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Amended: 9/30/99  
Corrected: 11/18/99  
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## **AMENDMENT TO PARAMETERS AND GUIDELINES**

Welfare and Institutions Code Section 827

Statutes 1984, Chapter 1423

Statutes 1994, Chapter 1019

Statutes 1995, Chapter 71

*Juvenile Court Notices II*

05-PGA-54 (CSM-4475)

This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.

### **I. Summary of the Source of the Mandate**

Section 827 of the Welfare and Institutions Code, as amended by Statutes 1984, chapter 1423, requires that school district superintendents distribute to the relevant schoolsite personnel the written notices provided to them by the juvenile court system regarding pupils enrolled in their district who had been convicted of certain felonies and then to destroy the notices after 12 months. Statutes 1984, chapter 1011, declared this amendment of Section 827 to be a state mandate and made an appropriation to school districts for the costs mandated by the state. The State Controller prepared initial claiming instructions in 1985 ("Chapter 1011, Statutes of 1984-Juvenile Court Notices") and has since then been reimbursing school districts pursuant to annual claiming instructions.

Statutes 1994, chapter 1019, (operative January 1, 1995), amended Welfare and Institutions Code section 827 to require, in addition to the activities mandated by Chapter 1423/84, additional record retention and information dissemination procedures.

Statutes 1995, chapter 71 (operative July 6, 1995), amended Welfare and Institutions Code section 827 to eliminate the requirement that the court records in the confidential student file be removed after 12 months.

### **II. Commission on State Mandates Decision**

The Commission on State Mandates, in the Statement of Decision adopted at the February 29, 1996 hearing found that Welfare and Institutions Code section 827, as amended by Statutes 1984, chapter 1423 and Statutes 1994, chapter 1019, imposes a new program or higher level of service within the meaning of Section 6, Article XIII B of the California Constitution, for school districts and county offices of education to distribute and maintain a record of notices received from the juvenile court system. The Commission also found that Statutes 1995, chapter 71, reduced one records maintenance component of the increased costs imposed by Statutes 1994, chapter 1019.

The Commission determined that the following provisions of Welfare and Institutions Code section 827 established costs mandated by the state pursuant to Government Code section 17514, by requiring:

- (1) The superintendent to expeditiously transmit, upon return of the minor to school, the juvenile court notice to the counselor with direct supervisory or disciplinary responsibility for the minor.
- (2) The information received from the court to be kept in a separate confidential file at the school of attendance and transferred to subsequent schools of attendance until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18, whichever occurs first, after which time the record is to be destroyed.
- (3) School district personnel to destroy any juvenile court information contained in the confidential file 12 months after the particular information is received or 12 months after the pupil returns to school, whichever occurs last. Beginning July 6, 1995, this removal and destruction is no longer required.
- (4) The school principal or the principal's designee to respond in writing within 30 days to a written request of a minor or his or her parent or guardian that the minor's school records be reviewed to ensure that the record has been destroyed.
- (5) The county superintendent to provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent.

The Commission also determined that to the extent that appropriations to reimburse costs mandated by the state by Chapter 1423, Statutes of 1984, continue after December 31, 1994, reimbursement amounts received by school districts and county offices of education according to claiming instructions issued pursuant to Chapter 1011, Statutes of 1984, shall be an offset to the costs mandated by the state pursuant to Chapter 1019, Statutes of 1994, as described by these parameters and guidelines.

### **III. Eligible Claimants**

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

### **IV. Period of Reimbursement**

This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was submitted on March 22, 1994, therefore all mandated costs incurred on or after January 1, 1995, the operative date of Statutes 1994, chapter 1019, for implementation of Welfare and Institutions Code section 827 are reimbursable pursuant to these parameters and guidelines. Note that costs incurred prior to January 1, 1995, as mandated by Statutes 1984, chapter 1423, are reimbursable according to annual claiming instructions issued pursuant to Statutes 1984, chapter 1011-Juvenile Court Notices.

Reimbursable costs are to be claimed by fiscal year. Estimated costs for the subsequent fiscal 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 initial years' costs shall be submitted within

120 days from the date on which the State Controller issues initial claiming instructions on funded mandates enacted by a claims bill.

Claimants shall use the uniform cost allowance specified in Section V. C. for costs incurred beginning in fiscal year 1997-98.

