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PARAMETERS AND GUIDELINES

Education Code Section 35 160.5, Subdivision (c)
Chapter 161, Statutes of 1993
Chapter 915, Statutes of 1993

Intradistrict Attendance

I. SUMMARY OF THE SOURCE OF THE MANDATE

Chapter 161, Statutes of 1993, added Education Code section 35 160.5, subdivision (c), to require the governing board of each school district, on or before July 1, 1994, to prepare and adopt rules establishing and implementing a policy of open enrollment within the district for residents of the district, which provides that: the parent or guardian of each schoolage child who is a resident in the district may select the schools the child shall attend; once the intradistrict transfer is selected, evaluating the transfer to ascertain the impact of the transfer upon the maintenance of appropriate racial and ethnic balances among the respective schools; intradistrict attendance in excess of schoolsite attendance area capacity shall be determined by a random, unbiased process that prohibits an evaluation of whether any pupil should be enrolled based upon his or her academic or athletic performance; and, no pupil who currently resides in the attendance area of a school shall be displaced by pupils transferring from outside the attendance area.

Chapter 915, Statutes of 1993, amended Education Code section 35 160.5, subdivision (c), to specify that the intradistrict attendance program does not apply to school districts of only one school or schoolsites serving different grade levels and that the school district shall determine the capacity of the schools of the district.

II. COMMISSION ON STATE MANDATES DECISION

The Commission on State Mandates, in the Statement of Decision adopted at the January 19, 1995 hearing determined that Education Code section 35 160.5, subdivision (c), paragraphs (1) and (2), as added by Chapter 161, Statutes of 1993 and amended by Chapter 915, Statutes of 1993, imposes a new program or higher level of service for school districts within the meaning of Section 6, Article XIII B of the California Constitution.

The Commission determined that the following provisions of Education Code Section 35 160.5, subdivision (c), paragraphs (1) and (2), established costs mandated by the state pursuant to Government Code section 175 14, by requiring school districts (with some statutorily defined exceptions) to:

- 1) Prepare and adopt rules and regulations, and establish a policy of open enrollment for pupils of the district on or before July 1, 1994, pursuant to paragraph (1) of subdivision (c).
- 2) Establish and operate a random selection process in excess of schoolsite capacity pursuant to item (B) of paragraph (2) of subdivision (c).
- 3) Determine the attendance area capacity of the schools in its district, pursuant to item (B) of paragraph (2) of subdivision (c).
- 4) Evaluate each selected request for intradistrict attendance for its impact on district racial and ethnic balances pursuant to item (A) of paragraph (2) of subdivision (c).

In addition, other changes made to Education Code section 35 160.5, subdivision (c), paragraph (3), of Chapter 161/93 and Chapter 915/93, do not impose a new program or higher level of service in an existing program within the meaning of section 6 of article XIII B of the California Constitution and Government Code section 175 14.

III. ELIGIBLE CLAIMANTS

Any "school district", as defined in Government Code section 175 19, except for county offices of education and community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement.

IV. 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 February 22, 1994, therefore all mandated costs incurred on or after January 1, 1994 (the operative date of the two statutes), for implementation of Education Code Section 35 160.5, subdivision (c), paragraphs (1) and (2), 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 initial years' 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 provided for by Government Code section 17564.

V. REIMBURSABLE COSTS

A. SCOPE OF THE MANDATE

School districts shall be reimbursed for the costs incurred for the governing board of each school district, on or before July 1, 1994, to adopt rules establishing and implementing a policy of open enrollment within the district for residents of the district which provides that: the parent or guardian of each schoolage child who is a resident in the district may select the schools the child shall attend; once the intradistrict transfer is selected, evaluating the transfer to ascertain the impact of the transfer upon the maintenance of appropriate racial and ethnic balances among the respective schools; intradistrict attendance in excess of schoolsite capacity as established by the district shall be determined by a random, unbiased process that prohibits an evaluation of whether any pupil should be enrolled based upon his or her academic or athletic performance; and, no pupil who currently resides in the attendance area of a school shall be displaced by pupils transferring from outside the attendance area.

B. REIMBURSABLE ACTIVITIES

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

1. Policy and Procedures
Preparation and adoption of rules and procedures regarding the intradistrict open enrollment plan for the district.
2. Random Selection Process
Establishing and operating a random, unbiased selection process in excess of schoolsite capacity for intradistrict transfers which also insures that no pupil who currently resides in the attendance area of a school will be displaced by pupils transferring from outside the attendance area.
3. Schoolsite Capacity
Determining the total enrollment and program capacity of each school in the district.
4. Impact on Demographics
Evaluating each selected intradistrict transfer to ascertain the impact of the requested transfer upon the maintenance of appropriate racial and ethnic balances among the respective schools.

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 COMPONENTS

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

B. SUPPORTING DOCUMENTATION

Claimed costs should be supported by the following information:

1. Employee Salaries and Benefits

Identify the employee(s) and their job classification, 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. Materials and Supplies

Only the 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. Contracted Services

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

4. Allowable Overhead Cost

School districts must use the J-380 (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. Number of intradistrict transfers requested each year.

- b. Number of intradistrict transfers granted each year.
- c. Average daily attendance for the district for each year.

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. Pursuant to Government Code section 17558.5, these documents must be retained by the agency submitting the claim for a period of no less than four years after the end of the calendar year in which the reimbursement claim is filed, and made available on the request of the State Controller.

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 not specifically identified any specific offsetting savings from state or federal sources applicable to this mandate.

VIII. 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 cost mandated by the state contained herein.