

FILING A CLAIM

1. Introduction

The law in the State of California provides for the reimbursement of costs incurred by local agencies and school districts for costs mandated by the State. Costs mandated by the State means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted after January 1, 1975, or any executive order implementing such statute which mandates a new program or higher level of service of an existing program.

Estimated claims that show costs to be incurred in the current fiscal year and reimbursement claims that detail the costs actually incurred for the prior fiscal year may be filed with the State Controller's Office (SCO). Claims for on-going programs are filed annually by January 15. Claims for new programs are filed within 120 days from the date claiming instructions are issued for the program. A penalty is assessed for late claims. The SCO may audit the records of any local agency or school district to verify the actual amount of mandated costs and may reduce any claim which is excessive or unreasonable.

When a program has been reimbursed for three or more years, the Commission On State Mandates (COSM) may approve the program for inclusion in the State Mandates Apportionment System (SMAS). For programs included in SMAS, the SCO determines the amount of each claimant's entitlement based on an average of three consecutive fiscal years of actual costs adjusted by any changes in the implicit price deflator. Claimants with an established entitlement receive an annual apportionment adjusted by any changes in the implicit price deflator and, under certain circumstances, by any changes in workload. Claimants with an established entitlement do not file further claims for the program.

The SCO is authorized to make payments for costs of mandated programs from amounts appropriated by the State Budget Act, by the State Mandates Claims Fund, or by specific legislation. In the event the appropriation is insufficient to pay claims in full, claimants will receive prorated payments in proportion to the dollar amount of approved claims for the program. Balances of prorated payments will be made when supplementary funds are made available.

The instructions contained in this manual are intended to provide general guidance for filing a mandated cost claim. Since each mandate is administered separately, it is important to refer to the specific program for information relating to established policies on eligible reimbursable costs.

2. Types of Claims

A claimant may file a reimbursement claim for mandated costs incurred during the previous fiscal year or may file an estimated claim for mandated costs to be incurred during the current fiscal year. For mandates included in SMAS, a claimant who had established a base year entitlement would automatically be reimbursed by the SCO for the mandate.

All claims received by the SCO will be reviewed to verify costs. Adjustments to the claims will be made if the amounts claimed are determined to be excessive, improper, or unreasonable. Claims must be filed with sufficient documentation (if required in claiming instructions) to support the costs claimed. The types of documentation required to substantiate a claim are identified in the "Cost Elements of a Claim" section of this manual. The certification on Form FAM-27 must be signed and dated by the entity's authorized officer in order for the SCO to make payment on the claim.

A. Reimbursement Claim

A reimbursement claim is defined by Government Code Section (GC §) 17522 as any claim for costs incurred by a local agency or school district and filed with the SCO against an appropriation made for the purpose of paying the claim.

- A claimant may file an annual reimbursement claim by January 15 following the fiscal year in which costs were incurred for an on-going program. A reimbursement claim must detail the costs actually incurred for a fiscal year. The claim must include supporting documentation if required in claiming instruction to substantiate the costs claimed.
- Prior to January 1, 1990, if a claimant submitted an otherwise valid reimbursement claim after the deadline, the Controller would have paid the claim in an amount equal to 80 percent of the amount that would have been paid had the claim been timely filed. Any reimbursement claim submitted more than one year after the deadline would not be paid.
- After January 1, 1990, the late penalty provision was changed by Chapter 589/89. Any reimbursement claim with a filing deadline that is after January 1, 1990, will be reduced by 10 percent of the approved costs, but not to exceed \$1,000 if it is filed after the deadline.
- Any reimbursement claim submitted more than one year after the deadline will not be paid.
- As added by Chapter 643/99, on October 10, 1999, all initial claims for all fiscal years required to be filed on their initial filing date for a state-mandated local program shall be considered as one claim for the purpose of computing any late claim penalty.

B. Estimated Claim

An estimated claim is defined by GC § 17522 as any claim filed with the SCO during the fiscal year in which the mandated costs are to be incurred by the local agency or school district against an appropriation made to the SCO for the purpose of paying those costs.

- A claimant may file an estimated claim for mandated costs to be incurred during the fiscal year. Estimated claims are due by January 15 of the fiscal year in which the costs are to be incurred or by a date specified in the claiming instructions. After having received payment for an estimated claim, the claimant must file a reimbursement claim by January 15 of the following fiscal year. The reimbursement claim must detail the actual costs incurred for the fiscal year in which the estimated claim was filed. If actual costs are greater than or less than the estimated claim, the balance is either the amount due to the claimant or due from the claimant.

C. Entitlement Claim

An entitlement claim is defined by GC § 17522 as any claim filed by a local agency or school district with the SCO for the sole purpose of establishing or adjusting a base year entitlement for a mandate that has been included in SMAS. School mandates included in SMAS are listed in Appendix A.

Once a mandate has been included in SMAS and the claimant has established a base year entitlement, the claimant will receive automatic payments from the SCO for the mandate. The automatic apportionment is determined by adjusting the claimant's base year entitlement for changes in the implicit price deflator of costs of goods and services to governmental agencies, as determined by the State Department of Finance. For programs approved by the COSM for inclusion in SMAS on or after January 1, 1988, the payment for each year succeeding the three year base period is adjusted according to any changes by both the deflator and average daily attendance. Annual apportionments for programs included in the system are paid on or before November 30 of each year.

- A base year entitlement is determined by computing an average of the claimant's costs for fiscal years 1982-83, 1983-84, 1984-85 or any three consecutive years thereafter. The amount is first adjusted according to any changes in the deflator. The deflator is applied separately to each year's costs for the three years, which comprise the base year. The SCO will perform this computation for each claimant who has filed claims for three consecutive years. If a claimant has incurred costs for three consecutive years but has not filed a claim in each of those years, the claimant may file an entitlement claim, form FAM-

filed a claim in each of those years, the claimant may file an entitlement claim, form FAM-43, to establish a base year entitlement. An entitlement claim does not result in the claimant being reimbursed for the costs incurred, but rather entitles the claimant to receive automatic payments from SMAS.

Claims should be rounded to the nearest dollar. Submit a signed original and one copy of form FAM-27, Claim for Payment, and all other forms and supporting documents (no copies necessary). 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 500
Sacramento, CA 95816

3. Minimum Claim Amount

GC Section 17564 provides that no claim shall be filed pursuant to Sections 17551 and 17561, unless such a claim exceeds two hundred dollars (\$200)¹, provided that a county superintendent of schools or county may submit a combined claim on behalf of school districts, direct service districts, or special districts within their county if the combined claim exceeds \$200, even if the individual school district's, direct service district's, or special district's claims do not each exceed \$200. The county superintendent of schools or the county shall determine if the submission of the combined claim is economically feasible and shall be responsible for disbursing the funds to each school, direct service, or special district. These combined claims may be filed only when the county superintendent of schools or the county is the fiscal agent for the districts. A combined claim must show the individual claim costs for each eligible district. All subsequent claims based upon the same mandate shall only be filed in the combined form unless a school district, direct service district, or special district provides to the county superintendent of schools or county and to the SCO, at least 180 days prior to the deadline for filing the claim, a written notice of its intent to file a separate claim.

