

**RESPONSE BY THE STATE CONTROLLER'S OFFICE  
TO THE INCORRECT REDUCTION CLAIM (IRC) BY  
PASADENA AREA COMMUNITY COLLEGE DISTRICT  
Health Fee Elimination Program**

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## **Tab 1**

1 **OFFICE OF THE STATE CONTROLLER**

2 300 Capitol Mall, Suite 1850  
3 Sacramento, CA 94250  
4 Telephone No.: (916) 445-6854

5 **BEFORE THE**  
6 **COMMISSION ON STATE MANDATES**  
7 **STATE OF CALIFORNIA**

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9  
10 **INCORRECT REDUCTION CLAIM ON:**

11 *Health Fee Elimination Program*

12 Chapter 1, Statutes of 1984, 2<sup>nd</sup> Extraordinary  
13 Session; and Chapter 1118, Statutes of 1987

14 **PASADENA AREA COMMUNITY  
15 COLLEGE DISTRICT, Claimant**

No.: CSM 09-4206-I-30

**AFFIDAVIT OF BUREAU CHIEF**

16 I, Jim L. Spano, make the following declarations:

- 17 1) I am an employee of the State Controller's Office and am over the age of 18 years.
- 18 2) I am currently employed as a Bureau Chief, and have been so since April 21, 2000.  
19 Before that, I was employed as an audit manager for two years and three months.
- 20 3) I am a California Certified Public Accountant (CPA).
- 21 4) I reviewed the work performed by the State Controller's Office (SCO) auditor.
- 22 5) Any attached copies of records are true copies of records, as provided by the Pasadena  
23 Area Community College District or retained at our place of business.
- 24 6) The records include claims for reimbursement, along with any attached supporting  
25 documentation, explanatory letters, or other documents relating to the above-entitled  
Incorrect Reduction Claim.

1 7) A review of the claims for fiscal year (FY) 2004-05 and FY 2005-06 was completed on  
2 June 24, 2009.

3 I do declare that the above declarations are made under penalty of perjury and are true and  
4 correct to the best of my knowledge, and that such knowledge is based on personal  
5 observation, information, or belief.

6 Date: July 15, 2010

7 OFFICE OF THE STATE CONTROLLER

8  
9  
10 By:  \_\_\_\_\_

11 Jim L. Spano, Chief  
12 Mandated Cost Audits Bureau  
13 Division of Audits  
14 State Controller's Office  
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**Tab 2**

**STATE CONTROLLER'S OFFICE ANALYSIS AND RESPONSE  
TO THE INCORRECT REDUCTION CLAIM BY  
PASADENA AREA COMMUNITY COLLEGE DISTRICT  
For Fiscal Year (FY) 2004-05 and FY 2005-06**

**Health Fee Elimination Program**

**Chapter 1, Statutes of 1984, 2<sup>nd</sup> Extraordinary Session; and Chapter 1118, Statutes of 1987**

**SUMMARY**

The following is the State Controller's Office's (SCO) response to the Incorrect Reduction Claim that the Pasadena Area Community College District submitted on June 7, 2010. The SCO reviewed the district's claims for costs of the legislatively mandated Health Fee Elimination Program for the period of July 1, 2004, through June 30, 2006. The SCO issued claim adjustment letters on July 1, 2009 (**Exhibit A**).

The district submitted reimbursement claims totaling \$398,015 (\$230,359 for FY 2004-05 and \$167,656 for FY 2005-06). The SCO reviewed the district's claims and determined that \$317,939 is unallowable for FY 2004-05 through FY 2005-06. The costs are unallowable because the district understated authorized health service fees. The following table summarizes the review results.

<u>Cost Elements</u>	<u>Actual Costs Claimed</u>	<u>Allowable per Review</u>	<u>Review Adjustment</u>
<u>July 1, 2004, through June 30, 2005</u>			
Direct costs	\$ 554,535	\$ 554,535	\$ —
Indirect costs	181,887	181,887	—
Total direct and indirect costs	736,422	736,422	—
Less authorized health service fees	(503,865)	(654,148)	(150,283)
Less offsetting savings/reimbursements	(2,198)	(2,198)	—
Total program costs	<u>\$ 230,359</u>	80,076	<u>\$ (150,283)</u>
Less amount paid by the State <sup>1</sup>		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 80,076</u>	
<u>July 1, 2005, through June 30, 2006</u>			
Direct costs	\$ 512,810	\$ 512,810	\$ —
Indirect costs	168,202	168,202	—
Total direct and indirect costs	681,012	681,012	—
Less authorized health service fees	(513,356)	(922,574)	(409,218)
Subtotal	167,656	(241,562)	(409,218)
Review adjustments that exceed costs claimed	—	241,562	241,562
Total program costs	<u>\$ 167,656</u>	—	<u>\$ (167,656)</u>
Less amount paid by the State <sup>1</sup>		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ —</u>	

<u>Cost Elements</u>	<u>Actual Costs Claimed</u>	<u>Allowable per Review</u>	<u>Review Adjustment</u>
<u>Summary: July 1, 2004, through June 30, 2006</u>			
Direct costs	\$ 1,067,345	\$ 1,067,345	\$ —
Indirect costs	350,089	350,089	—
Total direct and indirect costs	1,417,434	1,417,434	—
Less authorized health service fees	(1,017,221)	(1,576,722)	(559,501)
Less offsetting savings/reimbursements	(2,198)	(2,198)	—
Subtotal	398,015	(161,486)	(559,501)
Review adjustments that exceed costs claimed	—	241,562	241,562
Total program costs	<u>\$ 398,015</u>	80,076	<u>\$ (317,939)</u>
Less amount paid by the State <sup>1</sup>		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 80,076</u>	

<sup>1</sup> Payment information current as of July 2, 2010.

The district believes that it is required to report only actual health service fees collected.

## **I. HEALTH FEE ELIMINATION PROGRAM CRITERIA**

### **Parameters and Guidelines – May 25, 1989**

On August 27, 1987, the Commission on State Mandates (CSM) adopted the parameters and guidelines for Chapter 1, Statutes of 1984, 2<sup>nd</sup> Extraordinary Session. The CSM amended the parameters and guidelines on May 25, 1989 (**Exhibit C**), because of Chapter 1118, Statutes of 1987.

Section VIII. defines offsetting savings and other reimbursements as follows:

#### **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., federal, state, etc., shall be identified and deducted from this claim. This shall include the amount . . . authorized by Education Code section 72246(a) [now Education Code section 76355]. . . .

### **SCO Claiming Instructions**

The SCO annually issues mandated costs claiming instructions, which contain filing instructions for mandated cost programs. For the purpose of this Incorrect Reduction Claim, the September 2003 claiming instructions (**Exhibit D**) are substantially similar to the version extant at the time the district filed the subject claims.

## II. DISTRICT UNDERSTATED AUTHORIZED HEALTH SERVICE FEES

### Issue

For the period of July 1, 2004, through June 30, 2006, the district understated authorized health service fees by \$559,501. The district believes that it is appropriate to report actual health service fees received rather than authorized health service fees.

### SCO Analysis:

The parameters and guidelines require districts to deduct authorized health fees from costs claimed. For the period of July 1, 2004, through December 31, 2005, Education Code section 76355, subdivision (c), authorizes health fees for all students except those who: (1) depend exclusively on prayer for healing; (2) attend a community college under an approved apprenticeship training program; or (3) demonstrate financial need. Effective January 1, 2006, only subdivisions (c)(1) and (c)(2) are applicable. Effective with the Summer 2004 and Summer 2005 sessions, Education Code section 76355, subdivision (a), authorized a \$1.00 increase to health service fees.

Government Code section 17514 defines "costs mandated by the state" as any increased costs that a school district is required to incur. To the extent community college districts can charge a fee, they are not required to incur a cost. In addition, Government Code section 17556 states that the CSM shall not find costs mandated by the State if the school district has the authority to levy fees to pay for the mandated program or increased level of service.

### District's Response

1. The District is required to reduce costs only by offsetting revenue received

#### EDUCATION CODE SECTION 76355

Education Code Section 76355, subdivision (a)(1), in relevant part, provides: "[t]he governing board of a district maintaining a community college *may require* community college students to pay a fee. . . for health supervision and services. . . ." (Emphasis added.) There is no requirement that community colleges levy these fees. The permissive nature of the provision is further illustrated in subdivision (b) which states "*If, pursuant to this section, a fee is required, the governing board of the district shall decide the amount of the fee, if any, that a part-time student is required to pay. The governing board may decide whether the fee shall be mandatory or optional.*" (Emphasis added.)

#### PARAMETERS AND GUIDELINES

The parameters and guidelines state:

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., federal, state, etc., shall be identified and deducted from this claim. This shall include the amount of [student fees] as authorized by Education Code Section 72246(a)<sup>1</sup>.

In order for a district to "experience" these "offsetting savings" the district must actually have collected these fees. Note that the student health fees are named as a potential source of the reimbursement *received* in the previous sentence. The use of the term "any offsetting savings" further illustrates the permissive nature of the fees. Student fees actually collected must be used to offset costs, but not student fees that could have been collected and were not. . . .

<sup>1</sup> Former Education Code Section 72246 was repealed by Chapter 8, Statutes of 1993, and was replaced by Education Code Section 76355.



Further, the Department of Finance proposed, as part of the amendments that were adopted on May 25, 1989, that a sentence be added to the offsetting savings section expressly stating that if no health service fee was charged, the claimant would be required to deduct the amount authorized. The Commission declined to add this requirement and adopted the parameters and guidelines without this language. Therefore, it is evident that the Commission intends the language of the parameters and guidelines to be construed as written, and only those savings that are *experienced* are to be deducted. . . .

2. The District correctly filed the annual reimbursement claims

The District reported its actual reimbursable costs in the manner required by the parameters and guidelines and on the forms provided for by the Controller's claiming instructions for this program. The Controller has not stated how the claim documentation was insufficient for purposes of adjudicating the claims. The Controller has not sent any documentation in support of its action to the District. . . .

3. The reason for the rejection was contrary to statute

The annual reimbursement claims were not adjusted because the costs claimed were excessive or unreasonable. The Controller does not assert that the claimed costs were excessive or unreasonable, which is the only mandated cost audit standard in statute (Government Code Section 17561 (d)(2)). It would therefore appear that the entire findings are based upon the wrong standard of review, or no standard of review. If the Controller wishes to enforce other audit standards for mandated cost reimbursement, the Controller should comply with the Administrative Procedure Act.

4. No audit was conducted

The only exception to the Controller's duty under Government Code Section 17561(d)(2) to pay annual reimbursement claims (other than a finding that the claim is excessive or unreasonable) is a reduction as a result of a properly conducted audit. However, no audit of the District's reimbursement claims was conducted. Therefore, the Controller has no factual basis to make a conclusion that the costs claimed were excessive or unreasonable, as required by Government Code Section 17561(d)(2).