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**

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

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

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

### **A. Scope of the Mandate**

School districts and county offices of education shall be reimbursed for the cost incurred: to transmit the juvenile court notice to the counselor with direct supervisory or disciplinary responsibility for the minor; to maintain the information in a separate confidential file at the school of attendance for a specified period after which the record is to be destroyed; to destroy any juvenile court information contained in the confidential file 12 months after the receipt (Fiscal Year 1994-95 only); to respond in writing within 30 days to written requests that the minor's school records be reviewed to ensure that the record has been destroyed.

The county superintendent to provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent.

### **B. Reimbursable Activities**

For each eligible school district and county office of education, as applicable, the direct and indirect costs of labor, supplies and services incurred for the following mandate components are reimbursable:

#### **1. Superintendent's Distribution of the Notice**

For the superintendent to receive and expeditiously transmit, upon return of the minor to school, the juvenile court notice to the counselor having direct supervisory or disciplinary responsibility over the minor at the school of attendance or to the new school district of attendance.

2. Record Retention and Destruction

For school personnel to maintain any information received from the court in a separate confidential file at the school of attendance until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18, or to transfer the confidential file to the minor's subsequent school of attendance for that school's retention, whichever occurs first, and for fiscal year 1994-95, to destroy any juvenile court information contained in the confidential file 12 months after the particular information is received or the pupil returns to school, whichever occurs last.

3. Responding to Destruction Inquiry

For the principal of the school of attendance, or the principal's designee, to respond in writing within 30 days to written requests of the minor or his or her parent or guardian that the minor's school records be reviewed to ensure that the record has been destroyed.

4. Directory of Schools

For the county superintendent to provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent.

C. UNIFORM COST ALLOWANCE

Pursuant to Government Code Section 17557, the Commission on State Mandates has adopted a uniform cost allowance for reimbursement in lieu of payment of actual costs incurred for Reimbursable Activities 1 through 3.

1. The uniform cost allowance for Reimbursable Activities 1 and 2 shall be thirty-two dollars per notice beginning with fiscal year 1997-98. Claims shall be reimbursed based upon the number of court notices received from the juvenile court system and distributed to school district personnel, multiplied by the uniform cost allowance.

The uniform cost allowance shall be adjusted upward or downward as appropriate each subsequent year by the Implicit Price Deflator referenced in Government Code section 17523.

2. The uniform cost allowance for Reimbursable Activity 3 shall be twenty-two dollars and seventy-five cents per request beginning with fiscal year 1997-98. Claims shall be reimbursed based upon the number of written requests received from parents or guardians to review the record to ensure the record has been destroyed, multiplied by the uniform cost allowance.

The uniform cost allowance shall be adjusted upward or downward as appropriate each subsequent year by the Implicit Price Deflator referenced in Government Code section 17523.

## **VI. Claim Preparation**

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

### **A. Reporting by Component**

Claimed costs must be allocated according to the four components of reimbursable activity described in Section V. B.

### **B. Supporting Documentation**

Determination of the adequacy of claimants' supporting documentation is within the purview of the State Controller, as permitted by law.

#### **1. Employee Salaries and Benefits**

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

#### **2. Materials and Supplies**

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

#### **3. Contracted Services**

Give the name(s) of the contractor(s) who performed the service(s). Describe the activities performed by each named contractor, actual time spent on the mandate, inclusive dates when services were performed and itemize all costs for services performed.

#### **4. Allowable Overhead Cost**

a. School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.

b. County offices of education must use the J-73A (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.

### **C. Cost Accounting Statistics**

The State Controller is directed to include in its claiming instructions each year the requirement that claimants report to the State Controller the following statistics for the purpose of establishing a database for potential future reimbursement based on prospective rates:

- a. Average daily attendance each fiscal year beginning 1994-95.

- b. Number of juvenile court notices received each fiscal year beginning 1994-95.

## **VII. Record Retention**

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter<sup>1</sup> is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section V, must be retained during the period subject to audit. If the Controller has initiated an audit during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

## **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., service fees collected, federal funds, other state funds, etc., shall be identified and deducted from this claim. The Commission has identified as a specific offset any payments received under Statutes, chapter 1011.

## **IX. Required Certification**

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

## **X. Parameters and Guidelines Amendments**

Pursuant to Title 2, California Code of Regulations, section 1183.2, parameters and guidelines amendments 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. A parameters and guidelines amendment 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.

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<sup>1</sup> This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.