4. Eligibility of Costs

Unless specified in the statutes, regulations, or parameters and guidelines, the determination of allowable and unallowable costs for mandates is based on generally accepted accounting principles. The determination of allowable reimbursable mandated costs for unfunded mandates is made by the COSM. The SCO determines allowable reimbursable costs, subject to amendment by the COSM, for mandates funded by special legislation. Unless specified, allowable costs are those direct and indirect costs, less applicable credits, considered to be eligible for reimbursement. In order for costs to be allowable and thus eligible for reimbursement, the costs must meet the following general criteria:

- The cost is necessary and reasonable for proper and efficient administration of the mandate and not a general expense required carrying out the overall responsibilities of government.
- The cost is allocable to a particular cost objective.
- The cost is net of any applicable credits that offset or reduce expenses of items allocable to the mandate.

The SCO has identified certain costs that, for the purpose of claiming mandated costs, are

¹ If AB3000 is chaptered, the minimum claim amount would be increased from \$200 to \$1,000.

unallowable and should not be claimed on the claim forms unless specified as reimbursable under the program. These expenses include, but are not limited to, subscriptions, depreciation, memberships, conferences, workshops, and general education.

5. Cost Elements of a Claim

Claims for reimbursement of mandated costs are comprised of allowable costs that are either direct or indirect. Because each mandate is unique, the cost element guidelines in this chapter are provided as a general reference. If the requirements of a specific mandate differ from these cost guidelines, the requirements outlined under the specific mandate shall take precedence.

A. Direct Costs

A direct cost is a cost that can be identified specifically with a particular program or activity. Costs that are typically classified as direct costs are:

Table 1 Annual Billable Hours

	Days	Hours Per Day	Total Hours
Gross Hours	365	8	2,920
Weekends	104	8	(832)
Holidays	11	8	(88)
Vacation	14	8	(112)
Sick Leave, Misc.	11	8	(88)
Annual Billable Hours			1,800

- As illustrated in Table 1, a claimant may use 1,800 hours for a full-time employee. If a claimant uses an amount less than 1,800 hours as annual billable hours, a computation of how these hours were computed must be included with the claim.
- Compensation of employees for time devoted specifically to the execution of the mandate.
- Cost of materials acquired, consumed, or expended specifically for the purpose of the mandate.
- Services furnished specifically for the mandate by other entities.

(1) Employee Wages, Salaries, and Fringe Benefits

For each of the mandated activities performed, the claimant must list the names of the employees who worked on the mandate, their job classification, hours worked on the mandate, and rate of pay. The claimant may, in-lieu of reporting actual compensation and fringe benefits, use an hourly rate:

- (a) Compute a billable hourly rate for salaried employees to include actual fringe benefit costs. The methodology for converting a salary to a billable hourly rate is to compute the employee's annual salary and fringe benefits and divide by the annual billable hours. Annual billable hours equal the gross annual hours less non-work hours.

Table 2 Annual Billable Rate, Salary + Benefits Method

Formula:	Description:
$[(EAS + Benefits) \div ABH] = ABR$	EAS = Employee's Annual Salary ABH = Annual Billable Hours
$[(\$26,000 + \$7,750)] \div 1,800 \text{ hrs} = \18.75	ABR = Annual Billable Rate

- As illustrated in Table 2, if you assume an employee's compensation was \$26,000 and \$7,750 for annual salary and fringe benefits, respectively, using the "Salary + Benefits Method," the annual billable rate would be \$18.75.
- (b) A claimant may also compute the annual billable rate by using the "Percent of Salary Method."

Table 3 Annual Billable Rate, Percent of Salary Method

Example:		
Step 1: Fringe Benefits as a Percent of Salary		Step 2: Annual Billable Rate
Retirement	15.00 %	Formula: $[(EAS \times (1 + FBR)) \div ABH] = ABR$ $[(\$26,000 \times (1.2981)) \div 1,800] = \18.75
Social Security	6.30	
Health & Dental Insurance	5.25	
Workers Compensation	3.25	
Total	29.80 %	
Description:		
EAS = Employee's Annual Salary		ABH = Annual Billable Hours
FBR = Fringe Benefit Rate		ABR = Annual Billable Rate

- As illustrated in Table 3, both methods produce the same annual billable rate.

Reimbursement for personnel services includes, but is not limited to, compensation paid for salaries, wages and employee fringe benefits. Employee fringe benefits include regular compensation paid to employees during periods of authorized absences (i.e., annual leave, sick leave, etc.) and employer's contributions for social security, pension plans, insurance, workmen's compensation insurance and similar payments. These benefits are eligible for reimbursement as long as they are distributed equitably to all activities. Whether these costs are allowable is based on the following presumptions:

- The amount of compensation is reasonable for the service rendered.
- The compensation paid and benefits received are appropriately authorized by the governing board.
- Amounts charged for personnel services are based on payroll documents that are supported by time and attendance or equivalent records for individual employees.
- The methods used to distribute personnel services should produce an equitable distribution of direct and indirect allowable costs.

For each of the employees included in the claim, the claimant must use reasonable rates and hours in computing the wage cost. If a person of a higher-level job position performs an activity which normally would be performed by a lower-level position, reimbursement for time spent is allowable at the average salary range for the lower-level position. The salary rate of the person at the higher level position may be claimed if it can be shown that it was more cost effective in comparison to the performance by a person at the lower-level position under normal circumstances and conditions. The number of hours charged to an activity should reflect the time expected to complete the activity under normal circumstances and conditions. The numbers of hours in excess of normal expected hours are not reimbursable.

(2) Materials and Supplies

Only those materials and supplies not included in the overhead rate and used exclusively for the mandated activity are reimbursable under this cost element. The claimant must list the materials and supplies that were used to perform the mandated activity, the number of units consumed, the cost per unit, and the dollar amount claimed as a cost. Material and supplies purchased to perform a particular mandated activity are expected to be reasonable in quality, quantity and costs. Purchases in excess of reasonable quality, quantity and costs are not reimbursable. Materials and supplies that are withdrawn from inventory must be charged to the mandated activity based upon a recognized method of pricing, consistently applied.