SCO's Comment

**Education Code Section 76355**

We agree that community college districts may choose not to levy a health service fee or to levy a fee less than the authorized amount. Regardless of the district's decision to levy or not levy the authorized health service fee, Education Code section 76355, subdivision (a), provides districts the *authority* to levy the fee.

**Parameters and Guidelines**

We disagree with the district's interpretation of the parameters and guidelines' requirement regarding authorized health service fees. The CSM clearly recognized the *availability* of another funding source by including the fees as offsetting savings in the parameters and guidelines. The CSM's staff analysis of May 25, 1989 (Tab 3), states the following regarding the proposed parameters and guidelines amendments that the CSM adopted that day:

Staff amended Item "VIII. Offsetting Savings and Other Reimbursements" to reflect the reinstatement of [the] fee authority.

In response to that amendment, the [Department of Finance (DOF)] has proposed the addition of the following language to Item VIII. to clarify the impact of the fee authority on claimants' reimbursable costs:

"If a claimant does not levy the fee authorized by Education Code Section 72246(a), it shall deduct an amount equal to what it would have received had the fee been levied."

*Staff concurs with the DOF proposed language which does not substantively change the scope of Item VIII [emphasis added].*

Thus, it is clear that the CSM intended that claimants deduct authorized health service fees from mandate-reimbursable costs claimed. Furthermore, the staff analysis included an attached letter from the California Community Colleges Chancellor's Office (CCCCO) dated April 3, 1989. In that letter, the CCCCCO concurred with the DOF and the CSM regarding authorized health service fees.

The district believes that the CSM "declined" to add the sentence proposed by the DOF. We disagree. The CSM did not revise the proposed parameters and guidelines amendments further, since the CSM's staff concluded that the DOF's proposed language did not substantively change the scope of staff's proposed language. The CSM, DOF, and CCCCCO all agreed with the intent to offset authorized health service fees. The CSM's meeting minutes of May 25, 1989 (**Tab 4**), show that the CSM adopted the proposed parameters and guidelines on consent. The Health Fee Elimination Program amended parameters and guidelines were Item 6 on the meeting agenda. The meeting minutes state, "There being no discussion or appearances on Items 2, 3, 4, 5, 6, 7, 10, and 12, Member Buenrostro *moved adoption of the staff recommendation on these items [emphasis added]* on the consent calendar. . . . The motion carried." Therefore, no community college districts objected and there was no change to the CSM's interpretation regarding authorized health service fees.

### **Annual Reimbursement Claims**

The district states that it reported "actual reimbursable costs." We disagree. Government Code section 17514 states, "'Costs mandated by the state' means any increased costs which a local agency or school district is *required [emphasis added]* to incur. . . ." If the district has authority to collect fees attributable to health services expenses, then it is not *required* to incur a cost. Therefore, "actual reimbursable costs" do not include those health service expenses that may be paid by authorized fees. The district failed to report "actual reimbursable costs" because it did not deduct authorized health service fees.

### **Statutory Criteria for Claim Adjustments**

The district states, "The Controller does not assert that the claimed costs were excessive or unreasonable, which is the only mandated cost audit standard in statute (Government Code Section 17561(d)(2))." We disagree. Government Code section 17558.5 requires the district to file a reimbursement claim for actual mandate-related costs. Government Code section 17561, subdivision (d)(2), allows the SCO to audit the district's records to verify actual mandate-related costs *and* reduce any claim that the SCO determines is excessive or unreasonable. In addition, Government Code section 12410 states, "The Controller shall audit all claims against the state, and may audit the disbursement of any state money for correctness, legality, and for sufficient provisions of law for payment."

The SCO did, in fact, conclude that the district's claim was excessive. Excessive is defined as "Exceeding what is usual, *proper, necessary, [emphasis added]* or normal."<sup>2</sup> The district's mandated cost claims exceeded the proper amount based on the reimbursable costs allowed by statutory language and the program's parameters and guidelines. Therefore, the district's comments regarding the Administrative Procedure Act are irrelevant.

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<sup>2</sup> Merriam-Webster's Collegiate Dictionary, Tenth Edition, © 2001.

## **Audit Results**

The district states, "... no audit of the District's reimbursement claims was conducted. Therefore, the Controller has no factual basis to make a conclusion that the costs claimed were excessive or unreasonable. . . ." We disagree. The SCO reviewed the district's claims and concluded that the district did not properly report authorized health service fees. The SCO provided the district a detailed analysis of all claim reductions on October 20, 2009 (**Exhibit B**).

## **III. CONCLUSION**

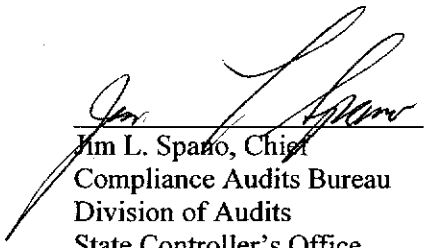
The State Controller's Office reviewed Pasadena Area Community College District's claims for costs of the legislatively mandated Health Fee Elimination Program (Chapter 1, Statutes of 1984, 2<sup>nd</sup> Extraordinary Session; and Chapter 1118, Statutes of 1987) for the period of July 1, 2004, through June 30, 2006. The district claimed unallowable costs totaling \$317,939. The costs are unallowable because the district understated authorized health services fees.

In conclusion, the Commission on State Mandates should find that: (1) the SCO correctly reduced the district's FY 2004-05 claim by \$150,283; and (2) the SCO correctly reduced the district's FY 2005-06 claim by \$167,656.

## **IV. CERTIFICATION**

I hereby certify by my signature below that the statements made in this document are true and correct of my own knowledge, or, as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on July 15, 2010, at Sacramento, California, by:



Jim L. Spano, Chief  
Compliance Audits Bureau  
Division of Audits  
State Controller's Office

### **Tab 3**

Hearing: 5/25/89  
File Number: CSM-4206  
Staff: Deborah Fraga-Decker  
WP 0366d

PROPOSED PARAMETERS AND GUIDELINES AMENDMENTS  
Chapter 1, Statutes of 1984, 2nd E.S.  
Chapter 1118, Statutes of 1987  
Health Fee Elimination ✓

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Executive Summary

At its hearing of November 20, 1986, the Commission on State Mandates found that Chapter 1, Statutes of 1984, 2nd E.S., imposed state mandated costs upon local community college districts by (1) requiring those community college districts which provided health services for which it was authorized to and did charge a fee to maintain such health services at the level provided during the 1983-84 fiscal year in the 1984-85 fiscal year and each fiscal year thereafter and (2) repealing the district's authority to charge a health fee. The requirements of this statute would repeal on December 31, 1987, unless subsequent legislation was enacted.

Chapter 1118, Statutes of 1987, was enacted September 24, 1987, and became effective January 1, 1988. Chapter 1118/87 modified the requirements contained in Chapter 1/84, 2nd E.S., to require those community college districts which provided health services in fiscal year 1986-87 to maintain such health services in the 1987-88 fiscal year and each fiscal year thereafter. Additionally, the language contained in Chapter 1/84, 2nd E.S., which repealed the districts' authority to charge a health fee to cover the costs of the health services program was allowed to sunset, thereby reinstating the districts' authority to charge a fee as specified. Parameters and guidelines amendments are appropriate to address the changes contained in Chapter 1118/87 because this statute amended the same Education Code sections previously enacted by Chapter 1/84, 2nd E.S., and found to contain a mandate.

Commission staff included the Department of Finance suggested non-substantive amendment to the staff's proposed parameters and guidelines amendments. The Chancellor's Office, the State Controller's Office, and the claimant are in agreement with these amendments. Therefore, staff recommends that the Commission adopt the parameters and guidelines amendments as requested by the Chancellor's Office and as developed by staff.

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Claimant

Rio Hondo Community College District

Requesting Party

California Community Colleges Chancellor's Office

### Chronology

12/2/85 Test Claim filed with Commission on State Mandates.  
7/24/86 Test Claim continued at claimant's request.  
11/20/86 Commission approved mandate.  
1/22/87 Commission adopted Statement of Decision.  
4/9/87 Claimant submitted proposed parameters and guidelines.  
8/27/87 Commission adopted parameters and guidelines  
10/22/87 Commission adopted cost estimate  
9/28/88 Mandate funded in Commission's Claims Bill, Chapter 1425/88

### Summary of Mandate

Chapter 1/84, 2nd E.S., effective July 1, 1984, repealed Education Code (EC) Section 72246 which had authorized community college districts to charge a health fee for the purpose of providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers. The statute also required that any community college district which provided health services for which it was authorized to charge a fee shall maintain health services at the level provided during the 1983-84 fiscal year in the 1984-85 fiscal year and each fiscal year thereafter.

Prior to the passage of Chapter 1/84, 2nd E.S., the implementation of a health services program was at the local community college district's option. If implemented, the respective community college district had the authority to charge a health fee up to \$7.50 per semester for day and evening students, and \$5 per summer session.

### Proposed Amendments

The Community Colleges Chancellor's Office (Chancellor's Office) has requested parameters and guidelines amendments be made to address the changes in mandated activities effectuated by Chapter 1118/87. (Attachment G) In order to expedite the process, staff has developed language to accomplish the following: (1) change the eligible claimants to those community college districts which provided a health services program in fiscal year 1986-87; and (2) change the offsetting savings and other reimbursements to include the reinstated authority to charge a health fee. (Attachment B)

### Recommendations

The Department of Finance (DOF) proposed one non-substantive amendment to clarify the effect of the fee authority language on the scope of the reimbursable costs. With this amendment, the DOF believes the amendments to the parameters and guidelines are appropriate for this mandate and recommends the Commission adopt them. (Attachment C)

The Chancellor's Office recommends that the Commission approve the amended parameters and guidelines developed by staff with the additional language suggested by the DOF. (Attachment D)

The State Controller's Office (SCO), upon review of the proposed amendments, finds the proposals proper and acceptable. (Attachment E)

The claimant, in its recommendation, states its belief that the revisions are appropriate and concurs with the proposed changes. (Attachment F)

### Staff Analysis

#### Issue 1: Eligible Claimants

The mandate found in Chapter 1/84, 2nd E.S., was for a new program with a required maintenance of effort at the fiscal year 1983-84 level. Chapter 1118/87 superseded that level of service by requiring that community college districts which provided a health services program in fiscal year 1986-87 maintain that level of effort in fiscal year 1987-88 and each subsequent year thereafter. Additionally, this expanded the group of eligible claimants because the requirement is no longer imposed on only those community college districts which had charged a health fee for the program. At the time of enactment of Chapter 1118/87, there were 11 community college districts which provided the health services program but had never charged a health fee for the service.

Therefore, staff has amended the language in Item III. "Eligible Claimants" to reflect this change in the scope of the mandate.

