

ITEM 15
FINAL STAFF ANALYSIS
PROPOSED STATEWIDE COST ESTIMATE

Former Education Code Sections 35294.1, 35294.2, 35294.6, and 35294.8
Statutes 1997, Chapter 736
Statutes 1999, Chapter 996

Amended and Re-numbered as Education Code Sections 32280, 32281, 32282, 32286, 32288
by Statutes 2003, Chapter 828 (SB 719)

Comprehensive School Safety Plans, 98-TC-01, 99-TC10
Kern High School District, Claimant

EXECUTIVE SUMMARY

Summary of the Mandate

The test claim statutes require each school district and county office of education to develop, adopt, and update comprehensive school safety plans that are relevant to the safety needs of each school.

The claimant filed the test claim on July 10, 1998. On July 30, 2002, the Commission adopted amendments to the Statement of Decision adopted on August 23, 2001. On May 29, 2003, the Commission adopted the Parameters and Guidelines. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by November 25, 2003.¹

On July 31, 2003, the Commission adopted consolidated Parameters and Guidelines for *Comprehensive School Safety Plans with Emergency Procedures, Earthquake Procedures and Disasters Programs* (01-PGA-01), for reimbursement claims filed beginning with the 2003-2004 fiscal year. Eligible claimants were required to file initial reimbursement claims with the SCO under the consolidated Parameters and Guidelines by February 3, 2004.

Staff reviewed the summary claims data submitted by claimants and compiled by the SCO. Three hundred and eighty one (381) school districts claimed costs for fiscal years 1997-1998 through 2002-2003.²

¹ The initial reimbursement period begins on January 1, 1998, through June 30, 2003.

² Claims data reported by the SCO as of August 9, 2004.

Based on this review and information received at a pre-hearing conference, staff finalized the proposed statewide cost estimate. This estimate is based on the following assumptions:

- Some school districts may not have filed claims or not claimed costs for one-time activities because the district or its schools had pre-existing compliant plans and did not have to develop new comprehensive school safety plans.
- Small school districts may not have claimed costs for one-time activities because they were exempt from writing and developing a comprehensive school safety plan for *each* school site if there was a *district wide* plan that was applied to each school site.
- School districts that did not incur increased costs of at least \$1,000 per fiscal year did not file reimbursement claims.
- The actual amount claimed could increase if late or amended claims are filed, and could exceed the statewide cost estimate. Late claims for the initial reimbursement period (January 1, 1998 through June 30, 2003) may be filed until November 25, 2004.
- The number of claims and the amount claimed will continue to increase each fiscal year because several large school districts have not filed reimbursement claims.
- Costs for one-time activities will continue to be claimed for development and adoption of school safety plans for new schools if districts do not receive new school planning grants.
- School districts receiving Department of Education grants for specific school sites did not claim costs for those sites unless their reimbursable costs exceeded the amount of the grant.
- School districts receiving Department of Education grants for specific school sites in 2003-2004 and 2004-2005 will not claim costs for those sites through mandate reimbursement claims unless costs exceed the amount of the grant.
- A field review by the SCO will be necessary to determine (1) if appropriate amounts were claimed because there is a wide variation in costs claimed based on the number of schools in a given fiscal year; (2) if some reimbursement claims prematurely included costs for the *Emergency Procedures* or *School Accountability Report Cards* program.
- Any reimbursement claim for this program may be reduced by the SCO if it is audited and deemed to be excessive or unreasonable. Therefore, the total amount of reimbursement for this program may be lower than the statewide cost estimate.

The proposed statewide cost estimate includes eight fiscal years for a total of \$37,096,034. This averages to \$ 4,262,004 annually in costs to the state. The proposed estimate was issued for comment on August 24, 2004, and a pre-hearing conference was held on September 30, 2004. At that time, staff believed that the estimate could be reduced based on offsetting costs that were not deducted from reimbursement claims. After further review and analysis no reductions were made to the proposed estimate. Costs for fiscal years 1997-1998 through 2002-2003 are based on unaudited actual claims data and costs for fiscal years 2003-2004 and 2004-2005 are based on unaudited actual claims data for fiscal year 2002-2003, adjusted by the implicit price deflator.