(3) Contract Services

For each of the activities performed, the claimant must list the name of the consulting firm that was contracted with to provide the service and describe the specific mandated activities performed by the consultant. The claimant must also provide the inclusive dates when the service was performed, the number of hours spent to perform the mandate, and the consultant's hourly billing rate. The hourly billing rate shall not exceed the rate specified in the claiming instructions for the mandated program. The consultant's statement, which includes an itemized list of costs for services performed, must accompany the claim.

(4) Equipment

Equipment purchases and leases (with an option to purchase) are not reimbursable as a direct cost unless specifically allowed by the claiming instructions for a particular mandate. Equipment rentals used solely for the mandate is reimbursable to the extent such costs do not exceed the retail purchase price of the equipment plus a finance charge. For each of the activities performed, the claimant must identify the equipment that was rented the time period for which the equipment was rented and the cost of the rental.

(5) Capital Outlays

Capital outlays for land, building, equipment, furniture and fixtures may be claimed only if the claiming instructions specify them as allowable for the program. If the capital outlays are allowable, the claiming instructions for the mandated program will specify the basis for the reimbursement.

(6) Travel Expenses

Travel expenses are normally reimbursable in accordance with travel rules and regulations of local jurisdictions, except for programs that must be reimbursed in accordance with the State Board of Control travel standards (Refer to Appendix B, State of California Travel Expense Guidelines, for current rates). For each activity performed, the claimant must identify the purpose of the trip, the name and address of the person incurring the expense, the date and time of departure and return for each trip, a description of each expense claimed, the cost of commercial transportation or number of private auto miles traveled, and amount of tolls and parking with receipts over \$10.00.

(7) Documentation

It is the responsibility of the claimant to make available to the SCO, upon request, documentation in the form of general and subsidiary ledgers, purchase orders, invoices, contracts, canceled warrants, equipment usage records, land deeds, receipts, employee time sheets, agency travel guidelines, inventory records, and other relevant documents to support claimed costs. The type of documentation necessary for each claim may differ with the type of mandate.

B. Indirect Cost

Indirect costs are: (a) Incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. Indirect costs can originate in the department performing the mandate or in departments that supply the department performing the mandate with goods, services and facilities. As noted previously, in order for a cost to be allowable, it must be allocable to a particular cost objective. With respect to indirect costs, this requires that the cost be distributed to benefiting cost objectives on bases, which produce an equitable result in relation to the benefits derived by the mandate.

(1) Indirect Costs for Schools

School districts and county superintendents of schools may claim indirect costs incurred for mandated costs. For fiscal years prior to 1986-87, school districts and county superintendents of schools may use the Department of Education Form Nos. J41A or J-73A, respectively, applicable to the fiscal year of the claim. The rate, however, must not be applied to items of direct costs claimed in complying with the mandate if those same costs are included in cost centers identified as General Support (i.e., EDP Codes 400, 405, 410 in Column 3). For the 1986-87 and subsequent fiscal years, school districts and county superintendents of schools may use the Annual Program Cost Data Report, Department of Education Form Nos. J-380 or J-580, respectively, applicable to the fiscal year of the claim.

The amount of indirect costs the claimant is eligible to claim is computed by multiplying the rate by direct costs. When applying the rate, multiply the rate by direct costs not included in total support services EDP No. 422 of the J-380 or J-580. If there are any exceptions to this general rule for applying the indirect cost rate, they will be found in the individual mandate instructions.

(2) Indirect Cost Rate for Community Colleges

A college has the option of using a federally approved rate, utilizing the cost accounting principles from Office of Management and Budget Circular A-21 "Cost Principles for Educational Institutions," or the Controller's methodology outlined in the following paragraphs. If the federal rate is used, it must be from the same fiscal year in which the costs were incurred.

The Controller allows the following methodology for use by community colleges in computing an indirect cost rate for state mandates. The objective of this computation is to determine an equitable rate for use in allocating administrative support to personnel that performed the mandated cost activities claimed by the community college. This methodology assumes that administrative services are provided to all activities of the institution in relation to the direct costs incurred in the performance of those activities. Form FAM-29C has been developed to assist the community college in computing an indirect cost rate for state mandates. Completion of this form consists of three main steps:

- The elimination of unallowable costs from the expenses reported on the financial statements.
- The segregation of the adjusted expenses between those incurred for direct and indirect activities.
- The development of a ratio between the total indirect expenses and total direct expenses incurred by the community college.

The computation is based on total expenditures as reported in "California Community Colleges Annual Financial and Budget Report, Expenditures by Activity (CCFS-311)." Expenditures classified by activity are segregated by the function they serve. Each function may include expenses for salaries, fringe benefits, supplies, and capital outlay. OMB Circular A-21 requires expenditures for capital outlays to be excluded from the indirect cost rate computation.

Generally, a direct cost is one incurred specifically for one activity, while indirect costs are of a more general nature and are incurred for the benefit of several activities. As previously noted, the objective of this computation is to equitably allocate administrative support costs to personnel that perform mandated cost activities claimed by the college. For the purpose of this computation we have defined indirect costs to be those costs which provide administrative support to personnel who perform mandated cost activities. We have defined direct costs to be those indirect costs that do not provide administrative support to personnel who perform mandated cost activities and those costs that are directly related to instructional activities of the college. Accounts that should be classified as indirect costs are: Planning and Policy Making, Fiscal Operations, General Administrative Services, and Logistical Services. If any costs included in these accounts are claimed as a mandated cost, i.e., salaries of employee performing mandated cost activities, the cost should be reclassified as a direct cost. Accounts in the following groups of accounts should be classified as direct costs: Instruction, Instructional Administration, Instructional Support Services, Admissions and Records, Counseling and Guidance, Other Student Services, Operation and Maintenance of Plant, Community Relations, Staff Services, Non-instructional Staff-Retirees' Benefits and Retirement Incentives, Community Services, Ancillary Services and Auxiliary Operations. A college may classify a portion of the expenses reported in the account Operation and Maintenance of Plant as indirect. The claimant has the option of using a 7% or a higher expense percentage is allowable if the college can support its allocation basis.

The rate, derived by determining the ratio of total indirect expenses and total direct expenses when applied to the direct costs claimed, will result in an equitable distribution of the college's mandate related indirect costs. An example of the methodology used to compute an indirect cost rate is presented in Table 4.

