
**REPORT TO THE
CALIFORNIA LEGISLATURE:
APPROVED MANDATE CLAIMS**

May 1, 1998 - December 31, 1998

COMMISSION ON STATE MANDATES

**Craig L. Brown, Chairperson
Paul F. Miner, Member
Kathleen Connell, Member
Matthew Fong, Member
Albert P. Beltrami, Member
Joann Steinmeier, Member
Tom Stallard, Member**

**Paula Higashi
Executive Director**

COMMISSION ON STATE MANDATES

1300 I STREET, SUITE 950
SACRAMENTO, CA 95814
(916) 323-3562



December 29, 1998


Mr. Gregory Schmidt
Secretary of the Senate
California State Legislature
State Capitol, Room 3044
Sacramento, California 95814

Dear Mr. Schmidt:

Enclosed is the Commission on State Mandates' Report to the Legislature required by section 17600 of the Government Code. This section provides that at least twice each calendar year the Commission report to the Legislature on the number of mandates it has found, the estimated statewide cost of each mandate, and the reasons for recommending reimbursement.

If you have questions regarding this report, contact me at (916) 323-3562.

Sincerely,


PAULA HIGASHI
Executive Director

Enclosure

c: w/encl.

Honorable Patrick Johnston, Chairperson, Senate Appropriations Committee
Honorable Steve Peace, Chairperson, Senate Budget and Fiscal Review Committee and
Chairperson, Joint Legislative Budget Committee
Ms. Elizabeth G. Hill, Legislative Analyst
Mr. Rick Simpson, Legislative Secretary, Governor's Office

COMMISSION ON STATE MANDATES

1300 I STREET, SUITE 950
SACRAMENTO, CA 95814
(916) 323-3562



December 29, 1998

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
California State Legislature
State Capitol, Room 3196
Sacramento, California 95814

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If you have questions regarding this report, contact me at (916) 323-3562.

Sincerely,

A handwritten signature in cursive script that reads "Paula Higashi".

PAULA HIGASHI
Executive Director

Enclosure

c: w/encl.

Honorable Patrick Johnston, Chairperson, Senate Appropriations Committee
Honorable Steve Peace, Chairperson, Senate Budget and Fiscal Review Committee and
Chairperson, Joint Legislative Budget Committee
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INTRODUCTION

Section 17600 of the Government Code requires the Commission on State Mandates (Commission) to report to the Legislature at least twice each calendar year on the number of mandates it has found, the estimated statewide costs of each mandate, and the reasons for recommending reimbursement.

Section 17612, subdivision (a), of the Government Code provides that upon receipt of this report, a local government claims bill shall be introduced in the Legislature. This section further states that, at its introduction, the bill shall provide for an appropriation sufficient to pay the estimated costs of the mandates approved by the Commission. If the Legislature deletes funding for a mandate from a local government claims bill, the local agency or school district may file an action in declaratory relief in the Superior Court of the County of Sacramento to declare the mandate unenforceable and enjoin its enforcement pursuant to Section 17612, subdivision (c), of the Government Code.

Section 17561.5, subdivision (a), of the Government Code states that if payment for an initial reimbursement claim is being made more than 365 days after adoption of the statewide cost estimate, the Controller shall include accrued interest at the Pooled Money Investment Account rate.

The following pages contain a summary of the reimbursable mandate findings for which the Commission has adopted statewide cost estimates during the period from May 1, 1998 through December 31, 1998.

FISCAL SUMMARY

Breakout of Costs for New Mandates

Investment Reports

Government Code Section 53646 (a), (b), & (e)

Statutes of 1995, Chapter 783

Statutes of 1996, Chapters 156 & 749..... \$15,339,000

Habitual Truant (a.k.a. Truancy Counseling)

Education Code Sections 48262 & 48264.5

Statutes of 1975, Chapter 1184

Statutes of 1994, Chapter 1023..... \$16,182,000

Pupil Exclusions

Education Code Sections 48213 & 48214

Statutes of 1978, Chapter 668..... \$2,973,000

Pupil Suspensions

Education Code Section 48911, Subdivisions (b) and (e)

Statutes of 1977, Chapter 965, Statutes of 1978, Chapter 668

Statutes of 1980, Chapter 73, Statutes of 1983, Chapter 498

Statutes of 1985, Chapter 856, Statutes of 1987, Chapter 134..... \$5,400,000

Totals

Non-Proposition 98..... \$14,300,000

Proposition 98..... \$25,594,000

Total Proposed for 1999 Claims Bill..... \$39,894,000

Investment Reports

Statewide Cost Estimate
Adopted November 30, 1998

Government Code Section 53646 (a), (b), & (e)
Statutes of 1995, Chapter 783
Statutes of 1996, Chapters 156 & 749

Mandate Summary

Eligible Claimants

Any county, city, city and county, community college district, or other public agency or corporation (includes school districts as defined in Government Code section 17519).

Basis for Mandate

The subject provision requires local agencies to establish and update policies and procedures relating to investment reports, accumulate and compile data for the report, and prepare and render a quarterly report and an annual report.