#### Issue 2: Reimbursement Alternatives

In response to Chapter 1/84, 2nd E.S., Item VI.B. contained two alternatives for claiming reimbursement costs. This gave claimants a choice between claiming actual costs for providing the health services program, or funding the program as was done prior to the mandate when a health fee could be charged.

The first alternative was in Item VI.B.1. and provided for the use of the formula which the eligible claimants were authorized to utilize prior to the implementation of Chapter 1/84, 2nd E.S.--total eligible enrollment multiplied by the health fee charged per student in fiscal year 1983-84. With the sunset of the repeal of the health fee authority as contained in Chapter 1/84, 2nd E.S., claimants can now charge the health fee as was allowed prior to fiscal year 1983-84, thereby funding the program as was done prior to the mandate. Therefore, this alternative is no longer applicable to this mandate and has been deleted by staff.

The second alternative was in Item VI.B.2. and provided for the claiming of actual costs involved in maintaining a health services program at the fiscal year 1983-84 level. This alternative is now the sole method of reimbursement for this mandate. However, it has been amended to reflect that Chapter 1118/87 requires a maintenance of effort at the fiscal year 1986-87 level.

Issue 3: Offsetting Savings and Other Reimbursements

With the sunset of the repeal of the fee authority contained in Chapter 1/84, 2nd E.S., Education Code (EC) section 72246(a) again provides community college districts with the authority to charge a health fee as follows:

"72246.(a) The governing board of a district maintaining a community college may require community college students to pay a fee in the total amount of not more than seven dollars and fifty cents (\$7.50) for each semester, and five dollars (\$5) for summer school, or five dollars (\$5) for each quarter for health supervision and services, including direct or indirect medical and hospitalization services, or the operation of a student health center or centers, authorized by Section 72244, or both."

Staff amended Item "VIII. Offsetting Savings and Other Reimbursements" to reflect the reinstatement of this fee authority.

In response to that amendment, the DOF has proposed the addition of the following language to Item VIII. to clarify the impact of the fee authority on claimants' reimbursable costs:

"If a claimant does not levy the fee authorized by Education Code Section 72246(a), it shall deduct an amount equal to what it would have received had the fee been levied."

Staff concurs with the DOF proposed language which does not substantively change the scope of Item VIII.

Issue 4: Editorial Changes

In preparing the proposed parameters and guidelines amendments, it was not necessary for staff to make any of the normal editorial changes as the original parameters and guidelines contained the language usually adopted by the commission.

Staff, the DOF, the Chancellor's Office, the SCO, and the claimant are in agreement with the recommended amendments which are shown in Attachment A with additions indicated by underlining and deletions by strikeout.

Staff Recommendation

Staff recommends the adoption of the staff's proposed parameters and guidelines amendments, which are based on the original parameters and guidelines adopted in response to Chapter 1/84, 2nd E.S., and amended in response to Chapter 1118/87, as well as incorporating the amendment recommended by the DOF. All parties concur with these amendments.



Adopted: 8/27/87

PARAMETERS AND GUIDELINES  
Chapter 1118, Statutes of 1987 ~~1/21/87~~ ~~1/2/87~~  
Health Fee Elimination

I. SUMMARY OF MANDATE

Chapter 1, Statutes of 1984, 2nd E.S. repealed Education Code Section 72246 which had authorized community college districts to charge a health fee for the purpose of providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers. This statute also required that health services for which a community college district charged a fee during the 1983-84 fiscal year had to be maintained at that level in the 1984-85 fiscal year and every year thereafter. The provisions of this statute would automatically repeal on December 31, 1987, which would reinstate the community colleges districts' authority to charge a health fee as specified.

Chapter 1118, Statutes of 1987, amended Education Code section 72246 to require any community college district that provided health services in 1986-87 to maintain health services at the level provided during the 1986-87 fiscal year in 1987-88 and each fiscal year thereafter.

II. COMMISSION ON STATE MANDATES' DECISION

At its hearing on November 20, 1986, the Commission on State Mandates determined that Chapter 1, Statutes of 1984, 2nd E.S. imposed a "new program" upon community college districts by requiring 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.

At its hearing of April 27, 1989, the Commission determined that Chapter 1118, Statutes of 1987, amended this maintenance of effort requirement to apply to all community college districts which provided health services in fiscal year 1986-87 and required them to maintain that level in fiscal year 1987-88 and each fiscal year thereafter.

III. ELIGIBLE CLAIMANTS

Community college districts which provided health services ~~for~~ ~~in~~ 198~~36~~~~7~~ fiscal year and continue to provide the same services as a result of this mandate are eligible to claim reimbursement of those costs.

#### IV. PERIOD OF REIMBURSEMENT

Chapter 1, Statutes of 1984, 2nd E.S., became effective July 1, 1984. Section 17557 of the Government Code states that a test claim must be submitted on or before November 30th following a given fiscal year to establish for that fiscal year. The test claim for this mandate was filed on November 27, 1985; therefore, costs incurred on or after July 1, 1984, are reimbursable. Chapter 1118, Statutes of 1987, became effective January 1, 1988. Title 2, California Code of Regulations, section 1185.3(a) states that a parameters and guidelines amendment 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; therefore, costs incurred on or after January 1, 1988, for Chapter 1118, Statutes of 1987, 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 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 allowed by Government Code Section 17564.

#### V. REIMBURSEMENTABLE COSTS

##### A. Scope of Mandate

Eligible community college districts shall be reimbursed for the costs of providing a health services program ~~with the district~~ ~~to the district~~. Only services provided ~~for the~~ in 1986-87 fiscal year may be claimed.

##### B. Reimbursable Activities

For each eligible claimant, the following cost items are reimbursable to the extent they were provided by the community college district in fiscal year ~~1986-87~~ 1986-87:

##### ACCIDENT REPORTS

##### APPOINTMENTS

College Physician - Surgeon  
Dermatology, Family Practice, Internal Medicine  
Outside Physician  
Dental Services  
Outside Labs (X-ray, etc.)  
Psychologist, full services  
Cancel/Change Appointments  
R.N.  
Check Appointments

ASSESSMENT, INTERVENTION & COUNSELING

- Birth Control
- Lab Reports
- Nutrition
- Test Results (office)
- VD
- Other Medical Problems
- CD
- URI
- ENT
- Eye/Vision
- Derm./Allergy
- Gyn/Pregnancy Services
- Neuro
- Ortho
- GU
- Dental
- GI
- Stress Counseling
- Crisis Intervention
- Child Abuse Reporting and Counseling
- Substance Abuse Identification and Counseling
- Aids
- Eating Disorders
- Weight Control
- Personal Hygiene
- Burnout

EXAMINATIONS (Minor Illnesses)

- Recheck Minor Injury

HEALTH TALKS OR FAIRS - INFORMATION

- Sexually Transmitted Disease
- Drugs
- Aids
- Child Abuse
- Birth Control/Family Planning
- Stop Smoking
- Etc.
- Library - videos and cassettes

FIRST AID (Major Emergencies)

FIRST AID (Minor Emergencies)

FIRST AID KITS (Filled)

IMMUNIZATIONS

- Diphtheria/Tetanus
- Measles/Rubella
- Influenza
- Information

INSURANCE

- On Campus Accident
- Voluntary
- Insurance Inquiry/Claim Administration

LABORATORY TESTS DONE  
Inquiry/Interpretation  
Pap Smears

PHYSICALS  
Employees  
Students  
Athletes

MEDICATIONS (dispensed OTC for misc. illnesses)  
Antacids  
Antidiarrhial  
Antihistamines  
Aspirin, Tylenol, etc.  
Skin rash preparations  
Misc.  
Eye drops  
Ear drops  
Toothache - Oil cloves  
Stingkill  
Midol - Menstrual Cramps

PARKING CARDS/ELEVATOR KEYS  
Tokens  
Return card/key  
Parking inquiry  
Elevator passes  
Temporary handicapped parking permits

REFERRALS TO OUTSIDE AGENCIES  
Private Medical Doctor  
Health Department  
Clinic  
Dental  
Counseling Centers  
Crisis Centers  
Transitional Living Facilities (Battered/Homeless Women)  
Family Planning Facilities  
Other Health Agencies

TESTS  
Blood Pressure  
Hearing  
Tuberculosis  
Reading  
Information  
Vision  
Glucometer  
Urinalysis  
Hemoglobin  
E.K.G.  
Strep A testing  
P.G. testing  
Monospot  
Hemacult  
Misc.

MISCELLANEOUS

Absence Excuses/PE Waiver  
Allergy Injections  
Band-aids  
Booklets/Pamphlets  
Dressing Change  
Rest  
Suture Removal  
Temperature  
Weigh  
Misc.  
Information  
Report/Form  
Wart Removal

COMMITTEES

Safety  
Environmental  
Disaster Planning

SAFETY DATA SHEETS

Central file

X-RAY SERVICES

COMMUNICABLE DISEASE CONTROL

BODY FAT MEASUREMENTS

MINOR SURGERIES

SELF-ESTEEM GROUPS

MENTAL HEALTH CRISIS

AA GROUP

ADULT CHILDREN OF ALCOHOLICS GROUP

WORKSHOPS

Test Anxiety  
Stress Management  
Communication Skills  
Weight Loss  
Assertiveness Skills

VI. CLAIM PREPARATION

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a list of each item for which reimbursement is claimed under this mandate. //EYIGIYIe/CIATIDNIS/way/CIATID/COSIS/WNDER  
ONE/OF/TWO/ALTERNATELY//IYI/Vee/downt/previodsly/collected/per  
sudden/and/enrylment/cownt//or/YZY/actuat/cosis/of/program/

A. Description of Activity

1. Show the total number of full-time students enrolled per semester/quarter.
2. Show the total number of full-time students enrolled in the summer program.
3. Show the total number of part-time students enrolled per semester/quarter.
4. Show the total number of part-time students enrolled in the summer program.

B. Claiming Alternatives

Claimed costs should be supported by the following information:

Alternative 1 // Fees previously collected in 1983-84 fiscal year /

1/ Fees collected in the 1983-84 fiscal year to support the health services program /

2/ Total number of students under item 11/11 // through 4 / above // Using this alternative, the total amount claimed would be item 11/11 // multiplied by item 11/2 // with the total amount reimbursed increased by the applicable indirect / price / deflator /

Alternative 2 // Actual Costs of Claim Year for Providing 1986-87 Fiscal Year Program Level of Service.

1. Employee Salaries and Benefits

Identify the employee(s), show the classification of the employee(s) involved, 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. Services and Supplies

Only 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. Allowable Overhead Cost

Indirect costs may be claimed in the manner described by the State Controller in his claiming instructions.