Table 4 Indirect Cost Rate for Community Colleges

MANDATED COST INDIRECT COST RATE FOR COMMUNITY COLLEGES						FORM FAM-29C
(01) Claimant				(02) Period of Claim		
(03) Expenditures by Activity				(04) Allowable Costs		
Activity	EDP	Total	Adjustments	Total	Indirect	Direct
Subtotal Instruction	599	\$19,590,357	\$1,339,059	\$18,251,298	\$0	\$18,251,298
Instructional Administration	6000					
Academic Administration	301	2,941,386	105,348	2,836,038	0	2,836,038
Course Curriculum & Develop.	302	21,595	0	21,595	0	21,595
Instructional Support Service	6100					
Learning Center	311	22,737	863	21,874	0	21,874
Library	312	518,220	2,591	515,629	0	515,629
Media	313	522,530	115,710	406,820	0	406,820
Museums and Galleries	314	0	0	0	0	0
Admissions and Records	6200	584,939	12,952	571,987	0	571,987
Counseling and Guidance	6300	1,679,596	54,401	1,625,195	0	1,625,195
Other Student Services	6400					
Financial Aid Administration	321	391,459	20,724	370,735	0	370,735
Health Services	322	0	0	0	0	0
Job Placement Services	323	83,663	0	83,663	0	83,663
Student Personnel Admin.	324	289,926	12,953	276,973	0	276,973
Veterans Services	325	25,427	0	25,427	0	25,427
Other Student Services	329	0	0	0	0	0
Operation & Maintenance	6500					
Building Maintenance	331	1,079,260	44,039	1,035,221	0	1,035,221
Custodial Services	332	1,227,668	33,677	1,193,991	0	1,193,991
Grounds Maintenance	333	596,257	70,807	525,450	0	525,450
Utilities	334	1,236,305	0	1,236,305	0	1,236,305
Other	339	3,454	3,454	0	0	0
Planning and Policy Making	6600	587,817	22,451	565,366	565,366	0
General Inst. Support Services	6700					
Community Relations	341	0	0	0	0	0
Fiscal Operations	342	634,605	17,270	617,335	553,184	(a) 64,151
Subtotal		\$32,037,201	\$1,856,299	\$30,180,902	\$1,118,550	\$29,062,352

Table 4 Indirect Cost Rate for Community Colleges (continued)

MANDATED COST INDIRECT COST RATE FOR COMMUNITY COLLEGES						FORM FAM-29C	
(01) Claimant				(02) Period of Claim			
(03) Expenditures by Activity				(04) Allowable Costs			
Activity	EDP	Total	Adjustments	Total	Indirect	Direct	
General Inst. Sup. Serv. (cont.)	6700						
Administrative Services	343	\$1,244,248	\$219,331	\$1,024,917	\$933,494	(a) \$91,423	
Logistical Services	344	1,650,889	126,935	1,523,954	1,523,954	0	
Staff Services	345	0	0	0	0	0	
Noninstr. Staff Benefit & Incent.	346	10,937	0	10,937	0	10,937	
Community Services	6800						
Community Recreation	351	703,858	20,509	683,349	0	683,349	
Community Service Classes	352	423,188	24,826	398,362	0	398,362	
Community Use of Facilities	353	89,877	10,096	79,781	0	79,781	
Ancillary Services	6900						
Bookstores	361	0	0	0	0	0	
Child Development Center	362	89,051	1,206	87,845	0	87,845	
Farm Operations	363	0	0	0	0	0	
Food Services	364	0	0	0	0	0	
Parking	365	420,274	6,857	413,417	0	413,417	
Student Activities	3663	0	0	0	0	0	
Student Housing	67	0	0	0	0	0	
Other	379	0	0	0	0	0	
Auxiliary Operations	7000						
Auxiliary Classes	381	1,124,557	12,401	1,112,156	0	1,112,156	
Other Auxiliary Operations	382	0	0	0	0	0	
Physical Property Acquisitions	7100	814,318	814,318	0	0	0	
(05) Total		\$38,608,398	\$3,092,778	\$35,515,620	\$3,575,998	\$31,939,622	
(06) Indirect Cost Rate: (Total Indirect Cost/Total Direct Cost)				11.1961%			
(07) Notes							
(a) Mandated Cost activities designated as direct costs per claim instructions.							

C. Offset Against Mandated Claims

As noted previously, allowable costs are defined as those direct and indirect costs, less applicable credits, considered to be eligible for reimbursement. When all or part of the costs of a mandated program are specifically reimbursable from local assistance revenue sources (e.g., state, federal, foundation, etc.), only that portion of any increased costs payable from school district funds is eligible for reimbursement under the provisions of GC § 17561.

Example 1:

As illustrated in Table 5, this example shows how the "Offset against State Mandated Claims" is determined for school districts receiving block grant revenues not based on a formula allocation. Program costs for each of the situations equals \$100,000.

Table 5 Offset Against State Mandates, Example 1

	Program Costs	Actual Local Assistance Revenues	State Mandated Costs	Offset Against State Mandated Claims	Claimable Mandated Costs
1.	\$100,000	\$95,000	\$2,500	\$-0-	\$2,500
2.	100,000	97,000	2,500	-0-	2,500
3.	100,000	98,000	2,500	500	2,000
4.	100,000	100,000	2,500	2,500	-0-
5.	100,000 *	50,000	2,500	1,250	1,250
6.	100,000 *	49,000	2,500	250	2,250

* School district share is \$50,000 of the program cost.

Numbers (1) through (4), in Table 5, show intended funding at 100% from local assistance revenue sources. Numbers (5) and (6) show cost sharing on a 50/50 basis with the district. In numbers (1) through (6), included in the program costs of \$100,000 are state mandated costs of \$2,500. The offset against state mandated claims is the amount of actual local assistance revenues which exceeds the difference between program costs and state mandated costs. This offset cannot exceed the amount of state mandated costs.

In (1), local assistance revenues were less than expected. Local assistance funding was not in excess of the difference between program costs and state mandated costs. As a result, the offset against state mandated claims is zero and \$2,500 is claimable as mandated costs.

In (4), local assistance revenues were fully realized to cover the entire cost of the program, including the state mandate activity; therefore, the offset against state mandated claims is \$2,500.

In (5), the district is sharing 50% of the project cost. Since local assistance revenues of \$50,000 were fully realized, the offset against state mandated claims is \$1,250.

In (6), local assistance revenues were less than the amount expended and the offset against state mandated claims is \$250. Therefore, the claimable mandated costs are \$2,250.

Example 2:

As illustrated in Table 6, this example shows how the offset against state mandated claims is determined for school districts receiving special project funds based on approved actual costs. Local assistance revenues for special projects must be applied proportionately to approved costs.

