

ITEM 13
FINAL STAFF ANALYSIS
PROPOSED PARAMETERS AND GUIDELINES

Education Code Sections 32242, 32243, 32245, 46010.1; 48904, 48904.3, 48987
Welfare and Institutions Code Section 18285

Statutes 1983, Chapter 498; Statutes 1984, Chapter 482; Statutes 1984, Chapter 948;
Statutes 1986, Chapter 196; Statutes 1986, Chapter 332; Statutes 1992, Chapter 445;
Statutes 1992, Chapter 1317; Statutes 1993, Chapter 589; Statutes 1994, Chapter 1172;
Statutes 1996, Chapter 1023; Statutes 2002, Chapter 492

California Code of Regulations, Title 5, Section 11523

Pupil Safety Notices
02-TC-13

San Jose Unified School District, Claimant

EXECUTIVE SUMMARY

On December 4, 2006, the Commission adopted the Statement of Decision for the *Pupil Safety Notices* test claim. The Commission found that test claim statutes and regulation constitute a new program or higher level of service and impose a partially reimbursable state-mandated program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

This program requires(1) school districts to provide, for the first time, notices and information regarding health, safety and legal issues to staff, parents, guardians and students; and (2) for a school district receiving a transfer student, upon notice that the school district from which the student is being transferred has withheld the grades, diploma or transcripts of that student, to continue to withhold the grades, diploma or transcripts of any transfer student, until it receives notice that the district that initiated the decision to withhold, has rescinded the that decision.

On December 7, 2007, the Commission issued proposed draft parameters and guidelines, and on December 20, 2007, the claimant submitted comments requesting non-substantive changes to the proposed draft parameters and guidelines. Staff made those requested changes. Therefore, there are no outstanding issues with these proposed draft parameters and guidelines.

Staff Recommendation

Staff recommends that the Commission adopt the proposed parameters and guidelines, beginning on page 5. Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

Claimant

San Jose Unified School District

Chronology

02/21/03	Claimant files test claim with the Commission on State Mandates (Commission)
05/20/03	Department of Finance (DOF) requests an extension of time to file comments
05/21/03	Commission staff grants extension request
06/13/03	DOF files comments on the test claim
06/27/03	Claimant files rebuttal to state agency comments
09/05/06	Commission issues draft staff analysis
09/18/06	Claimant files e-mail comments on the draft staff analysis
10/13/06	Commission issues final staff analysis and proposed Statement of Decision
12/04/06	Commission adopts Statement of Decision partially approving test claim
12/07/06	Commission issues adopted Statement of Decision and proposed draft parameters and guidelines
12/20/06	Claimant submits comments on proposed draft parameters and guidelines
11/05/07	Commission issues final staff analysis and modified proposed parameters and guidelines

Summary of the Mandate

On December 4, 2006, the Commission adopted the Statement of Decision for the *Pupil Safety Notices* test claim.¹ The Commission found that test claim statutes constitute a new program or higher level of service and impose a partially reimbursable state-mandated program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

This program requires (1) school districts to provide, for the first time, notices and information regarding health, safety and legal issues to staff, parents, guardians and students; and (2) for a school district receiving a transfer student, upon notice that the school district from which the student is being transferred has withheld the grades, diploma or transcripts of that student, to continue to withhold the grades, diploma or transcripts of any transfer student, until it receives notice that the district that initiated the decision to withhold, has rescinded the that decision.

The Commission found that the test claim statutes and regulation impose a partially reimbursable state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 to perform the following activities:

1. For the principal of the school site, within 45 days of receiving lead test survey results from the Department of Health Services, to notify the teachers and other school personnel and parents of the survey results. (Ed. Code, § 32242, subd. (c).)

¹ Exhibit A.

2. For schools to notify parents of the Childhood Lead Poisoning Prevention Act of 1991 upon receiving a finding that a school site has significant risk factors for lead. (Ed. Code, § 32243, subd. (a).)
3. For schools, within 45 days of receiving a finding by the Department of Health Services that a school subject to the Lead-Safe Schools Act has significant risk factors for lead, to notify the teachers, other personnel, and the parents of the finding. (Ed. Code, § 32243, subd. (a).)
4. For school districts to amend an existing notice sent to pupils in grades 7-12 and their parents or guardians to include the provision that “school authorities may excuse any pupil from the school for the purpose of obtaining confidential medical services without the consent of the pupil’s parent or guardian.” This activity is a one-time activity. (Ed. Code, § 46010.1.)
5. To disseminate guidelines, upon request, that describe complaint procedures, adopted by the State Department of Education, to parents or guardians of minor pupils in the primary language of the parent or guardian which he or she can follow in filing a complaint of child abuse by a school employee or other person committed against a pupil at a school site. (Ed. Code, § 48987.)
6. To provide an interpreter for a parent or guardian, whose primary language is other than English, in the case of any communications concerning the guidelines and procedures for filing child abuse complaints committed against a pupil at a school site. (Ed. Code, § 48987.)
7. For the principal of each school with students in grades 11 and/or 12 to distribute to each pupil in those grades an announcement explaining the California High School Proficiency Exam provided for under Education Code section 48412 in time to meet registration requirements for the fall test of that year. (Cal. Code Regs., tit. 5, § 11523.)
8. To establish rules and regulations governing procedures for withholding grades, transcripts, and diplomas. (Ed. Code, § 48904, subd. (b)(3).)
9. For a transferee school, upon notice that a school district has withheld the grades, diploma or transcripts of any pupil pursuant to Education code section 48904, to continue to withhold the grades, diploma or transcripts of any transfer student as authorized by that section, until such time as it receives notice, from the district that initiated the decision to withhold, that the decision has been rescinded under the terms of that section. (Ed. Code, § 48904.3, subd. (a).)

The Commission further found that:

- Funds appropriated pursuant to Education Code section 32245 and Welfare and Institutions Code section 18285, subdivision (e), shall be identified as an offset in the Parameters and Guidelines for purposes of the lead notice activities.
- Any statutes and or executive orders that were pled in this test claim that are not identified above do not constitute a reimbursable state-mandated program.

On December 7, 2006, the Commission issued proposed draft parameters and guidelines.² On December 20, 2007, the claimant submitted comments on the proposed draft parameters and guidelines.³

Discussion

IV. Reimbursable Activities

Staff reviewed the comments received on the proposed draft parameters and guidelines. Based on the claimant's comments, non-substantive changes were made to the *Reimbursable Activities* section of the proposed parameters and guidelines.

In its comments, the claimant requested that the reimbursable activities be renumbered and subheadings added to assist eligible claimants in filing their reimbursement claims. Staff made the changes requested by the claimant.

VII. Offsetting Revenues and Other Reimbursements

In its comments, the claimant indicates that the Commission did not identify any offsets for this program. However, the Statement of Decision states that funds appropriated pursuant to Education Code section 32245 and Welfare and Institutions Code section 18285, subdivision (e), shall be identified as an offset in the Parameters and Guidelines for purposes of the lead notice activities. Staff included this language in the proposed parameters and guidelines.

Staff Recommendation:

Staff recommends that the Commission adopt the proposed parameters and guidelines, beginning on page 5.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

² Exhibit B.

³ Exhibit C.