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. This would include documentation for the fiscal year 1986-87 program to substantiate a maintenance of effort. These documents must be kept on file by the agency submitting the claim for a period of no less than three years from the date of the final payment of the claim pursuant to this mandate, and made available on the request of the State Controller or his agent.

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., federal, state, etc., shall be identified and deducted from this claim. This shall include the amount of \$7.50 per full-time student per semester, \$5.00 per full-time student for summer school, or \$5.00 per full-time student per quarter, as authorized by Education Code section 72246(a). This shall also include payments (fees) now received from individuals other than students who were not covered by former Education Code Section 72246 for health services.

IX. REQUIRED CERTIFICATION

The following certification must accompany the claim:

I DO HEREBY CERTIFY under penalty of perjury:

THAT the foregoing is true and correct:

THAT Section 1090 to 1096, inclusive, of the Government Code and other applicable provisions of the law have been complied with;

and

THAT I am the person authorized by the local agency to file claims for funds with the State of California.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone No.

## CALIFORNIA COMMUNITY COLLEGES

1107 NINTH STREET  
SACRAMENTO, CALIFORNIA 95814  
(916) 445-8752 445-1163



February 22, 1989



Mr. Robert W. Eich  
Executive Director  
Commission on State Mandates  
1130 "K" Street, Suite LL50  
Sacramento, CA 95814-3927

Dear Mr. Eich:

As you know, the Commission on August 27, 1987 adopted Parameters and Guidelines for claiming reimbursements of mandated costs related to community college health services. Fees formerly collected by community colleges had been eliminated by Chapter 1, Statutes of 1984, Second Extraordinary Session. Last year's mandate claims bill (AB 2763) included funding to pay all these claims through 1988-89.

The Governor's partial approval of AB 2763 last September included a stipulation that claims for the current year would be paid this fiscal year, but prior-year claims will be paid in equal installments from the next three budget acts. The Governor did not address the fact that the ongoing costs of providing the mandated level of service will continue to exceed the maximum permissible fee of \$7.50 per student per semester.

On behalf of all eligible community college districts, the Chancellor's Office proposes the following changes in the Parameters and Guidelines:

- o Payment of 1988-89 mandated costs in excess of maximum permissible fees. (This amount is payable from AB 2763.)
- o Payment of all prior-year claims in installments over the next three years. (Funds for these payments will be included in the next 3 budget acts.)
- o Payment of future-years mandated costs in excess of the maximum permissible fees. (No funding has yet been provided for these costs.)



Mr. Eich

2

February 22, 1989

If you have any questions regarding this proposal, please contact Patrick Ryan at (916) 445-1163.

Sincerely,

*David Mertes*

DAVID MERTES  
Chancellor

DM:PR:mh

cc: Deborah Fraga-Decker, CSM  
Douglas Burris  
Joseph Newmyer  
Gary Cook

State of California

**Memorandum**

Date: March 22, 1989

To: Deborah Fraga-Decker  
Program Analyst  
Commission on State Mandates

From: Department of Finance

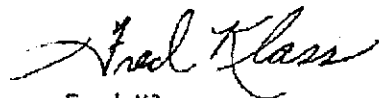
Proposed Amendments to Parameters and Guidelines for Claim No. CSM-4206 -- Chapter 1, Statutes of 1984, 2nd E.S. and Chapter 1118, Statutes of 1987 -- Health Fee Elimination

Pursuant to your request, the Department of Finance has reviewed the proposed amendments to the parameters and guidelines related to community college health services. These amendments, which are requested by the Chancellor's Office, reflect the impact that Chapter 1118/87 has on the original parameters adopted by the Commission for Chapter 1/84 on August 27, 1987. Specifically, Chapter 1118/87:

- (1) requires districts which were providing health services in 1986-87, rather than 1983-84, to continue to provide such services, irrespective of whether or not a fee was charged for the services; and
- (2) allows all districts to again charge a fee of up to \$7.50 per student for the services. In this regard, we would point out that the proposed amendment to "VIII. Offsetting Savings, and Other Reimbursements" could be interpreted to require that, if a district elected not to charge fees it would not have to deduct anything from its claim. We believe that, pursuant to Section 17556 (d) of the Government Code, an amount equal to \$7.50 per student must be deducted whether or not it is actually charged since the district has the authority to levy the fee. We suggest that the following language be added as a second paragraph under "VIII": "If a claimant does not levy the fee authorized by Education Code Section 72246 (a), it shall deduct an amount equal to what it would have received had the fee been levied."

With the amendment described above, we believe the amendments to the parameters and guidelines are appropriate for this mandate and recommend the Commission adopt them at its April 27, 1989, meeting.

Any questions regarding this recommendation should be directed to James M. Apps or Kim Clement of my staff at 324-0043.



Fred Klass  
Assistant Program Budget Manager

cc: see second page

cc: Glen Beatie, State Controller's Office  
Pat Ryan, Chancellor's Office, Community College  
Juliet Musso, Legislative Analyst's Office  
Richard Frank, Attorney General

LR:1988-2

CHANCELLOR'S OFFICE

GEORGE DEUKMEJIAN, Governor

## CALIFORNIA COMMUNITY COLLEGES

1400 NINTH STREET  
 SACRAMENTO, CALIFORNIA 95814  
 916-8752 445-1163

April 3, 1989

Mr. Robert W. Eich  
 Executive Director  
 Commission on State Mandates  
 1000 K Street, Suite LL50  
 Sacramento, CA 95814



Attention: Ms. Deborah Fraga-Decker

Subject: CSM 4206  
 Amendments to Parameters and Guidelines  
 Chapter 1, Statutes of 1984, 2nd E.S.  
 Chapter 118, Statutes of 1987  
Health Fee Elimination

Dear Mr. Eich:

In response to your request of March 8, we have reviewed the proposed language changes necessary to amend the existing parameters and guidelines to meet the requirements of Chapter 118, Statutes of 1987.

The Department of Finance has also provided us a copy of their suggestion to add the following language in part VIII: "If a claimant does not levy the fee authorized by Education Code Section 72245(a), it shall deduct an amount equal to what it would have received had the fee been levied." This office concurs with their suggestion which is consistent with the law and with our request of February 22.

With the additional language suggested by the Department of Finance, the Chancellor's Office recommends approval of the amended parameters and guidelines as drafted for presentation to the Commission on April 27, 1989.

Sincerely,

DAVID MERTES  
 Chancellor

DM:PR:mh

cc: Jim Apps, Department of Finance  
 Glen Beatie, State Controller's Office  
 Richard Frank, Attorney General's Office  
 Juliet Muso, Legislative Analyst's Office  
 Douglas Burris  
 Joseph Newmyer  
 Gary Cook



**GRAY DAVIS**  
**Controller of the State of California**  
 P.O. BOX 942850  
 SACRAMENTO, CA 94250-0001

April 3, 1989



Ms. Deborah Fraga-Decker  
 Program Analyst  
 Commission on State Mandates  
 1130 K Street, Suite LL50  
 Sacramento, CA 95814

Dear Ms. Fraga-Decker:

RE: Proposed Amendments to Parameters and Guidelines: Chapter 1/84, 2nd E.S., and Chapter 1118/87 - Health Fee Elimination

We have reviewed the amendments proposed on the above subject and find the proposals proper and acceptable.

However, the Commission may wish to clarify section "VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS" that the required offset is the amount received or would have received per student in the claim year.

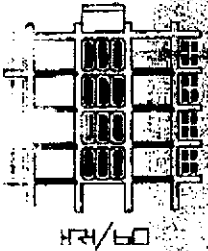
If you have any questions, please call Glen Beatie at 3-8137.

Sincerely,

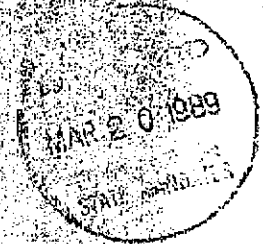
Glenn Haas, Assistant Chief  
 Division of Accounting

GH/GB:dvl

SC81822



**RIO HONDO COMMUNITY COLLEGE DISTRICT**  
 8600 Workman Mill Road • Whittier, CA 90808 • Phone (213) 692-0921



March 16, 1989

Ms. Deborah Fraga-Decker  
 Program Analyst  
 Commission on State Mandates  
 1130 K Street, Suite LL50  
 Sacramento, CA 95814

REFERENCE: CSM-4206  
 AMENDMENTS TO PARAMETERS AND GUIDELINES  
 CHAPTER 1, STATUTES OF 1984, 2ND E.S.  
 CHAPTER 1118, STATUTES OF 1987  
 HEALTH FEE ELIMINATION

Dear Deborah:

We have reviewed your letter of March 7 to Chancellor David Mertes and the attached amendments to the health fee parameters and guidelines. We believe these revisions to be most appropriate and concur totally with the changes you have proposed.

I would like to thank you again for your expertise and helpfulness throughout this entire process.

Yours very truly,

Timothy M. Hood  
 Vice President  
 Administrative Affairs

TMW:hh

**Tab 4**

MINUTES

COMMISSION ON STATE MANDATES

May 25, 1989

10:00 a.m.

State Capitol, Room 437  
Sacramento, California

Present were: Chairperson Russell Gould, Chief Deputy Director, Department of Finance; Fred R. Buenrostro, Representative of the State Treasurer; D. Robert Shuman, Representative of the State Controller; Robert Martinez, Director, Office of Planning and Research; and Robert C. Creighton, Public Member.

There being a quorum present, Chairperson Gould called the meeting to order at 10:02 a.m.

Item 1 Minutes

Chairperson Gould asked if there were any corrections or additions to the minutes of the Commission's hearing of April 27, 1989. There were no corrections or additions.

The minutes were adopted without objection.

Consent Calendar

The following items were on the Commission's consent agenda:

- Item 2 Proposed Statement of Decision  
Chapter 406, Statutes of 1988  
Special Election - Bridges
- Item 3 Proposed Statement of Decision  
Chapter 583, Statutes of 1985  
Infectious Waste Enforcement
- Item 4 Proposed Statement of Decision  
Chapter 980, Statutes of 1984  
Court Audits
- Item 5 Proposed Statement of Decision  
Chapter 1286, Statutes of 1985  
Homeless Mentally Ill



- Item 6 Proposed Parameters and Guidelines Amendment  
Chapter 1, Statutes of 1984, 2nd E.S.  
Chapter 1118, Statutes of 1987  
Health Fee Elimination
- Item 7 Proposed Parameters and Guidelines Amendment  
Chapter 8, Statutes of 1988  
Democratic Presidential Delegates
- Item 10 Proposed Statewide Cost Estimate  
Chapter 498, Statutes of 1983  
Education Code Section 48260.5  
Notification of Truancy
- Item 12 Proposed Statewide Cost Estimate  
Chapter 1226, Statutes of 1984  
Chapter 1526, Statutes of 1985  
Investment Reports

There being no discussion or appearances on Items 2, 3, 4, 5, 6, 7, 10, and 12, Member Buenrostro moved adoption of the staff recommendation on these items on the consent calendar. Member Martinez seconded the motion. The vote on the motion was unanimous. The motion carried.