Table 6 Offset Against State Mandates, Example 2

	Program Costs	Actual Local Assistance Revenues	State Mandated Costs	Offset Against State Mandated Claims	Claimable Mandated Costs
1.	\$100,000	\$100,000	\$2,500	\$2,500	\$-0-
2.	100,000 **	75,000	2,500	1,875	625
3.	100,000 **	45,000	1,500	1,125	375

** School district share is \$25,000 of the program cost.

In (2), the entire program cost was approved. Since the local assistance revenue source covers 75% of the program cost, it also proportionately covered 75% of the \$2,500 state mandated costs, or \$1,875.

If in (3) local assistance revenues are less than the amount expected because only \$60,000 of the \$100,000 program costs were determined to be valid by the contracting agency, then a proportionate share of state mandated costs is likewise reduced to \$1,500. The offset against state mandated claims is \$1,125. Therefore, the claimable mandated costs are \$375.

6. Federal and State Funding Sources

The listing in Appendix C is not inclusive of all funding sources that should be offset against mandated claims but contains some of the more common ones. State school fund apportionments and federal aid for education, which are based on average daily attendance and are part of the general system of financing public schools as well as block grants which do not provide for specific reimbursement of costs (i.e., allocation formulas not tied to expenditures), should not be included as reimbursements from local assistance revenue sources.

7. Governing Authority

The costs of salaries and expenses of the governing authority, such as the school superintendent and governing board, are not reimbursable. These are costs of general government as described by the federal guideline entitled "Cost Principle and Procedures for Establishing Cost Allocation Plans and Indirect Cost Rates for Grants and Contracts with the Federal Government," A-87.

8. Payment of Claim by State Controller's Office

All claims submitted to the SCO are reviewed to determine if the claim was prepared in accordance with the claiming instructions. If any adjustments are made to a claim, the claimant will receive a "Notice of Claim Adjustments" detailing adjustments made by the SCO.

9. Audit of Claim by State Controller's Office

The SCO has the authority to audit the records of a claimant and may reduce any claim, which is determined by the SCO to be excessive or unreasonable. The claimant has the responsibility of retaining, for a period of two years after the end of the calendar year in which the reimbursement claim is filed or last amended, all supporting documents (books of original entry, general and subsidiary ledgers, purchase orders, invoices, canceled warrants and payroll records). In those instances where no funds are appropriated for the program for the fiscal year, which the claim is made, the time for the SCO to initiate an audit commence to run from the date of initial payment of the claim. The claimant also has the responsibility of organizing the claim, supporting work papers and source documents in a manner, which provides the auditor with a clear audit trail from the claim to supporting documents.

10. Source Documents

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets to show evidence of the validity of claimed costs from the date of initial payment of the claim. Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district is subject to audit no later than two years after the end of the calendar year in which the reimbursement claim is filed or last amended. However, if no funds are appropriated for the program for the fiscal year for which the claim is made, the time for the State Controller to initiate an audit shall commence to run from the date of initial payment of the claim.

11. Claim Forms and Instructions

A claimant may submit a computer generated report in substitution for Form-1 and Form-2, provided the format of the report and data fields contained within the report are identical to the claim forms included with these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file an estimated or reimbursement claim. The SCO will revise the manual and claim forms as necessary.

A. Form-2, Component/Activity Cost Detail

This form is used to segregate the detail costs by claim component. In some mandates, specific reimbursable activities have been identified for each component. The expenses reported on this form must be supported by the official financial records of the claimant and copies of supporting documentation, as specified in the claiming instructions, must be submitted with the claims. All supporting documents must be retained for a period of not less than two years after the calendar year in which the reimbursement claim is filed or last amended.

B. Form-1, Claim Summary

This form is used to summarize direct costs by component and compute allowable indirect costs for the mandate. The direct costs summarized on this form are derived from Form-2 and are carried forward to form FAM-27.

Community colleges have the option of using a federally approved rate (i.e., utilizing the cost accounting principles from the Office of Management and Budget Circular A-21) or form FAM-29C.

C. Form FAM-27, Claim for Payment

This form contains a certification that must be signed by an authorized representative of the county. All applicable information from Form-1 must be carried forward onto this form in order for the SCO to process the claim for payment. An original and one copy of the FAM-27 is required.

HEALTH FEE ELIMINATION

1. Summary of Chapters 1/84, 2nd E.S., and Chapter 1118/87

Chapter 1, Statutes of 1984, 2nd E.S., repealed Education Code § 72246 which authorized community college districts to charge a fee for the purpose of providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers. The statute also required community college districts that charged a fee in the 1983/84 fiscal year to maintain that level of health services in the 1984/85 fiscal year and each fiscal year thereafter. The provisions of this statute would automatically repeal on December 31, 1987, which would reinstate the community college districts' authority to charge a health fee as specified.

Chapter 1118, Statutes of 1987 amended Education Code § 72246 to require any community college district that provided health services in the 1986/87 fiscal year to maintain health services at that level in the 1986/87 fiscal year and each fiscal year thereafter. Chapter 8, Statutes of 1993, has revised the numbering of § 72246 to § 76355.

2. Eligible Claimants

Any community college district incurring increased costs as a result of this mandate is eligible to claim reimbursement of these costs.

3. Appropriations

To determine if current funding is available for this program, refer to the schedule "Appropriations for State Mandated Cost Programs" in the "Annual Claiming Instructions for State Mandated Costs" issued in mid-September of each year to community college presidents.

4. Types of Claims

A. Reimbursement and Estimated Claims

A claimant may file a reimbursement claim and/or an estimated claim. A reimbursement claim details the costs actually incurred for a prior fiscal year. An estimated claim shows the costs to be incurred for the current fiscal year.

B. Minimum Claim

Section 17564(a), Government Code, provides that no claim shall be filed pursuant to Section 17561 unless such a claim exceeds \$200 per program per fiscal year.

5. Filing Deadline

- (1) Refer to item 3 "Appropriations" to determine if the program is funded for the current fiscal year. If funding is available, an estimated claim must be filed with the State Controller's Office and postmarked by November 30, of the fiscal year in which costs are to be incurred. Timely filed estimated claims will be paid before late claims.

After having received payment for an estimated claim, the claimant must file a reimbursement claim by November 30, of the following fiscal year regardless whether the payment was more or less than the actual costs. If the local agency fails to file a reimbursement claim, monies received must be returned to the State. If no estimated claim was filed, the local agency may file a reimbursement

claim detailing the actual costs incurred for the fiscal year, provided there was an appropriation for the program for that fiscal year. (See item 3 above).

- (2) A reimbursement claim detailing the actual costs must be filed with the State Controller's Office and postmarked by November 30 following the fiscal year in which costs were incurred. If the claim is filed after the deadline but by November 30 of the succeeding fiscal year, the approved claim must be reduced by a late penalty of 10%, not to exceed \$1,000. Claims filed more than one year after the deadline will not be accepted.