The following table details the breakdown of total claimed and estimated costs per fiscal year:

Fiscal Year	Number of Claims Filed with SCO	Claim Totals
1997-1998	206	\$ 4,895,498
1998-1999	214	3,394,994
1999-2000	213	3,614,110
2000-2001	254	4,475,053
2001-2002	260	5,446,790
2002-2003	293	4,964,643
2003-2004 (est.)	N/A	5,078,830
2004-2005 (est.)	N/A	5,226,116
	Subtotal	\$37,096,034
	TOTAL	\$37,096,034

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$37,096,034 for costs incurred in complying with the Comprehensive School Safety Plans program. This averages to \$4,262,004 annually in costs for the state. If the statewide cost estimate is adopted, staff will report the estimate to the Legislature.

STAFF ANALYSIS

Background and Summary of the Mandate

Statutes 1997, chapter 736 and Statutes 1999, chapter 996 enacted the *Comprehensive School Safety Plans* program that requires each school district and county office of education to develop and adopt comprehensive school safety plans that are relevant to the safety needs of each school.

The claimant filed the test claim on July 10, 1998. The Commission adopted the Statement of Decision on August 23, 2001, and amended it on July 30, 2002. The Commission found that former Education Code sections 35294.1, 35294.2, 39294.6, and 35294.8 constitute a new program or higher level of service and impose costs mandated by the state within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.³

Parameters and Guidelines

Reimbursable Activities

The Commission approved the following reimbursable activities for this program:

A. One-Time Activities

1. Review Existing Plan

Review the safety plan in existence on December 31, 1997, to determine if it satisfies the requirements of [former] Education Code section 35294.9.

2. Comprehensive School Safety Plans

Schools satisfying [former] Education Code sections 35294.1, subdivision (d) (small school district if it develops a district-wide plan applicable to each school site) and/or [former] section 35294.9 (schools with pre-existing compliant plans) are exempt from activities 2. a-g. Schools that are exempt may not seek reimbursement for these activities.

- a. Write and develop a comprehensive school safety plan relevant to the needs and resources of each school site ([former] Ed. Code, §35294.1, subd. (a) & (b)).
- b. Consult in writing with a law enforcement agency when writing and developing the plan ([former] Ed. Code, § 34294.1, subd. (b)(3)).
- c. Consult, cooperate and coordinate with other school sites, if practical, in developing a school safety plan ([former] Ed. Code, § 35294.2, subd. (d)).
- d. Assess the current status of school crime committed on school campuses and at school-related functions ([former] Ed. Code, §35294.2, subd. (a)(1)).
- e. Identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety ([former] Ed. Code, §35294.2, subd (a)(2)). Any activities already reimbursed under *School Crimes Report II (97-TC-03)*, shall not be reimbursed under *Comprehensive School Safety Plans*.

³ Statutes 2002, chapter 828 (SB 719) amended and re-numbered the test claim statutes to Education Code sections 32281, 32282, 32286, and 32288.

- f. Develop and include procedures in the school safety plan for:
- Child abuse reporting procedures consistent with Article 2.5 (commencing with section 11164) of Title 1 of Part 4 of the Penal Code.
 - Routine and emergency disaster procedures, but only to the extent that these costs are not claimed under *Emergency Procedures, Earthquake Procedures, and Disasters* (Statutes 1985, chapter 1659).
 - Policies pursuant to subdivision (d) of section 48915 (listing particular circumstances for expulsion) for pupils who have committed a listed act and other school-designated serious acts which could lead to suspension, expulsion, or mandatory expulsion recommendations, pursuant to Article 1 (commencing with section 48900) of Chapter 6 of Part 27, but only to the extent that these costs have not been claimed under *Suspensions, Expulsions, and Expulsion Appeals* (Statutes 1975, chapter 1253).
 - The definition of “gang-related apparel” if a school has adopted a dress code. The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment.
 - Procedures for safe ingress and egress of pupils, parents and school employees to and from school.
 - Procedures for a safe and orderly environment conducive to learning at the school.
- g. Integrate existing policies and procedures on sexual harassment, emergency disasters, dress code, notification to teachers of dangerous pupils, and school discipline into the school safety plan.

([former] Ed. Code, §35294.2, subd. (a)(2).)