The following items were continued:

- Item 13 Proposed Statewide Cost Estimate  
Chapter 1335, Statutes of 1986  
Trial Court Delay Reduction Act
- Item 16 Test Claim  
Chapter 841, Statutes of 1982  
Patients' Rights Advocates
- Item 17 Test Claim  
Chapter 921, Statutes of 1987  
Countywide Tax Rates

The next item to be heard by the Commission was:

- Item 8 Proposed Parameters and Guidelines Amendment  
Chapter 961, Statutes of 1975  
Collective Bargaining

The party requesting the proposed amendment, Fountain Valley School District, did not appear at the hearing. Carol Miller, appearing on behalf of the Education Mandated Cost Network, stated that the Network was interested in the issue of reimbursing a school district for the time the district Superintendent spent in, or preparing for, collective bargaining issues.

The Commission then discussed the issue of reimbursing the Superintendent's time as a direct cost to the mandated program or as an indirect cost as required by the federal publications OASC-10, and Federal Management Circular 74-4. Upon conclusion of this discussion, the Commission, staff, and Ms. Miller, agreed that the Commission could deny this proposed amendment by the Fountain Valley School District, and Ms. Miller could assist another district in an attempt to amend the parameters and guidelines to allow reimbursement of the Superintendent's cost relative to collective bargaining matters.

Member Creighton then inquired on the issue of holding collective bargaining sessions outside of normal working hours and the number of teachers the parameters and guidelines reimburse for participating in collective bargaining sessions. Ms. Miller stated that because of the classroom disruption that can result from the use of a substitute teacher, bargaining sessions are sometimes held outside of normal work hours for practical reasons. Ms. Miller also stated that the parameters and guidelines permit reimbursement for five substitute teachers.

Member Martinez moved and Member Buenrostro seconded a motion to adopt the staff recommendation to deny the proposed amendments to the parameters and guidelines. The roll call vote on the motion was unanimous. The motion carried.

Item 9 Proposed Statewide Cost Estimate  
Chapter 498, Statutes of 1983  
Education Code Section 51225.3  
Graduation Requirements

Carol Miller appeared on behalf of the claimant, Santa Barbara Unified School District, Jim Apps and Don Enderton appeared on behalf of the Department of Finance, and Rick Knott appeared on behalf of the San Diego Unified School District.

Carol Miller began the discussion on this matter by stating her objection to the Department of Finance raising issues that were already argued in the parameters and guidelines hearings for this mandate. Based on this objection, Ms. Miller requested that the Commission adopt staff's recommendation and allow the Controller's Office to handle any audit exceptions.

Jim Apps stated that because school districts did not report funds that have been received by them, then the data reported in the survey is suspect. Therefore, the Department of Finance is not convinced that the cost estimate based on the data received by the schools is legitimate.

Discussion continued on the validity of the cost estimate and on the figures presented to the Commission for its consideration.

Member Creighton then made a motion to adopt staff's recommendation. Member Shuman seconded the motion. The vote on the motion was: Member Buenrostro, no; Member Creighton, aye; Member Martinez, no; Member Shuman, aye; and Chairperson Gould, no. The motion failed.

Chairperson Gould made an alternative motion that staff, the Department of Finance, and the school districts, conduct a pre-hearing conference and agree on an estimate to be presented to the Commission at a future hearing. Member Buanrostro seconded the motion. The roll call vote on the motion was unanimous. The motion carried.

Item 11 Statewide Cost Estimate  
Chapter 815, Statutes of 1979  
Chapter 1327, Statutes of 1984  
Chapter 757, Statutes of 1985  
Short-Doyle Case Management

Pamela Stone, representing the County of Fresno, stated that the county was in agreement with the staff proposed statewide cost estimate of \$20,000,000 for the 1985-86 through 1989-90 fiscal years, and was opposed to the reduction of the costs estimate being proposed by the Department of Mental Health's late filing.

Lynn Whetstone, representing the Department of Mental Health, stated that the Department agrees with the methodology used by Commission staff to develop the cost estimate, however, the Department questioned the manner in which Commission staff extrapolated its survey figures into a statewide estimate. Ms. Whetstone stated that due to the reasons stated in its late filing, the Department believes that the cost estimate be reduced to \$17,280,000.

Member Shuman moved, and Member Martinez seconded a motion to adopt the staff proposed statewide cost estimate of \$20,000,000 for the 1985-86 through 1989-90 fiscal years. The roll call vote on the motion was unanimous. The motion carried.

Item 14 State Mandates Apportionment System  
Request for Review of Base Year Entitlement  
Chapter 1242, Statutes of 1977  
Senior Citizens' Property Tax Postponement

Leslie Hobson appeared on behalf of the claimant, County of Placer, and stated agreement with the staff analysis.

There were no other appearances and no further discussion.

Member Creighton moved approval of the staff recommendation. Member Shuman seconded the motion. The roll call vote was unanimous. The motion carried.

Item 15 Test Claim  
Chapter 670, Statutes of 1987  
Assigned Judges

Vicki Wajdak and Pamela Stone appeared on behalf of the claimant, County of Fresno. Beth Mullen appeared on behalf of the Administrative Office of

the Courts. Jim Apps appeared on behalf of the Department of Finance. Allan Burdick appeared on behalf of the County Supervisors Association of California. Pamela Stone restated the claimant's position that the revenue losses due to this statute were actually increased costs because Fresno is now required to compensate its part-time justice court judges for work performed or another county while on assignment. Beth Mullen stated her opposition to this interpretation because Fresno's part-time justice court judge cannot be assigned elsewhere until all work required to be performed for Fresno has been completed; therefore, Fresno is only required to compensate the judge for its own work.

There followed discussion by the parties and the Commission regarding the applicability of the Supreme Court's decisions in County of Los Angeles and Lucia Mar. Chairperson Gould asked Commission Counsel Gary Hori whether this statute imposed a new program and higher level of service as contemplated by these two decisions. Mr. Hori stated that it did meet the definition of new program and higher level of service as contemplated by the Supreme Court.

Member Creighton moved to adopt the staff recommendation to find a mandate on counties whose part-time justice court judge is assigned within the home county. Member Shuman seconded the motion. The roll call vote was unanimous. The motion carried.

Item 18 Test Claim  
Chapter 1247, Statutes of 1977  
Chapter 797, Statutes of 1980  
Chapter 1373, Statutes of 1980  
Public Law 99-372  
Attorney's Fees - Special Education

Chairperson Gould recused himself from the hearing on this item.

Clayton Parker, representing the Newport-Mesa Unified School District, submitted a late filing on the test claim rebutting the staff analysis. Member Creighton stated that he had not had an opportunity to review the late filing and inquired on whether the claim should be heard at this hearing. Staff informed Member Creighton and Member Buenrostro that in reviewing the filing before this item was called, the filing appeared to be summary of the claimant's position on the staff analysis, and that there appeared to be no reason to continue the item.

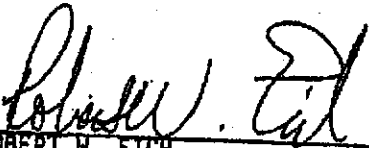
Mr. Parker stated that Commission staff had misstated the events that resulted in the claimant having to pay attorneys' fees to a pupil's guardians, and because of case law, courts do not have any discretion in awarding attorney's fees. Mr. Parker stated that because state legislation has codified the federal Education of the Handicapped Act, school districts are subject to the provisions of Public Law 94-142 and Public Law 99-372. Member Buenrostro then inquired whether staff was comfortable with discussing the issue of a state executive order incorporating federal law.

Minutes  
Hearing of May 25, 1989  
Page 6

Staff informed the Commission that it was not comfortable discussing this issue, and further noted that it appeared that Mr. Parker was basing his reasoning for finding P.L. 99-372 to be a state mandated program, on the Board of Control's finding that Chapter 1247, Statutes of 1977, and Chapter 797, Statutes of 1980, were a state mandated program. Staff noted that Board of Control's finding is currently the subject of the litigation in Huff v. Commission on State Mandates (Sacramento County Superior Court Case No. 352295).

Member Creighton moved and Member Martinez seconded a motion to continue this item and have legal counsel and staff review the arguments presented by Mr. Parker. The vote on the motion was unanimous. The motion carried.

With no further items on the agenda, Chairperson Gould adjourned the hearing at 11:45 a.m.

  
ROBERT W. EICH  
Executive Director

RWE:GLH:cm:0224g

INCORRECT REDUCTION CLAIM FILED BY  
PASADENA AREA  
COMMUNITY COLLEGE DISTRICT  
JUNE 7, 2010

HEALTH FEE ELIMINATION PROGRAM  
CHAPTER 1, STATUTES OF 1984, 2<sup>ND</sup> EXTRAORDINARY SESSION;  
AND CHAPTER 1118, STATUTES OF 1987

**COMMISSION ON STATE MANDATES**

980 NINTH STREET, SUITE 300  
SACRAMENTO, CA 95814  
PHONE: (916) 323-3562  
FAX: (916) 445-0278  
E-mail: csminfo@csm.ca.gov

Red Audits  
6/20/10  
/



June 21, 2010

Mr. Keith B. Petersen, President  
SixTen and Associates  
3270 Arena Boulevard, Suite 400-363  
Sacramento, CA 95834

Ms. Jill Kanemasu  
Division of Accounting and Reporting  
State Controller's Office (B-08)  
3301 C Street, Suite 700  
Sacramento, CA 95816

Re: **Incorrect Reduction Claim**  
*Health Fee Elimination*, 09-4206-I-30  
Education Code Section 76355  
Statutes 1984, 2<sup>nd</sup> E.S.; Chapter 1; Statutes 1987, Chapter 1118;  
Fiscal Years: 2004-2005 and 2005-2006  
Pasadena Area Community College District, Claimant

Dear Mr. Petersen and Ms. Kanemasu:

On June 15, 2010 Pasadena Area Community College District filed an incorrect reduction claim (IRC) with the Commission on State Mandates (Commission) based on the *Health Fee Elimination* mandate for fiscal years 2004-2005 and 2005-2006, for a total of \$317,939. Commission staff determined that the IRC filing is complete.

Government Code section 17551, subdivision (b), requires the Commission to hear and decide upon claims filed by local agencies and school districts that the State Controller's Office (SCO) has incorrectly reduced payments to the local agencies or school districts.

**SCO Review and Response.** Please file the SCO response and supporting documentation regarding this claim within 90 days of the date of this letter. Please include an explanation of the reason(s) for the reductions and the computation of reimbursements. All documentary evidence must be authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and be based on the declarant's personal knowledge, information or belief. The Commission's regulations also require that the responses (opposition or recommendation) filed with the Commission be simultaneously served on the claimants and their designated representatives, and accompanied by a proof of service (Cal. Code Regs., tit. 2, § 1185.01).

