

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Sections 48213 and 48214, as
added by Chapter 668, Statutes of 1978, and
filed on March 9, 1994,

By San Diego Unified School District,
Claimant

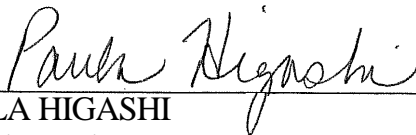
NO. CSM-4457/4477

ADOPTION OF PARAMETERS AND
GUIDELINES PURSUANT TO
GOVERNMENT CODE SECTION 17557
AND TITLE 2, CCR, SECTION 1183.12

The Commission on State Mandates on January 29, 1998 adopted the attached Parameters and
Guidelines.

February 6, 1998

Date



PAULA HIGASHI
Executive Director

Adopted Parameters and Guidelines

Chapter 668, Statutes of 1978
Education Code Section 48213
Education Code Section 48214

Pupil Exclusions

I. Summary of the Source of the Mandate

Education Code sections 48213, as added by Chapter 668, Statutes of 1978, requires school districts to

- (1) send a notice to a pupil's parent or guardian prior to excluding a pupil of filthy or vicious habits or a pupil suffering from a contagious or infectious disease,
- (2) grant the parent or guardian the right to meet with the governing board concerning the exclusion or proposed exclusion,
- (3) conduct the meeting in accordance with certain procedural rules, and
- (4) provide periodic review of the exclusion in accordance with procedures adopted pursuant to Education Code section 482 14.

Education Code section 48213 also defines emergency situations in which a pupil may be excluded prior to written notification of the parent(s) or guardian(s).

Education Code sections 48214, as added by Chapter 668, Statutes of 1978, requires school district governing boards to adopt rules and regulations governing periodic reviews of their decisions to exclude pupils.

Health and Safety Code section 120230 (former section 3 118) provides that no pupil who resides where any contagious, infectious or communicable disease exists or has recently existed, and that is subject to strict isolation or quarantine, shall be permitted to attend school except by written permission of a county health officer.

Education Code section 4945 1 provides that, when a pupil's parent or guardian has refused to consent to a physical examination of his or her child, and there is good reason to believe that the pupil is suffering from a recognized contagious or infectious disease, the pupil shall be excluded from school until school authorities are satisfied that no contagious or infectious disease exists.

II. Commission On State Mandates Decision

The Commission on State Mandates, in the Statement of Decision adopted at the March 27, 1997 hearing, determined that certain provisions of Education Code sections 482 13 and 482 14,

as added by Chapter 668, Statutes of 1978, impose a reimbursable state mandated program upon school districts within the meaning of Section 6, Article XIII B of the California Constitution and section 175 14 of the Government Code.

III. Eligible Claimants

Any "school district", as defined in Government Code section 175 19, except for 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 March 9, 1994; therefore, all mandated costs incurred on or after July 1, 1993 for compliance with Education Code sections 482 13 and 482 14 are eligible for reimbursement.

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, subdivision (d)(1) of the Government Code, all claims for reimbursement of initial years' costs shall be submitted within 120 days of release of claiming instructions by the State Controller.

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

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

A. Rules and Regulations.

Adopting rules and regulations for periodic reviews of governing board decisions to exclude students pursuant to Education Code section 48211.

B . Exclusion Report.

Reporting the facts supporting the pupil's exclusion to the governing board when the exclusion is based upon Health and Safety Code section 120230 (former section 3 118) or Education Code section 4945 1, or when the pupil's continued presence at school would constitute a clear and present danger to the life, safety or health of other pupils or school personnel. The school principal or other responsible school official may make the report, which may be oral or written.

C. Specified Statements in the Exclusion Notice.

Inclusion of the following statements in the governing board's written notice to the pupil's parent(s) or guardian(s):

1. a statement that the parent or guardian shall have the opportunity to inspect all documents which the governing board relied upon in its decision to exclude or propose to exclude;
2. a statement that the exclusion of the pupil is subject to periodic review; and
3. a statement of the procedures set by the governing board for such periodic review.

The required statements may be included by the attachment of a standard form or inclusion of 'boiler plate' text within the written notice, or by any other cost-effective method selected by the claimant.

D. Providing Access to Documents.

Providing access to the parent(s) or guardian(s) of the pupil who is proposed for exclusion to the following documents: upon which the governing board relied in its decision to propose exclusion, as follows:

1. If the pupil who is proposed for exclusion is 18 years of age or older, all documents upon which the governing board relied in its decision to propose exclusion, or
2. If the pupil who is proposed for exclusion is less than 18 years of age, those documents on which the governing board relied in its decision to propose exclusion which are not "education records" as defined in 20 U. S .C. section 1232g, subdivision (a)(4).

E. 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 total actual costs incurred. The uniform cost allowance is applied only to component C above. The total cost will be determined by multiplying the uniform cost allowance by the number of pages in the standard text and then multiplying that sum by the number of pupils excluded pursuant to Health and Safety Code section 120230 (former section 3 118) or Education Code section 4945 1, or when the pupil's continued presence at school would constitute a clear and present danger to the life, safety or health of other pupils or school personnel.

Only those pages which are necessary to comply with subparagraphs (2), (3), and (4) of Education Code section 48213, are reimbursable under the uniform cost allowance.

For fiscal year 1993-94, the uniform cost allowance is \$. 150 per page for the cost of including specified information in the notice of exclusion. The uniform cost allowance covers all costs (direct and indirect) of performing activities described under Section V. Reimbursable Costs, Component C. Exclusion Notice. The cost per page will be adjusted each subsequent fiscal year by changes in the Implicit Price Deflator provided under 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 Components

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

B. Supporting Documentation

Except as provided for under the Uniform Cost Allowance Reimbursement (Section V.E.), 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 Costs

- (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-580 (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 number of pupils excluded pursuant to Health and Safety Code section 120230 (former section 3 118) or Education Code section 49451, or when the pupil's continued presence at school would constitute a clear and present danger to the life, safety or health of other

pupils or school personnel. This information is being collected for the purpose of establishing a database for potential future reimbursement based on prospective rates. The initial claiming instructions shall request that claimants send a copy of the completed form xxx-1 for each of the initial years' reimbursement claims by mail or facsimile to the Commission on State Mandates, 1300 I Street, Suite 950, Sacramento, CA 95814, Facsimile: (916) 445-0278. Providing this information is not a condition of payment; however, claimants are encouraged to provide this information to enable the Commission to develop a statewide cost estimate and recommend an appropriation to the Legislature.

VI I. Supporting Data

For audit purposes, all supporting documents must be retained for a period of two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. When no funds are appropriated for the initial claim at the time the claim was filed, supporting documents must be retained for two years from the date of initial payment of the claim. Such documents shall be made available to the State Controller's Office on request.

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; including, but not limited to service fees collected, federal funds, and other state funds, shall be identified and deducted from this claim. The Commission has not identified any specific offsetting savings from state or federal sources applicable to this mandate.

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.