

BEFORE THE
COMMISSION ON STATE MANDATES

Claim of:

Rio Hondo Community College District
Claimant

No. CSM-4206

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on November 20, 1986, in Sacramento, California, during a regularly scheduled meeting of the commission. Patrick Sisneros, Attorney at Law, and Dr. Timothy M. Wood, Vice-President of Administrative Affairs, appeared on behalf of the Rio Hondo Community College District. Steve Nakamura, Program Analyst, appeared on behalf of the California Community Colleges Chancellor's Office. Carol Miller of Education Mandated Costs Network also testified at the hearing. There were no other appearances.

Evidence both oral and documentary having been introduced, the matter submitted, and a vote taken, the commission finds:

I.

NOTE

1. The finding of a reimbursable mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; a timely-filed claim for reimbursement; and a subsequent review of the claim by the State Controller.

11.

FINDINGS OF FACT

1. The test claim was filed with the Commission on State Mandates on November 27, 1985, by the Rio Hondo Community College District.
2. The subject of the claim is Statutes of 1984, 2nd Extraordinary Session, Chapter 1.
3. Chapter 1/84, 2nd E.S., repealed Section 72244 of the Education Code which provided for an optional health services program to be implemented at the California Community College Districts' discretion and repealed Section 72246 which provided the fee structure the districts could charge students to fund the program.
4. Chapter 1/84, 2nd E.S., added Section 72246.5 to the Education Code and required 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.
5. A program which was optional is now required by Chapter 1, Statutes of 1984, 2nd E.S. of any community college district which levied a health services fee in fiscal year 1983-84,
6. During fiscal year 1983-84 Rio Hondo Community College District provided a health services program and assessed a health services fee. Therefore, the Rio Hondo Community College District has incurred increased costs as a result of having to provide a health services program while having its authority to assess a health services fee removed.
7. The Rio Hondo Community College District's increased costs are costs mandated by the state.
8. Government Code Section 17514 defines the term "costs mandated by the state" as any increased costs which a local agency is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.
9. None of the requisites for denying a claim, specified in Government Code Section 17556, subdivision (a), were established.

11.

DETERMINATION OF ISSUES

1. The commission has jurisdiction to decide the claim under authority of Government Code Section 17551.

2. Education Code Section 72246.5 as added by Chapter 1, Statutes of 1984, 2nd E.S., imposes a reimbursable state mandate upon local school districts. The Rio Hondo Community College District has established that this statute has imposed a new program by requiring community college districts, which levied a health services fee in fiscal year 1983-84 for an optional health services program, to provide the health services program without the authority to levy a fee.

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