6. Reimbursable Components

Eligible claimants will be reimbursed for health service costs at the level of service provided in the 1986/87 fiscal year. The reimbursement will be reduced by the amount of student health fees authorized per the Education Code § 76355.

After January 1, 1993, pursuant to Chapter 8, Statutes of 1993, the fees students were required to pay for health supervision and services were not more than:

\$10.00 per semester

\$5.00 for summer school

\$5.00 for each quarter

Beginning with the summer of 1997, the fees are:

\$11.00 per semester

\$8.00 for summer school or

\$8.00 for each quarter

The district may increase fees by the same percentage increase as the Implicit Price Deflator (IPD) for the state and local government purchase of goods and services. Whenever the IPD calculates an increase of one dollar (\$1) above the existing amount, the fees may be increased by one dollar (\$1).

7. Reimbursement Limitations

- A. If the level at which health services were provided during the fiscal year of reimbursement is less than the level of health services that were provided in the 1986/87 fiscal year, no reimbursement is forthcoming.
- B. Any offsetting savings or reimbursement the claimant received from any source (e.g. federal, state grants, foundations, etc.) as a result of this mandate, shall be identified and deducted so only net local costs are claimed.

8. Claiming Forms and Instructions

The diagram "Illustration of Claim Forms" provides a graphical presentation of forms required to be filed with a claim. A claimant may submit a computer generated report in substitution for forms HFE-1.0, HFE-1.1, and form HFE-2 provided the format of the report and data fields contained within the report are identical to the claim forms included in these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file estimated and reimbursement claims. The State Controller's Office will revise the manual and claim forms as necessary. In such instances, new replacement forms will be mailed to claimants.

A. Form HFE-2, Health Services

This form is used to list the health services the community college provided during the 1986/87 fiscal year and the fiscal year of the reimbursement claim.

B. Form HFE-1.1, Claim Summary

This form is used to compute the allowable increased costs an individual college of the community college district has incurred to comply with the state mandate. The level of health services reported on this form must be supported by official financial records of the community college district. A copy of the document must be submitted with the claim. The amount shown on line (13) of this form is carried to form HFE-1.0.

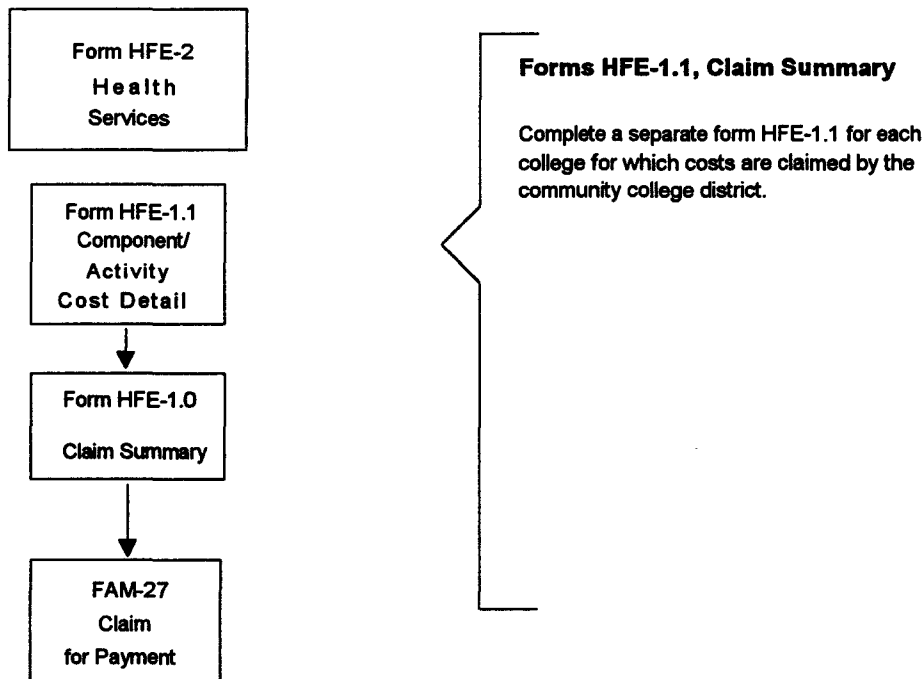
C. Form HFE-1.0, Claim Summary

This form is used to list the individual colleges that had increased costs due to the state mandate and to compute a total claimable cost for the district. The "Total Amount Claimed", line (04) on this form is carried forward to form FAM-27, line 13, for the reimbursement claim, or line (07) for the estimated claim.

D. Form FAM-27, Claim for Payment

This form contains a certification that must be signed by an authorized representative of the local agency. All applicable information from form HFE-1.0 and HFE 1.1 must be carried forward to this form for the State Controller's Office to process the claim for payment.

Illustration of Claim Forms



CLAIM FOR PAYMENT
 Pursuant to Government Code Section 17561
HEALTH FEE ELIMINATION

For State Controller Use Only

(19) Program Number 00029
 (20) Date File _____/_____/_____
 (21) LRS Input _____/_____/_____

LABEL HERE	(01) Claimant Identification Number		Reimbursement Claim Data	
	(02) Mailing Address		(22) HFE-1.0, (04)(b)	
	Claimant Name		(23)	
	County of Location		(24)	
	Street Address or P. O.. Box		(25)	
	City	State	Zip Code	(26)
	Type of Claim	Estimated Claim	Reimbursement Claim	(27)
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>	(28)	
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(29)	
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(30)	
Fiscal Year of Cost	(06) 19__/19__	(12) 19__/19__	(31)	
Total Claimed Amount	(07)	(13)	(32)	
Less: 10% Late Penalty, not to exceed \$1000		(14)	(33)	
Less: Estimated Claim Payment Received		(15)	(34)	
Net Claimed Amount		(16)	(35)	
Due from State	(08)	(17)	(36)	
Due to State		(18)	(37)	

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the local agency to file claims with the State of California for costs mandated by Chapter 1, Statutes of 1984 and Chapter 1118, Statutes of 1987; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, Inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of services of an existing program mandated by Chapter 1, Statutes of 1984 and Chapter 1118, Statutes of 1987.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 1, Statutes of 1984 and Chapter 1118, Statutes of 1987, set forth on the attached statements.