The failure of the SCO to respond within this 90-day timeline shall not cause the Commission to delay consideration of this IRC.

**Claimant's Rebuttal.** Upon receipt of the SCO response, the claimant and interested parties may file rebuttals. The rebuttals are due 30 days from the service date of the response.

**Prehearing Conference.** A prehearing conference will be scheduled if requested.

**Public Hearing and Staff Analysis.** The public hearing on this claim will be scheduled after the record closes. A staff analysis will be issued on the IRC at least eight weeks prior to the public hearing.

Mr. Petersen and Ms. Kanemasu

June 21, 2010

Page Two

**Dismissal of Incorrect Reduction Claims.** Under section 1188.31 of the Commission's regulations, IRCs may be dismissed if postponed or placed on inactive status by the claimant for more than one year. Prior to dismissing a claim, the Commission will provide 60 days notice and opportunity for the claimant to be heard on the proposed dismissal.

Please contact Heidi Palchik at (916) 323-8218 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Patton", written in a cursive style.

NANCY PATTON

Assistant Executive Director

Enclosure: Incorrect Reduction Claim Filing (SCO only)

J:\mandates\IRC\2009\09-4206-I-30\complete\tr



# SixTen and Associates

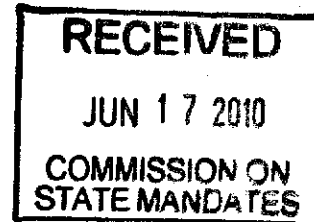
## Mandate Reimbursement Services

KEITH B. PETERSEN, President  
3270 Arena Blvd. Suite 400-363  
Sacramento, CA 95834  
Telephone: (916) 419-7093  
Fax: (916) 263-9701

E-Mail: Kbpsixten@aol.com  
5252 Balboa Avenue, Suite 900  
San Diego, CA 92117  
Telephone: (858) 514-8605  
Fax: (858) 514-8645

June 15, 2010

Paula Higashi, Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814



RE: Pasadena Area Community College District  
Health Fee Elimination #3  
Fiscal Years: 2004-05 and 2005-06  
Incorrect Reduction Claim

Dear Ms. Higashi:

Enclosed is the original and two copies of the above referenced incorrect reduction claim for Pasadena Area Community College District.

SixTen and Associates has been appointed by the District as its representative for this matter and all interested parties should direct their inquiries to me, with a copy as follows:

Richard van Pelt, Interim Vice-President  
Administrative Services  
Pasadena Area Community College District  
1570 East Colorado Blvd.  
Pasadena, CA 91106-2003

Thank-you.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith B. Petersen". The signature is fluid and cursive.

Keith B. Petersen

# COMMISSION ON STATE MANDATES

## 1. INCORRECT REDUCTION CLAIM TITLE

1/84, 1118/87 Health Fee Elimination

Pasadena Area Community College District

This is the third incorrect reduction claim filed by the District on this mandate program.

## 2. CLAIMANT INFORMATION

Richard van Pelt, Interim Vice-President  
Administrative Services  
Pasadena Area Community College District  
1570 East Colorado Blvd.  
Pasadena, CA 91106-2003  
Voice: 626-585-7258  
Fax: 626-585-7968  
E-Mail: rvanpelt@pasadena.edu

## 3. CLAIMANT REPRESENTATIVE INFORMATION

Claimant designates the following person to act as its sole representative in this incorrect reduction claim. All correspondence and communications regarding this claim shall be forwarded to this representative. Any change in representation must be authorized by the claimant in writing, and sent to the Commission on State Mandates.

Keith B. Petersen, President  
SixTen and Associates  
3270 Arena Blvd., Suite 400-363  
Sacramento, CA 95834  
Voice: (916) 419-7093  
Fax: (916) 263-9701  
E-mail: Kbpsixten@aol.com

*For CSM Use Only*

Filing Date: **RECEIVED**  
**JUN 17 2010**  
**COMMISSION ON STATE MANDATES**

IRC #:

## 4. IDENTIFICATION OF STATUTES OR EXECUTIVE ORDERS

Statutes of 1984, Chapter 1, 2<sup>nd</sup> E.S.  
Statutes of 1987, Chapter 1118

## 5. AMOUNT OF INCORRECT REDUCTION

<u>Fiscal Year</u>	<u>Amount of Reduction</u>
2004-05	\$ 150,283
2005-06	\$ 167,656
TOTAL:	\$ 317,939

## 6. NOTICE OF NO INTENT TO CONSOLIDATE

This claim is not being filed with the intent to consolidate on behalf of other claimants.

Sections 7-12 are attached as follows:

7. Written Detailed Narrative:	Pages 1 to 15
8. SCO Results of Review Letters:	Exhibit <u>A</u>
9. Desk Review Correspondence:	Exhibit <u>B</u>
10. Parameters and Guidelines:	Exhibit <u>C</u>
11. SCO Claiming Instructions:	Exhibit <u>D</u>
12. Annual Reimbursement Claims:	Exhibit <u>E</u>

## 13. CLAIM CERTIFICATION

This claim alleges an incorrect reduction of a reimbursement claim filed with the State Controller's Office pursuant to Government Code section 17561. This incorrect reduction claim is filed pursuant to Government Code section 17551, subdivision (d). I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this incorrect reduction claim submission is true and complete to the best of my own knowledge or information or belief.

Richard van Pelt, Interim Vice-President  
Administrative Services

  
Signature

6/7/10  
Date *pu* 6/3/10

1 Claim Prepared by:  
2 Keith B. Petersen  
3 SixTen and Associates  
4 3270 Arena Blvd., Suite 400-363  
5 Sacramento, CA 95834  
6 Voice: (916) 419-7093  
7 Fax: (916) 263-9701  
8 E-mail: Kbpsixten@aol.com  
9

10  
11 BEFORE THE  
12 COMMISSION ON STATE MANDATES  
13 STATE OF CALIFORNIA

14 INCORRECT REDUCTION CLAIM OF: )

15 )  
16 )  
17 )  
18 )  
19 PASADENA AREA )  
20 Community College District, )

21 )  
22 )  
23 Claimant. )  
24 )  
25 )  
26 )  
27 )  
28 )  
29 \_\_\_\_\_ )

No. CSM \_\_\_\_\_  
Chapter 1, Statutes of 1984, 2nd E.S.  
Chapter 1118, Statutes of 1987  
Education Code Section 76355  
Health Fee Elimination  
Annual Reimbursement Claims:  
Fiscal Year 2004-2005  
Fiscal Year 2005-2006

30 INCORRECT REDUCTION CLAIM FILING

31 PART I. AUTHORITY FOR THE CLAIM

32 The Commission on State Mandates has the authority pursuant to Government  
33 Code Section 17551(d) to "hear and decide upon a claim by a local agency or school  
34 district filed on or after January 1, 1985, that the Controller has incorrectly reduced  
35 payments to the local agency or school district pursuant to paragraph (2) of subdivision  
36 (d) of Section 17561." Pasadena Area Community College District (hereinafter "District")

Incorrect Reduction Claim of Pasadena Area Community College District  
1/84,1118/87 Health Fee Elimination

1 or "Claimant") is a school district as defined in Government Code Section 17519.<sup>1</sup> Title  
2 2, California Code of Regulations (CCR), Section 1185(a), requires claimants to file an  
3 incorrect reduction claim with the Commission.

4 This Incorrect Reduction Claim is timely filed. Title 2, CCR, Section 1185(b),  
5 requires incorrect reduction claims to be filed no later than three years following the date  
6 of the Controller's "written notice of adjustment notifying the claimant of a reduction."  
7 The Controller conducted a "desk review" of the District's FY 2004-05 and FY 2005-06  
8 annual claims for the Health Fee Elimination mandate. The District received copies of  
9 two "results of review" letters dated July 1, 2009, reducing its claims as a result of the  
10 desk review. The two letters are attached as Exhibit "A." These letters constitute a  
11 demand for repayment and adjudication of the claim.

12 PART II. SUMMARY OF THE CLAIM

13 The Controller conducted a "desk review" of the District's annual reimbursement  
14 claims for the actual costs of complying with the legislatively mandated Health Fee  
15 Elimination program (Chapter 1, Statutes of 1984 and Chapter 1118, Statutes of 1987),  
16 for the period July 1, 2004 through June 30, 2006. As a result of the review, the  
17 Controller determined that \$341,518 of the claimed costs were unallowable:

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<sup>1</sup> Government Code Section 17519, added by Chapter 1459, Statutes of 1984,  
Section 1:

"School district" means any school district, community college district, or county  
superintendent of schools.

Incorrect Reduction Claim of Pasadena Area Community College District  
1/84,1118/87 Health Fee Elimination

	<u>Fiscal Year</u>	<u>Amount Claimed</u>	<u>Review Adjustment</u>	<u>SCO Payments</u>	<u>Amount Due &lt;State&gt; District</u>
1	2004-05	\$230,359	\$150,283	\$ 0	\$80,076
2	2005-06	<u>\$167,656</u>	<u>\$409,218</u>	<u>\$ 0</u>	<u>\$ 0</u>
3	Totals	\$398,015	\$559,501	\$ 0	\$80,076

The Controller determined that the District has not been paid for these claims and that the amount of \$80,076 is still due the District as a result of the desk review.

PART III. CHRONOLOGY OF CLAIM PAYMENT AND DESK REVIEW ACTION

- The Controller (Ginny Brummels, Manager, Local Reimbursements Section) by letter dated July 1, 2008, requested that the District provide student enrollment data and student health fee amounts for its FY 2004-05 and FY 2005-06 reimbursement claims for the Health Fee Elimination mandate. The Controller's letter stated that the claims would be adjusted to zero if the District did not supply the additional information by September 15, 2008. A copy of this letter is included in Exhibit "B."
- SixTen and Associates, on behalf of the claimant and sixteen<sup>2</sup> other community

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<sup>2</sup> The seventeen community college districts represented by SixTen and Associates that received similar requests for additional documentation for the Health Fee Elimination mandate are:

<u>District</u>	<u>Fiscal Years</u>	<u>Letter Dated</u>
Alan Hancock CCD	2005-06, 2006-07	July 2, 2008
Cerritos CCD	2004-05, 2005-06, 2006-07	July 1, 2008
Citrus CCD	2006-07	July 1, 2008
El Camino	2005-06, 2006-07	July 1, 2008
Foothill-De Anza CCD	2004-05, 2005-06	July 2, 2008

Incorrect Reduction Claim of Pasadena Area Community College District  
1/84,1118/87 Health Fee Elimination

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1 college districts that received similar requests from the Controller, requested an  
2 extension of the September 15, 2008, deadline via e-mail due to the competing  
3 workload of the districts.