Reimbursable Mandated Activities

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

1) Policies and Procedures

Establish and update the policies and procedures for accumulating and compiling data necessary to prepare the quarterly report of investments as required in Government Code section 53646, subdivision (b)(1) or (e), as applicable, and subdivisions (b)(2) and (b)(3).

2) Data Acquisition and Compilation

Accumulate and compile data necessary to prepare the quarterly report of investments as required in Government Code section 53646, subdivision (b)(1) or (e), as applicable, and subdivisions (b)(2) and (b)(3).

3) Quarterly Report of Investments

Prepare and render [submit] the quarterly report of investments as required in Government Code section 53646, subdivision (b)(1) or (e), as applicable, and subdivisions (b)(2) and (b)(3), containing the information required in either subdivision (b)(1) or subdivision (e), as applicable, and subdivisions (b)(2) and (b)(3).

4) Rendering Statement of Investment Policy

Render [submit] the annual statement of investment policy to the legislative body of the local agency.

Statewide Cost Estimate

Following is a breakdown of estimated total costs per fiscal year:

| Fiscal Year | Totals |
|--------------------------------------|----------------------------|
| School Districts: | |
| 1995-96 | \$106,176 |
| 1996-97 | \$294,033 |
| 1997-98 | \$208,776 |
| 1998-99 | \$212,743 |
| 1999-00 | \$217,636 |
| Total for School Districts | \$1,039,364 |
| Rounded | \$1,039,000 |
| Other Local Government: | |
| 1995-96 | \$1,627,955 |
| 1996-97 | \$3,078,253 |
| 1997-98 | \$3,133,662 |
| 1998-99 | \$3,193,201 |
| 1999-00 | \$3,266,645 |
| Total for Other Local Govt. | \$14,299,716 |
| Rounded | \$14,300,000 |
| Statewide Cost Estimate Total | <u>\$15,339,000</u> |

Habitual Truant (a.k.a. Truancy Counseling)

Statewide Cost Estimate
Adopted November 30, 1998

Education Code Sections 48262 & 48264.5
Statutes of 1975, Chapter 1184
Statutes of 1994, Chapter 1023

Mandate Summary

Eligible Claimants

Any "school district", as defined in Government Code section 17519, except for community colleges.

Basis for Mandate

The subject provisions require school districts to verify pupils' prior truanancies, make a conscientious effort to schedule a parent conference, schedule and hold the conference, and reclassify pupils as habitual truants, when necessary.

Reimbursable Mandated Activities

For each eligible claimant, the direct and indirect costs of labor, supplies and services incurred for the following mandated activities are eligible for reimbursement:

A. Verifying Prior Truanancies

Review of school district records to verify that the pupil has been reported as a truant at least four times during the same school year.

B. Making a Conscientious Effort to Schedule a Parent Conference

Make a conscientious effort to schedule a conference with the pupil's parent or guardian, the pupil and an appropriate school district employee, by:

1. Sending notice (by certified mail, if necessary) to the pupil's parent or guardian inviting the parent or guardian and the pupil to attend a conference with an appropriate school district employee; and
2. Making a final effort to schedule a conference by placing a telephone call to the parent/guardian, and by placing return calls to the parent/guardian.

C. Scheduling and Holding a Conference

If a conscientious effort results in the parent's or guardian's agreement to confer, schedule and hold a conference.

D. Reclassifying Pupils

After the school district has made a conscientious effort to schedule a conference (whether or not this effort resulted in a conference), reclassify the pupil as a habitual truant.

Statewide Cost Estimate

Following is a breakdown of estimated total costs per fiscal year:

| Fiscal year | Totals |
|----------------------|---------------------|
| 1995-96 | \$2,596,543 |
| 1996-97 | \$3,482,687 |
| 1997-98 | \$3,300,126 |
| 1998-99 | \$3,362,828 |
| 1999-00 | \$3,440,173 |
| Total | \$16,182,357 |
| Rounded Total | \$16,182,000 |

Pupil Exclusions

Statewide Cost Estimate
Adopted November 30, 1998

Education Code Sections 48213 & 48214
Statutes of 1978, Chapter 668

Mandate Summary

Eligible Claimants

Any "school district", as defined in Government Code section 17519, except for community colleges.

Basis for Mandate

The subject provisions require school districts to adopt rules and regulations relating to pupil exclusions, report the facts supporting the exclusion, include the required statements in the exclusion notice to the parent(s) or guardian, and provide parental access to the specified documents.

Reimbursable Mandated Activities

For each eligible claimant, the direct and indirect costs of labor, supplies and services incurred for the following mandated activities are eligible for reimbursement:

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 3118) 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. 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 parental access to the following documents:

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).