Signature of Authorized Representative _____ Date _____

Type or Print Name _____ Title _____

(39) Name of Contact Person for Claim _____ Telephone Number () _____ Ext. _____

**HEALTH FEE ELIMINATION
Certification Claim Form
Instructions**

**FORM
FAM-27**

- (01) Leave blank.
- (02) A set of mailing labels with the claimant's I.D. number and address has been enclosed with the claiming instructions. The mailing labels are designed to speed processing and prevent common errors that delay payment. Affix a label in the place shown on form FAM-27. Cross out any errors and print the correct information on the label. Add any missing address items, except county of location and a person's name. If you did not receive labels, print or type your agency's mailing address.
- (03) If filing an original estimated claim, enter an "X" in the box on line (03) Estimated.
- (04) If filing an original estimated claim on behalf of districts within the county, enter an "X" in the box on line (04) Combined.
- (05) If filing an amended or combined claim, enter an "X" in the box on line (05) Amended. Leave boxes (03) and (04) blank.
- (06) Enter the fiscal year in which costs are to be incurred.
- (07) Enter the amount of estimated claim. If estimate exceeds the previous fiscal year's actual costs by more than 10%, complete form HFE-1.0 and enter the amount from line (04)(b).
- (08) Enter the same amount as shown in line (07).
- (09) If filing an original reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) If filing an original reimbursement claim on behalf of districts within the county, enter an "X" in the box on line (10) Combined.
- (11) If filing an amended or a combined claim on behalf of districts within the county, 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 reimbursement claim from form HFE-1.0, line (04)(b).
- (14) If the reimbursement claim is filed after November 30 following the fiscal year in which costs were incurred, the claim must be reduced by late penalty. Enter either the product of multiplying line (13) by the factor 0.10 (10% penalty) or \$1,000, whichever is less.
- (15) If you are filing a reimbursement claim and have previously filed an estimated claim for the same fiscal year, enter the amount received for the estimated claim. Otherwise, enter a zero.
- (16) Enter the result of subtracting line (14) and line (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 in line (18) Due to State.
- (19) to (21) Leave blank.
- (22) to (37) Reimbursement Claim Data. Bring forward the cost information as specified on the left-hand column of line (22) for the reimbursement claim [e.g., HFE-1.0, (04)(b), means the information is located on form HFE-1.0, line (04)(b)]. 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 cost percentage should be shown as a whole number and without the percent symbol (i.e., 7.548% should be shown as 8). The claim cannot be processed for payment unless this data block is correct and complete.
- (38) Read the statement "Certification of Claim." If the statement is true, the claim must be dated, signed by the agency's authorized representative and must include the person's name and title, typed or printed. Claims cannot be paid unless accompanied by a signed certification.
- (39) Enter the name of the person and telephone number that this office should contact if additional information is required.

SUBMIT A SIGNED ORIGINAL AND A COPY OF FORM FAM-27, AND A COPY OF ALL OTHER FORMS AND SUPPORTING DOCUMENTS TO:

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

**OFFICE OF THE STATE CONTROLLER
ATTN: Local Reimbursement 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 Reimbursement Section
Division of Accounting and Reporting
3301 C Street, Suite 501
Sacramento, CA 95816**

MANDATED COSTS HEALTH FEE ELIMINATION CLAIM SUMMARY	FORM HFE-1.0
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(01) Claimant	(02) Type of Claim Reimbursement <input type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 19__/19__
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(03) List all the colleges of the community college district identified in form HFE-1.1, line (03)

(a) Name of College	(b) Claimed Amount
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	
21.	
(04) Total Amount Claimed	[Line (3.1b) + line (3.2b) + line (3.3b) + ...line (3.21b)]

HEALTH FEE ELIMINATION CLAIM SUMMARY Instructions	FORM HFE-1.0
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(01) Enter the name of the claimant. Only a community college district may file a claim with the State Controller's Office on behalf of its colleges.

(02) Check a box, Reimbursement or Estimated, to identify the type of claim being filed. Enter the fiscal year for which the expenses were/are to be incurred. A separate claim must be filed for each fiscal year.

Form HFE-1.0 must be filed for a reimbursement claim. Do not complete form HFE-1.0 if you are filing an estimated claim and the estimate is not more than 110% of the previous fiscal year's actual costs. Simply enter the amount of the estimated claim on form FAM-27, line (07). However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, forms HFE-1.0 and HFE-1.1 must be completed and a statement attached explaining the increased costs. Without this information the high estimated claim will automatically be reduced to 110% of the previous fiscal year's actual costs.

(03) List all the colleges of the community college district which have increased costs. A separate form HFE-1.1 must be completed for each college showing how costs were derived.

(04) Enter the total claimed amount of all colleges by adding the Claimed Amount, line (3.1b) + line (3.2b) ...+ (3.21b).

MANDATED COSTS HEALTH FEE ELIMINATION CLAIM SUMMARY	FORM HFE-1.1
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(01) Claimant	(02) Type of Claim	Fiscal Year
	Reimbursement <input type="checkbox"/> Estimated <input type="checkbox"/>	19__/19__

(03) Name of College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, STOP, do not complete the form. No reimbursement is allowed.

LESS SAME MORE

	Direct Cost	Indirect Cost	Total
(05) Cost of health services for the fiscal year of claim			
(06) Cost of providing current fiscal year health services which are in excess of the level provided in 1986/87			
(07) Cost of providing current fiscal year health services at the 1986/87 level [Line (05) - line (06)]			

(08) Complete columns (a) through (g) to provide detail data for health fees

Period for which health fees were collected	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code § 76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code § 76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per fall semester							
2. Per spring semester							
3. Per summer session							
4. Per first quarter							
5. Per second quarter							
6. Per third quarter							

(09) Total health fee that could have been collected	[Line (8.1g) + (8.2g) +(8.6g)]
(10) Sub-total	[Line (07) - line (09)]

Cost Reduction

(11) Less: Offsetting Savings, if applicable	
(12) Less: Other Reimbursements, if applicable	
(13) Total Amount Claimed	[Line (10) - {(line (11) + line (12))}]