4 3. The Controller (Ginny Brummels, Manager, Local Reimbursements Section)  
5 granted a 60-day extension by e-mail on July 10, 2008, and issued a new  
6 deadline of November 15, 2008.

7 4. SixTen and Associates responded to the Controller's request on behalf of the  
8 District, by letter dated October 22, 2008, and provided an HFE 1.1 claim form for  
9 each fiscal year, which included the requested student enrollment data. The  
10 individual student health services fee amount was not included because it is the  
11 Controller's policy to use the highest authorized rate regardless of the rate  
12 actually charged by the district, and the highest authorized rate is a matter of  
13 public record available to the Controller's staff. A copy of the District's response is  
14 included in Exhibit "B."

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Kern CCD	2004-05, 2005-06, 2006-07	July 1, 2008
Long Beach CCD	2005-06	July 1, 2008
Los Rios CCD	2004-05, 2005-06, 2006-07	July 1, 2008
North Orange County CCD	2005-06, 2006-07	July 1, 2008
Palomar CCD	2004-05, 2005-06	July 2, 2008
Pasadena Area CCD	2004-05, 2005-06	July 1, 2008
Rancho Santiago CCD	2005-06, 2006-07	July 1, 2008
Redwoods CCD	2004-05, 2005-06, 2006-07	July 1, 2008
San Bernardino CCD	2004-05, 2005-06, 2006-07	July 2, 2008
Sierra CCD	2004-05, 2005-06, 2006-07	July 1, 2008
State Center CCD	2004-05, 2005-06, 2006-07	June 30, 2008
West Valley CCD	2004-05, 2005-06	July 2, 2008

Incorrect Reduction Claim of Pasadena Area Community College District  
1/84,1118/87 Health Fee Elimination

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1 5. The Controller (Steve Van Zee, Audit Manager, Mandated Cost Audits Bureau)  
2 contacted the District by e-mail on May 11, 2009, to notify the district that the  
3 Controller was performing a review of FY 2004-05 and FY 2005-06 annual  
4 claims. The e-mail requested the District to provide information on the number of  
5 students the District exempted from the student health services program. A copy  
6 of this e-mail is included in Exhibit "B." SixTen and Associates transmitted the  
7 information requested by e-mail on May 21, 2009, to Mr. Van Zee, who then  
8 completed the review.

9 6. By letter dated June 24, 2009, the Controller's Division of Audits (Jeffrey V.  
10 Brownfield, Chief) transmitted the desk review findings to the Division of  
11 Accounting and Reporting (Mike Havey, Chief). The District became aware of  
12 this letter when it was posted with the review results in early 2010 on the  
13 Controller's webpage. A copy of this letter is included in Exhibit "B."

14 7. Although there is no record of receipt by the District, on July 1, 2009, the  
15 Controller (Ginny Brummels, Manager, Local Reimbursements Section) issued  
16 two "results of review" letters for FY 2004-05 and FY 2005-06 implementing the  
17 review findings. (A copy of the documents were obtained by SixTen and  
18 Associates by fax from the Controller's office on March, 10, 2010.) No reason for  
19 the reductions was stated, other than a statement that the costs were "costs not  
20 mandated." A copy of these notices is attached as Exhibit "A."

21 8. The Controller (Ginny Brummels, Manager, Local Reimbursements Section) by

Incorrect Reduction Claim of Pasadena Area Community College District  
1/84,1118/87 Health Fee Elimination

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1 letter dated October 20, 2009, issued a report of findings from the review of the  
2 FY 2004-05 and FY 2005-06 annual claims, and stated that the scope of the  
3 review was limited "to validating the authorized health service fees that the district  
4 reported." The District did not receive a copy of this letter until May 19, 2010,  
5 after an e-mail request by SixTen and Associates to the Local Reimbursements  
6 Section staff. A copy of this letter is included in Exhibit "B."

7 PART IV. PREVIOUS INCORRECT REDUCTION CLAIMS

8 The District has filed two previous incorrect reduction claims for this mandate  
9 program for prior fiscal years. The District is not aware of any incorrect reduction claims  
10 having been adjudicated on the specific issues or subject matter raised by this claim.

11 PART V. BASIS FOR REIMBURSEMENT

12 1. Mandate Legislation

13 Chapter 1, Statutes of 1984, 2nd Extraordinary Session, repealed Education  
14 Code Section 72246 and added new Education Code Section 72246, which authorized  
15 community college districts to charge a student health services fee for the purposes of  
16 providing health supervision and services, and operating student health centers. This  
17 statute also required that the scope of student health services provided by any  
18 community college district during the 1983-84 fiscal year be maintained at that level in  
19 the 1984-85 fiscal year and every year thereafter. The provisions of this statute were to  
20 automatically repeal on December 31, 1987.

21 Chapter 1118, Statutes of 1987, amended Education Code Section 72246 to



Incorrect Reduction Claim of Pasadena Area Community College District  
1/84,1118/87 Health Fee Elimination

1 require any community college district that provided student health services in fiscal year  
2 1986-87 to maintain student health services at that level in 1987-88 and each fiscal year  
3 thereafter.

4 Chapter 753, Statutes of 1992, amended Education Code Section 72246 to  
5 increase the maximum fee that community college districts were permitted to charge for  
6 student health service. This statute also provided for future increases in the amount of  
7 the authorized fees that were linked to the Implicit Price Deflator for State and Local  
8 Government Purchase of Goods and Services.

9 Chapter 8, Statutes of 1993, repealed Education Code Section 72246, and added  
10 Education Code Section 76355<sup>3</sup> containing substantially the same provisions as

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<sup>3</sup> Education Code Section 76355, added by Chapter 8, Statutes of 1993, effective April 15, 1993, as last amended by Chapter 758, Statutes of 1995:

(a) The governing board of a district maintaining a community college may require community college students to pay a fee in the total amount of not more than ten dollars (\$10) for each semester, seven dollars (\$7) for summer school, seven dollars (\$7) for each intersession of at least four weeks, or seven dollars (\$7) for each quarter for health supervision and services, including direct or indirect medical and hospitalization services, or the operation of a student health center or centers, or both.

The governing board of each community college district may increase this fee by the same percentage increase as the Implicit Price Deflator for State and Local Government Purchase of Goods and Services. Whenever that calculation produces an increase of one dollar (\$1) above the existing fee, the fee may be increased by one dollar (\$1).

(b) If, pursuant to this section, a fee is required, the governing board of the district shall decide the amount of the fee, if any, that a part-time student is required to pay. The governing board may decide whether the fee shall be mandatory or optional.

(c) The governing board of a district maintaining a community college shall adopt rules and regulations that exempt the following students from any fee required pursuant to subdivision (a):

**Incorrect Reduction Claim of Pasadena Area Community College District  
1/84,1118/87 Health Fee Elimination**

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1 former Section 72246, effective April 15, 1993. Chapter 320, Statutes of 2005, effective  
2 January 1, 2006, amended Education Code Section 76355 to remove the fee exemption  
3 for low-income students under 76355(c)(3).

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(1) Students who depend exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization.

(2) Students who are attending a community college under an approved apprenticeship training program.

(3) Low-income students, including students who demonstrate financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid and students who demonstrate eligibility according to income standards established by the board of governors and contained in Section 58620 of Title 5 of the California Code of Regulations.

(d) All fees collected pursuant to this section shall be deposited in the fund of the district designated by the California Community Colleges Budget and Accounting Manual. These fees shall be expended only to provide health services as specified in regulations adopted by the board of governors.

Authorized expenditures shall not include, among other things, athletic trainers' salaries, athletic insurance, medical supplies for athletics, physical examinations for intercollegiate athletics, ambulance services, the salaries of health professionals for athletic events, any deductible portion of accident claims filed for athletic team members, or any other expense that is not available to all students. No student shall be denied a service supported by student health fees on account of participation in athletic programs.

(e) Any community college district that provided health services in the 1986-87 fiscal year shall maintain health services, at the level provided during the 1986-87 fiscal year, and each fiscal year thereafter. If the cost to maintain that level of service exceeds the limits specified in subdivision (a), the excess cost shall be borne by the district.

(f) A district that begins charging a health fee may use funds for startup costs from other district funds, and may recover all or part of those funds from health fees collected within the first five years following the commencement of charging the fee.

(g) The board of governors shall adopt regulations that generally describe the types of health services included in the health service program.

Incorrect Reduction Claim of Pasadena Area Community College District  
1/84,1118/87 Health Fee Elimination

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1        2.     Test Claim

2            On November 27, 1985, Rio Hondo Community College District filed a test claim  
3        alleging that Chapter 1, Statutes of 1984, 2nd Extraordinary Session mandated  
4        increased costs within the meaning of California Constitution Article XIII B, Section 6, by  
5        requiring the provision of student health services that were previously provided at the  
6        discretion of the community college districts.

7            On November 20, 1986, the Commission on State Mandates determined that  
8        Chapter 1, Statutes of 1984, 2nd Extraordinary Session, imposed a new program upon  
9        community college districts by requiring any community college district that provided  
10       student health services for which it was authorized to charge a fee pursuant to former  
11       Section 72246 in the 1983-1984 fiscal year, to maintain student health services at that  
12       level in the 1984-1985 fiscal year and each fiscal year thereafter.

13           At a hearing on April 27, 1989, the Commission on State Mandates determined  
14       that Chapter 1118, Statutes of 1987, amended this requirement to apply to all  
15       community college districts that provided student health services in fiscal year 1986-  
16       1987, and required them to maintain that level of student health services in fiscal year  
17       1987-1988 and each fiscal year thereafter.

18       3.     Parameters and Guidelines

19           On August 27, 1987, the original parameters and guidelines were adopted. On  
20       May 25, 1989, those parameters and guidelines were amended. A copy of the May 25,  
21       1989, parameters and guidelines is attached as Exhibit "C."

Incorrect Reduction Claim of Pasadena Area Community College District  
1/84, 1118/87 Health Fee Elimination

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1     4.     Claiming Instructions

2             The Controller has periodically issued or revised claiming instructions for the  
3     Health Fee Elimination mandate. A copy of the September 2003 revision of the claiming  
4     instructions is attached as Exhibit "D." The September 2003 claiming instructions are  
5     believed to be substantially similar to the version extant at the time the claims that are  
6     the subject of this Incorrect Reduction Claim were filed. However, because the  
7     Controller's claim forms and instructions have not been adopted as regulations, they  
8     have no force of law and no effect on the outcome of this claim.