3. Adoption of the Initial Plan

- a. Before adopting its comprehensive school safety plan, the schoolsite council or school safety planning committee holding a public meeting at the school site to allow members of the public the opportunity to express an opinion about the school safety plan ([former] Ed. Code, §35294.8, subd. (b)). Any activities already reimbursed under the *Open Meetings Act* (Statutes 1986, chapter 641) shall not be reimbursed under the *Comprehensive School Safety Plans*.
- b. Adoption by the school of a comprehensive school safety plan by March 1, 2000 ([former] Ed. Code, §35294.6, subd. (a)).
- c. In order to ensure compliance with this article, submission by each school of its comprehensive school safety plan to the school district or county office of education for approval ([former] Ed. Code, §§35294.2, subd. (f) and 35294.8, subd. (a)).

B. Ongoing Activities

1. Update the Plan

- a. No less than once per year, evaluate and amend, as needed, the comprehensive school safety plan by the school safety planning committee to ensure the plan is properly implemented ([former] Ed. Code, §35294.2, subd. (e)).
- b. On or before March 1 of each year, review and update of the plan ([former] Ed. Code, §35294.6, subd. (a)).
- d. Consult, cooperate and coordinate with other school sites, *if practical*, in updating the safety plan ([former] Ed. Code, §35294.2, subd. (d)).
- e. Commencing in July 2000, and on or before July 1 of each year, each school shall include the status of their safety plan, including a description of its key elements, in the annual school accountability report card (Ed. Code, §35294.6, subd. (b)). Any activities already reimbursed under the *School Accountability Report Cards* program (Statutes 1989, chapter 1463) shall not be reimbursed under *Comprehensive School Safety Plans*.
- f. Submit the updated plan to the school district or county office of education ([former] Ed. Code, §35294.2, subd. (f) and §35294.8, subd. (c)).
- g. On or before October 15 of each year school districts and county offices of education shall report to the State Department of Education any schools that have not complied with the requirement to write and develop a safety plan ([former] Ed. Code, §35294.8, subd. (c)).
- h. Each school district shall make available an updated file of all safety-related plans and materials for public inspection ([former] Ed. Code, §35294.2, subd. (e)).

Offsetting Savings

In fiscal years 2000-2001 and 2001-2002, the California Department of Education (CDE) administered the *Safe School Plans for New Schools Grant Program*. New schools received one-time grants to develop and implement school safety plans. The parameters and guidelines recognize this grant program in section VII. Offsetting Savings and Reimbursements:

Any offsetting savings the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, service fees collected, federal funds and other state funds shall be identified and deducted from this claim. Any grants received under the Safe School Plans for New Schools Grant Program shall be identified and deducted from this claim.

School districts receiving grant funds were instructed to identify and deduct them from costs claimed on their reimbursement claims.

Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by November 25, 2003.

Statewide Cost Estimate

Staff reviewed the claims data submitted by claimants and compiled by the SCO. Three hundred and eighty one (381) school districts and county offices of education claimed costs for at least one year during FY 1997-1998 through 2002-2003.⁴ Four hundred and eighty (480) school districts with fewer than 2501 units of average daily attendance did not file reimbursement claims. And, several large school districts did not file any claims.⁵

Staff made the following assumptions and used the following methodology to develop a statewide cost estimate of the program. If the Commission adopts this statewide cost estimate, the estimate, including staff's assumptions and methodology, will be reported to the Legislature.

Assumptions

Staff made the following assumptions:

- Some school districts may not have filed claims or not claimed costs for one-time activities because the district or its schools had pre-existing compliant plans and did not have to develop new comprehensive school safety plans.
- Small school districts may not have claimed costs for one-time activities because they were exempt from writing and developing a comprehensive school safety plan for *each* school site if there was a *district wide* plan that was applied to each school site.
- School districts that did not incur increased costs of at least \$1,000 per fiscal year did not file reimbursement claims.
- The actual amount claimed could increase if late or amended claims are filed, and could exceed the statewide cost estimate. Late claims for the initial reimbursement period (January 1, 1998 through June 30, 2003) may be filed until November 25, 2004.
- The number of claims and the amount claimed will continue to increase each fiscal year because several large school districts have not filed reimbursement claims.
- Costs for one-time activities will continue to be claimed for development and adoption of school safety plans for new schools if districts do not receive new school planning grants.
- School districts receiving Department of Education grants for specific school sites did not claim costs for those sites unless their reimbursable costs exceeded the amount of the grant.
- School districts receiving Department of Education grants for specific school sites in 2003-2004 and 2004-2005 will not claim costs for those sites through mandate reimbursement claims unless costs exceed the amount of the grant.

⁴ Claims data reported by the SCO as of August 9, 2004.