**HEALTH FEE ELIMINATION
CLAIM SUMMARY
Instructions**

**FORM
HFE-1.1**

- (01) Enter the name of the claimant. Only a community college district may file a claim with the State Controller's Office on behalf of its colleges.
- (02) Type of Claim. Check a box, Reimbursement or Estimated, to identify the type of claim being filed. Enter the fiscal year of costs.
- Form HFE-1.1 must be filed for a reimbursement claim. If you are filing an estimated claim and the estimate does not exceed the previous year's actual costs by 10%, do not complete form HFE-1.1. Simply enter the amount of the estimated claim on form FAM-27, line (05), Estimated. However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, form HFE-1.1 must be completed and a statement attached explaining the increased costs. Without this information the high estimated claim will automatically be reduced to 110% of the previous fiscal year's actual costs.
- (03) Enter the name of the college or community college district that provided student health services in the 1986/87 fiscal year and continue to provide the same services during the fiscal year of the claim.
- (04) Compare the level of health services provided during the fiscal year of reimbursement to the 1986/87 fiscal year and indicate the result by marking a check in the appropriate box. If the "Less" box is checked, STOP and do not complete the remaining part of this claim form. No reimbursement is forthcoming.
- (05) Enter the direct cost, indirect cost, and total cost of health services for the fiscal year of claim on line (05). Direct cost of health services is identified on the college expenditures report (individual college's cost of health services as authorized under Education Code § 76355 and included in the district's Community College Annual Financial and Budget Report CCFS-311, EDP Code 6440, column 5). **If the amount of direct costs claimed is different than shown on the expenditures report, provide a schedule listing those community college costs that are in addition to, or a reduction to expenditures shown on the report.** For claiming indirect costs, college districts have the option of using a federally approved rate (i.e., utilizing the cost accounting principles from the Office of Management and Budget Circular A-21), or the State Controller's methodology outlined in "Filing a Claim" of the Mandated Cost Manual for Schools.
- (06) Enter the direct cost, indirect cost, and total cost of health services that are in excess of the level provided in the 1986/87 fiscal year.
- (07) Enter the difference of the cost of health services for the fiscal year of claim, line (05), and the cost of providing current fiscal year health services that is in excess of the level provided in the 1986/87 fiscal year, line (06).
- (08) Complete columns (a) through (g) to provide details on the amount of health service fees that could have been collected. **Do not include students who are exempt from paying health fees established by the Board of Governors and contained in Section 58620 of Title 5 of the California Code of Regulations.** After 01/01/93, the student fees for health supervision and services were \$10.00 per semester, \$5.00 for summer school, and \$5.00 for each quarter. Beginning with the summer of 1997, the health service fees are: \$11.00 per semester and \$8.00 for summer school, or \$8.00 for each quarter.
- (09) Enter the sum of Student Health Fees That Could Have Been Collected, (other than from students who were exempt from paying health fees) [Line (8.1g) + line (8.2g) + line (8.3g) + line (8.4g) + line (8.5g) + line (8.6g)].
- (10) Enter the difference of the cost of providing health services at the 1986/87 level, line (07) and the total health fee that could have been collected, line (09). If line (09) is greater than line (07), no claim shall be filed.
- (11) Enter the total savings experienced by the school identified in line (03) as a direct cost of this mandate. Submit a schedule of detailed savings with the claim.
- (12) Enter the total other reimbursements received from any source, (i.e., federal, other state programs, etc.). Submit a schedule of detailed reimbursements with the claim.
- (13) Subtract the sum of Offsetting Savings, line (11), and Other Reimbursements, line (12), from Total 1986/87 Health Service Cost excluding Student Health Fees.

MANDATED COSTS HEALTH ELIMINATION FEE HEALTH SERVICES		FORM HFE-2	
(01) Claimant:	(02) Fiscal Year costs were incurred:		
(03) Place an "X" in columns (a) and/or (b), as applicable, to indicate which health services were provided by student health service fees for the indicated fiscal years.		(a) FY 1986/87	(b) FY of Claim
Accident Reports Appointments College Physician, surgeon Dermatology, family practice Internal Medicine Outside Physician Dental Services Outside Labs, (X-ray, etc.) Psychologist, full services Cancel/Change Appointments Registered Nurse Check Appointments Assessment, Intervention and Counseling Birth Control Lab Reports Nutrition Test Results, office Venereal Disease Communicable Disease Upper Respiratory Infection Eyes, Nose and Throat Eye/Vision Dermatology/Allergy Gynecology/Pregnancy Service Neuralgic Orthopedic Genito/Urinary Dental Gastro-Intestinal Stress Counseling Crisis Intervention Child Abuse Reporting and Counseling Substance Abuse Identification and Counseling Acquired Immune Deficiency Syndrome Eating Disorders Weight Control Personal Hygiene Burnout Other Medical Problems, list Examinations, minor illnesses Recheck Minor Injury Health Talks or Fairs, Information Sexually Transmitted Disease Drugs Acquired Immune Deficiency Syndrome			

MANDATED COSTS HEALTH ELIMINATION FEE HEALTH SERVICES		FORM HFE-2	
(01) Claimant:	(02) Fiscal Year costs were incurred:		
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health services were provided by student health service fees for the indicated fiscal years.		(a) FY 1986/87	(b) FY of Claim
<ul style="list-style-type: none"> Child Abuse Birth Control/Family Planning Stop Smoking Library, Videos and Cassettes 			
First Aid, Major Emergencies			
First Aid, Minor Emergencies			
First Aid Kits, Filled			
Immunizations <ul style="list-style-type: none"> Diphtheria/Tetanus Measles/Rubella Influenza Information 			
Insurance <ul style="list-style-type: none"> On Campus Accident Voluntary Insurance Inquiry/Claim Administration 			
Laboratory Tests Done <ul style="list-style-type: none"> Inquiry/Interpretation Pap Smears 			
Physical Examinations <ul style="list-style-type: none"> Employees Students Athletes 			
Medications <ul style="list-style-type: none"> Antacids Antidiarrheal Aspirin, Tylenol, Etc Skin Rash Preparations Eye Drops Ear Drops Toothache, oil cloves Stingkill Midol, Menstrual Cramps Other, list 			
Parking Cards/Elevator Keys <ul style="list-style-type: none"> Tokens Return Card/Key Parking Inquiry Elevator Passes Temporary Handicapped Parking Permits 			

MANDATED COSTS HEALTH ELIMINATION FEE HEALTH SERVICES		FORM HFE-2	
(01) Claimant:	(02) Fiscal Year costs were incurred:		
(03) Place an "X" in columns (a) and/or (b), as applicable, to indicate which health services were provided by student health service fees for the indicated fiscal years.		(a) FY 1986/87	(b) FY of Claim
Referrals to Outside Agencies Private Medical Doctor Health Department Clinic Dental Counseling Centers Crisis Centers Transitional Living Facilities, battered/homeless women Family Planning Facilities Other Health Agencies			
Tests Blood Pressure Hearing Tuberculosis Reading Information Vision Glucometer Urinalysis Hemoglobin EKG Strep A testing PG Testing Monospot Hemacult Others, list			
Miscellaneous Absence Excuses/PE Waiver Allergy Injections Band-aids Booklets/Pamphlets Dressing Change Rest Suture Removal Temperature Weigh Information Report/Form Wart Removal Others, list			
Committees Safety Environmental Disaster Planning			