Statewide Cost Estimate

Following is a breakdown of estimated total costs per fiscal year:

| Fiscal year | Totals |
|--------------------|---------------------------|
| 1993-94 | \$342,369 |
| 1994-95 | \$379,396 |
| 1995-96 | \$394,619 |
| 1996-97 | \$399,889 |
| 1997-98 | \$458,421 |
| 1998-99 projection | \$493,500 |
| 1999-00 projection | \$504,700 |
| Total | \$2,972,894 |
| Rounded | <u>\$2,973,000</u> |

Pupil Suspensions

Statewide Cost Estimate
Adopted December 17, 1998

Education Code Section 48911, Subdivisions (b) and (e)
Statutes of 1977, Chapter 965, Statutes of 1978, Chapter 668
Statutes of 1980, Chapter 73, Statutes of 1983, Chapter 498
Statutes of 1985, Chapter 856, Statutes of 1987, Chapter 134

Mandate Summary

Eligible Claimants

Any "school district", as defined in Government Code section 17519, except for community colleges.

Basis for Mandate

The subject provisions require school district employees who refer a pupil to the principal for suspension to attend an informal conference, and school district employees to report the cause of the suspension to the school district's superintendent or governing board. Reimbursement is limited to suspensions based upon possession of a firearm, knife, or explosive.

Reimbursable Mandated Activities

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:

1. Attendance at Informal Conference.

The attendance of the teacher, supervisor or other school district employee who referred the pupil to the principal for suspension in the pre-suspension conference between the principal (or principal's designee) or superintendent and the pupil.

2. Reporting the Cause to the District Office.

Reporting the cause of the suspension to the school district's superintendent or governing board in accordance with the regulations of the school district's governing board. Such report may be oral or written.

Reimbursement for both components is limited to suspensions required under Education Code section 48915, subdivision (b). Section 48915, subdivision (b), required suspensions based upon the following grounds during the following claiming periods:

- Possession of a firearm, knife of no reasonable use to the student, or explosive—
October 11, 1993 through December 31, 1993
- Possession of a firearm—January 1, 1994 through present¹

¹ Note that Chapter 972, Statutes of 1995 (effective January 1, 1996) re-lettered section 48915, subdivision (b), as section 48915, subdivision (c), and added activities for which suspensions are required. This Chapter is the subject of another test claim.

Statewide Cost Estimate

Following is a breakdown of estimated total costs per fiscal year:

| Fiscal year | Totals |
|--------------------|---------------------------|
| 1993-94 | \$431,833 |
| 1994-95 | \$606,935 |
| 1995-96 | \$748,738 |
| 1996-97 | \$802,080 |
| 1997-98 | \$842,209 |
| 1998-99 projection | \$973,050 |
| 1999-00 projection | \$995,400 |
| Total | \$5,400,245 |
| Rounded | <u>\$5,400,000</u> |

APPENDIX

Pending Statewide Cost Estimates

It should be noted that the Commission has approved other test claims during this and earlier periods and those approvals often are made in part rather than in total. The following approved mandates, however, are not reported under the provisions of section 17600 of the Government Code because the Commission has not adopted their related statewide cost estimates.

Pupil Expulsions from School – CSM - 4455

Education Code Sections 48915, Subdivisions (a) and (b),
48915.1, 48915.2, 48916 and 48918
Statutes of 1975, Chapter 1253; Statutes of 1977, Chapter 965;
Statutes of 1978, Chapter 668; Statutes of 1982, Chapter 318;
Statutes of 1983, Chapter 498; Statutes of 1984, Chapter 622;
Statutes of 1987, Chapter 942; Statutes of 1990, Chapter 1231;
Statutes of 1992, Chapter 152; Statutes of 1993, Chapters 1255, 1256 and 1257;
Statutes of 1994, Chapter 146

Pupil Expulsion Appeals – CSM - 4463

Education Code Sections 48919, 48921-48924
Statutes of 1975, Chapter 1253, Statutes of 1977, Chapter 965
Statutes of 1978, Chapter 668, Statutes of 1983, Chapter 498

Domestic Violence Arrest Policies and Standards – CSM-96-362-02

Penal Code Section 13701
Statutes of 1995, Chapter 246

Collective Bargaining Agreement Disclosure – CSM - 97-TC-08

Government Code Section 3547.5
Statutes of 1991, Chapter 1213

School Accountability Report Cards – CSM-97-TC-21

Education Code Sections 33126, 35256,
35256.1, 35258, 41409 and 41409.3
Statutes of 1997 et al., Chapter 918

Special Education – CSM 3986

Statutes of 1977, Chapter 1247
Statutes of 1980, Chapter 797 et al.

Sexually Violent Predators – CSM - 4509

Welfare and Institutions Code Sections 6250 and 6600 et seq.
Chapter 762, Statutes of 1995
Chapter 763, Statutes of 1995
Chapter 4, Statutes of 1996

Airport Land Use Commissions/Plans – CSM 4507

Public Utilities Code Sections 21670 and 21670.1

Statutes of 1994, Chapter 644

Statutes of 1995, Chapter 66

Statutes of 1995, Chapter 91

***Domestic Violence Treatment Services – Authorization and Case Management –
CSM-96-281-01***

Penal Code Section 1203.097, Subdivisions (b)(3)(I), (b)(4), (c)(1), (c)(2), and (c)(5)

Statutes of 1991, Chapter 641