⁵ Non-filing districts include the following: Oakland Unified School District, Elk Grove Unified School District, San Juan Unified School District, Capistrano Unified School District, Riverside Unified School District, Mt. Diablo Unified School District, Montebello Unified School District, Pomona Unified School District, Kern Union High School District, Lodi Unified School District, and Placentia-Yorba Linda Unified School District.

- A field review by the SCO will be necessary to determine (1) if appropriate amounts were claimed because there is a wide variation in costs claimed based on the number of schools in a given fiscal year; (2) if some reimbursement claims prematurely included costs for the *Emergency Procedures* or *School Accountability Report Cards* program.
- Any reimbursement claim for this program may be reduced by the SCO if it is audited and deemed to be excessive or unreasonable. Therefore, the total amount of reimbursement for this program may be lower than the statewide cost estimate.

Methodology

The proposed statewide cost estimate is based on 1552 actual unaudited reimbursement claims filed by 381 claimants. Staff requested additional information from the Department of Education, State Controller, and claimants to assist in its evaluation of the claiming data.

Department of Education

The test claim statute requires schools to adopt a comprehensive school safety plan by March 1, 2000 and requires school districts to report to the CDE any schools that have not complied with the requirement to write and develop a safety plan.

The Department of Education (CDE) was asked to provide school district level information on the number of schools that have not complied with the requirement to write and develop a safety plan. CDE did not respond to this request but informed Commission staff, "If a district were to discover non-compliance, they would tell the school to create the plan rather than notifying us that CDE needs to fine them."

Staff also requested assistance in determining what adjustments, if any, should be made for offsetting savings and reimbursements that were not deducted from claimed amounts. For example, in FY 2000-2001 and FY 2001-2002, the California Department of Education (CDE) administered a grant program to provide funding to new schools to develop and implement school safety plans. Six million dollars was given to schools during this two-year period. Since the grant monies were intended to cover the cost of developing and implementing the safety plans, school districts that filed reimbursement claims and received grant monies should have identified and deducted offsets from the amounts claimed if the amount claimed included costs for schools that received grants. None of the claims reflected offsets.

A comparison of the list of grantees and claimants disclosed that many districts that received grants did not file reimbursement claims for these fiscal years. However, for FY 2000-2001, 26 school districts filed reimbursement claims, received grant monies earmarked for specific schools, and did not claim offsets.⁶ Likewise, for FY 2001-2002, 25 school districts did the same. Although the parameters and guidelines identify these grant funds as offsets from the costs claimed, if districts did not claim reimbursement for the costs incurred by the grantee schools, then no offset would be necessary. There is no evidence on which staff can justify any offsets to the claimed amounts. Therefore, no adjustments are being made to the totals for these fiscal years.

⁶ California Department of Education List of Grantees, 2000-01 and 2001-02

State Controller's Report on Costs of One-Time Activities v. Ongoing Activities

From the summary data it was unclear how individual school districts were implementing the mandate and claiming costs. Therefore, staff requested additional detail of actual claiming data from the SCO to review how costs for one-time activities and ongoing activities were being claimed.

In response to staff's request, the State Controller's Office provided detailed claims data that included the actual amount claimed for one-time and ongoing activities. Table 1 presents an overview of this detailed claims data. One-time activities include review of the existing safety plan, costs to prepare comprehensive school safety plans for each school site, and adoption of the plan by each school site. Ongoing activities include updating the plan,

TABLE 1.
Total Amount Claimed v Amount Claimed For One-Time Activities
FY 1997-98 Through 2002-03

Fiscal Year	Number of Claimants	Total Amount Claimed	Number of Claims For One-Time Activities	Amount Claimed for One-Time Activities	One-Time Activities as Percent of Total Amount Claimed
1997-98	206	\$4,895,498	202	\$4,529,082	92.5%
1998-99	214	3,394,994	141	653,458	19.3%
1999-00	213	3,614,110	130	573,188	16.0%
2000-01	254	4,475,053	140	3,455,658	77.2%
2001-02	260	5,446,790	134	1,330,826	24.4%
2002-03	293	4,964,643	120	370,153	7.5%

The number of school districts filing reimbursement claims increased each fiscal year; the number of school districts claiming one-time costs declined each fiscal year; and the total amount claimed for ongoing costs to update plans continued to increase after 2000-01.

2003-2004 Projected Costs

For 2003-2004, the Commission consolidated the parameters and guidelines for the *Comprehensive School Safety Plans* program with *Emergency Procedures, Earthquake Procedures and Disasters Programs* (01-PGA-01). Claimants are filing consolidated claims beginning in FY 2003-2004 for both programs. Therefore, staff estimates costs for FY 2003-2004 by multiplying the FY 2002-2003 claim total filed by claimants with the SCO by the implicit price deflator for 2002-2003 (2.3%), as forecast by the Department of Finance.

2004-2005 Projected Costs

For current year, \$1 million was appropriated for new schools to develop school safety plans pursuant to chapter 996, Statutes 1999 for allocation through an application process as determined by the Department of Education. The allocation of these grants will reduce the amount claimed for

one-time costs in budget year. However, this will be reflected by lower costs claimed, or fewer claims being filed for one-time costs.

On August 18, 2004, CDE notified school districts of an apportionment for the *Carl Washington School Safety and Violence Prevention Act Program, Grades Eight Through Twelve, Fiscal Year 2004-2005*. The apportionment of \$80.98 million included amounts deferred from FY 2003-2004. The *School Safety and Violence Prevention Act* is a statewide program to be administered by the Superintendent.

These funds are allocated to school districts on the basis of enrollment of pupils in grades 8-12, inclusive, and may be used for any one or more of the following purposes:

1. Providing schools with personnel, including, but not limited to licensed or certificated school counselors, school social workers, school nurses, and school psychologists, who are trained in conflict resolution. Any law enforcement personnel hired pursuant to this article shall be trained and sworn peace officers.
2. Providing effective and accessible on-campus communication devices and other school safety infrastructure needs.
3. Establishing an in-service training program for school staff to learn to identify at-risk pupils, to communicate effectively with those pupils, and to refer those pupils to appropriate counseling.
4. Establishing cooperative arrangements with local law enforcement agencies for appropriate school-community relationships.
5. For any other purpose that the school or school district determines that would materially contribute to meeting the goals and objectives of current law in providing for safe schools and preventing violence among pupils.⁷

There is no requirement for school districts to use block grant funds for the costs of the *Comprehensive School Safety Plans* program. However, block grant funds may be used “for any other purpose that the school or school district determines would materially contribute to meeting the goals and objectives of current law in providing for safe schools and preventing violence among pupils.” Thus, if schools or school districts serving pupils in grades 8-12 determine that annually updating *comprehensive school safety plans* would materially contribute to meeting the goals and objectives of current law in providing for safe schools and preventing violence among pupils, they may expend block grant funds for the costs of the *Comprehensive School Safety Plans* mandate.

Although the availability of the block grant funds in FY 2004-2005 may reduce the number of claims filed and the costs claimed by districts serving pupils in grades 8-12, there is no evidence in the record to assist staff in recommending a reduction. Without specific language in Education Code section 32228.1, subdivision (b) that specifies that the block grant funds should first be used to implement the requirements of Education Code sections 32280, 32281, 32282, 32286, and 32288, school districts are not required to use these block grant funds for the comprehensive school safety plans mandate.

Even if school districts were required to expend *School Safety and Violence Prevention Act* grants for the *Comprehensive School Safety Plans* mandate, costs would still be claimed by unified school

⁷ Education Code section 32228.1, subdivision (b).

districts and elementary school districts for school sites that serve pupils in kindergarten through grade 7.

Therefore staff did not make any reductions and projected totals for FY 2004-2005 by multiplying the 2003-2004 estimates by the implicit price deflator for 2003-2004 (2.9%).

Proposed Statewide Cost Estimate

The proposed statewide cost estimate includes eight fiscal years for a total of \$37,096,034. This averages to \$4,262,004 annually in costs for the state.

Following is a breakdown of total claimed and estimated costs by fiscal year.

Fiscal Year	Number of Claims Filed with SCO	Claim Totals
1997-1998	206	\$ 4,895,498
1998-1999	214	3,394,994
1999-2000	213	3,614,110
2000-2001	254	4,475,053
2001-2002	260	5,446,790
2002-2003	293	4,964,643
2003-2004 (est.)	N/A	5,078,830
2004-2005 (est.)	N/A	5,226,116
	Subtotal	\$37,096,034
	TOTAL	\$37,096,034

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$37,096,034 for costs incurred in complying with the Comprehensive School Safety Plans program. If the statewide cost estimate is adopted, staff will report the estimate to the Legislature.