9                             PART VI. STATEMENT OF THE ISSUES

10            The District's FY 2004-05 and FY 2005-06 reimbursement annual claims were  
11     apparently reduced due to the Controller's conclusion that the District did not offset  
12     student health services program costs by the amount of authorized student health fee  
13     revenues in the additional amount of \$559,501. The District reported only student health  
14     service fees received and not those fees that theoretically could have been collected in  
15     its annual reimbursement claims. It appears that the Controller may have calculated  
16     authorized health service fees using student enrollment data and health service fee  
17     rates from the California Community College Chancellor's Office. This finding reduces  
18     the claimed program costs by a calculated amount of student health services fees never  
19     collected.

20     /

21     /

Incorrect Reduction Claim of Pasadena Area Community College District  
1/84, 1118/87 Health Fee Elimination

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1. The District is required to reduce costs only by offsetting revenue received

EDUCATION CODE SECTION 76355

Education Code Section 76355, subdivision (a)(1), in relevant part, provides:

"[t]he governing board of a district maintaining a community college *may require* community college students to pay a fee . . . for health supervision and services . . . ."

(Emphasis added.) There is no requirement that community colleges levy these fees.

The permissive nature of the provision is further illustrated in subdivision (b) which states "*if*, pursuant to this section, a fee is required, the governing board of the district shall decide the amount of the fee, *if any*, that a part-time student is required to pay.

*The governing board may decide whether the fee shall be mandatory or optional.*"

(Emphasis added.)

PARAMETERS AND GUIDELINES

The parameters and guidelines state:

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., federal, state, etc., shall be identified and deducted from this claim. This shall include the amount of [student fees] as authorized by Education Code Section 72246(a)<sup>4</sup>.

In order for a district to "experience" these "offsetting savings" the district must actually have collected these fees. Note that the student health fees are named as a potential source of the reimbursement *received* in the previous sentence. The use of the term

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<sup>4</sup> Former Education Code Section 72246 was repealed by Chapter 8, Statutes of 1993, and was replaced by Education Code Section 76355.

Incorrect Reduction Claim of Pasadena Area Community College District  
1/84,1118/87 Health Fee Elimination

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1 "any offsetting savings" further illustrates the permissive nature of the fees. Student  
2 fees actually collected must be used to offset costs, but not student fees that could have  
3 been collected and were not. Thus, the Controller's adjustments are based on an  
4 illogical interpretation of the parameters and guidelines.

5 Further, the Department of Finance proposed, as part of the amendments that  
6 were adopted on May 25, 1989, that a sentence be added to the offsetting savings  
7 section expressly stating that if no health service fee was charged, the claimant would  
8 be required to deduct the amount authorized. The Commission declined to add this  
9 requirement and adopted the parameters and guidelines without this language.

10 Therefore, it is evident that the Commission intends the language of the parameters and  
11 guidelines to be construed as written, and only those savings that are *experienced* are  
12 to be deducted.

13 Since districts are not required to collect a fee from students for student health  
14 services, and if such a fee is collected, the amount is to be determined by the district  
15 and not the Controller, the Controller's adjustment is without legal basis. The parameters  
16 and guidelines require districts to reduce the amount of their claimed costs by the  
17 amount of student health services fee revenue actually received. Therefore, student  
18 health services fees are merely collectible, they are not mandatory, and it is  
19 inappropriate for the Controller to reduce claim amounts by revenues not received.

20 2. The District correctly filed the annual reimbursement claims

21 The District reported its actual reimbursable costs in the manner required by the

Incorrect Reduction Claim of Pasadena Area Community College District  
1/84, 1118/87 Health Fee Elimination

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1 parameters and guidelines and on the forms provided for by the Controller's claiming  
2 instructions for this program. The Controller has not stated how the claim documentation  
3 was insufficient for purposes of adjudicating the claims. The Controller has not sent any  
4 documentation in support of its action to the District. The Controller has simply reduced  
5 the District's reimbursement claim without any explanation. By providing no notice for  
6 the basis of its actions, the Controller is creating a standard of general application  
7 without the benefit of law or due process of rulemaking.

8 3. The reason for the rejection was contrary to statute

9 The annual reimbursement claims were not adjusted because the costs claimed  
10 were excessive or unreasonable. The Controller does not assert that the claimed costs  
11 were excessive or unreasonable, which is the only mandated cost audit standard in  
12 statute (Government Code Section 17561(d)(2)). It would therefore appear that the  
13 entire findings are based upon the wrong standard of review, or no standard of review.  
14 If the Controller wishes to enforce other audit standards for mandated cost  
15 reimbursement, the Controller should comply with the Administrative Procedure Act.

16 4. No audit was conducted

17 The only exception to the Controller's duty under Government Code Section  
18 17561(d)(2) to pay annual reimbursement claims (other than a finding that the claim is  
19 excessive or unreasonable) is a reduction as a result of a properly conducted audit.  
20 However, no audit of the District's reimbursement claims was conducted. Therefore, the  
21 Controller has no factual basis to make a conclusion that the costs claimed were

1 excessive or unreasonable, as required by Government Code Section 17561(d)(2).

2 PART VII. RELIEF REQUESTED

3 The District filed its annual reimbursement claims within the time limits  
4 prescribed. The amounts claimed by the District for reimbursement of the costs of  
5 implementing the program imposed by Chapter 1, Statutes of 1984, 2nd E.S., Chapter  
6 1118, Statutes of 1987, and Education Code Section 76355 represent the actual costs  
7 incurred by the District to carry out this program. These costs were properly claimed  
8 pursuant to the Commission's parameters and guidelines. Reimbursement of these  
9 costs is required under Article XIII B, Section 6 of the California Constitution. The  
10 Controller denied reimbursement without any basis in law or fact. The District has met  
11 its burden of going forward on this claim by complying with the requirements of Title 2,  
12 CCR, Section 1185. Because the Controller has enforced and is seeking to enforce  
13 these adjustments without benefit of statute or regulation, the burden of proof is now  
14 upon the Controller to establish a legal basis for its actions.

15 The District requests that the Commission make findings of fact and law on each  
16 and every adjustment made by the Controller and each and every procedural and  
17 jurisdictional issue raised in this claim, and order the Controller to correct the  
18 adjustments therefrom.

19 /

20 /

21 /



PART VIII. CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this Incorrect Reduction Claim submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.

Executed on June 4, 2010, at Pasadena, California, by



Richard van Pelt, Interim Vice-President  
Administrative Services  
Pasadena Area Community College District  
1570 East Colorado Blvd.  
Pasadena, CA 91106-2003  
Voice: 626-585-7258  
Fax: 626-585-7968  
E-Mail: rvanpelt@pasadena.edu

APPOINTMENT OF REPRESENTATIVE

Pasadena Area Community College District appoints Keith B. Petersen, SixTen and Associates, as its representative for this Incorrect Reduction Claim.



Richard van Pelt, Interim Vice-President  
Administrative Services  
Pasadena Area Community College District

6/4/10

Date

sw  
6/2/10

Attachments:

Exhibit "A"            Controller's "results of review letters"  
Exhibit "B"            Desk Review correspondence.  
Exhibit "C"            Parameters and Guidelines, May 25, 1989  
Exhibit "D"            Controller's claiming instructions, September 2003 version  
Exhibit "E"            Annual Reimbursement Claims



COMMAND ==>  
LRSP572 20090629 200008

SCROLL ==> SCREEN  
P 5 R 1 C 1  
CC19335  
00234  
2009/07/01

JULY 1, 2009  
BOARD OF TRUSTEES  
PASADENA AREA COMM COLL DIST  
LOS ANGELES COUNTY  
1570 E COLORADO BLVD  
PASADENA CA 91106

DEAR CLAIMANT:

RE: HEALTH FEE ELIMINATION (CC)

WE HAVE REVIEWED YOUR 2004/2005 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED		230,359.00
ADJUSTMENT TO CLAIM:		
COST NOT MANDATED	-	150,283.00
TOTAL ADJUSTMENTS	-	150,283.00
AMOUNT DUE CLAIMANT	\$	80,076.00

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT FRAN STUART AT (916) 323-0766 OR IN WRITING AT THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875. DUE TO INSUFFICIENT APPROPRIATION, THE BALANCE DUE WILL BE FORTHCOMING WHEN ADDITIONAL FUNDS ARE MADE AVAILABLE.

COMMAND ==>  
LRSP572 20090629 200008

SCROLL ==> SCREEN  
P 6 R 1 C 1  
CC19335  
00234  
2009/07/01

JULY 1, 2009  
BOARD OF TRUSTEES  
PASADENA AREA COMM COLL DIST  
LOS ANGELES COUNTY  
1570 E COLORADO BLVD  
PASADENA CA 91106

DEAR CLAIMANT:

RE: HEALTH FEE ELIMINATION (CC)

WE HAVE REVIEWED YOUR 2005/2006 FISCAL YEAR REIMBURSEMENT CLAIM FOR  
THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR  
REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED		167,656.00
ADJUSTMENT TO CLAIM:		
COST NOT MANDATED	- 167,656.00	
TOTAL ADJUSTMENTS		- 167,656.00

AMOUNT DUE CLAIMANT		\$ 0.00
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IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT FRAN STUART  
AT (916) 323-0766 OR IN WRITING AT THE STATE CONTROLLER'S OFFICE,  
DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO,  
CA 94250-5875.





**JOHN CHIANG**  
California State Controller

July 1, 2008

Mr. James Albanese  
Interim Vice President, Administrative Services  
Pasadena Area Community College District  
1570 E Colorado Blvd  
Pasadena CA 91106-2003

RE: Health Fee Elimination (Program 234) for Fiscal Years 2004-05 and 2005-06

Dear Claimant:

We have reviewed your claims for the above referenced program and found that the claim forms were not completed in accordance with our claiming instructions. We are enclosing a copy of the forms and instructions for your review to help you understand what supporting information must be included. The SCO requires the student enrollment data and fee amounts by semester or quarter as prescribed in the forms.

In addition, if the supporting documentation requested herein is not received by SCO by September 15, 2008, our office will proceed to adjust the claims to zero.

If you have any questions, please contact Fran Stuart, Associate Accounting Analyst, at (916) 323-0766.

Sincerely,

A handwritten signature in cursive script that reads "Ginny Brummels".

GINNY BRUMMELS  
Manager

Enclosures  
cc: SixTen and Associates

# SixTen and Associates

## Mandate Reimbursement Services

KEITH B. PETERSEN, MPA, JD, President  
E-Mail: Kbpsixten@aol.com

**San Diego**  
5252 Balboa Avenue, Suite 900  
San Diego, CA 92117  
Telephone: (858) 514-8605  
Fax: (858) 514-8645

**Sacramento**  
3841 North Freeway Blvd., Suite 170  
Sacramento, CA 95834  
Telephone: (916) 565-6104  
Fax: (916) 564-6103

October 22, 2008

Virginia Brummels, Manager  
Bureau of Payments  
Local Reimbursements Section  
State Controller's Office  
P. O. Box 942850  
Sacramento, California 94250-5872

Dear Ms. Brummels:

Regard: Pasadena Community College District  
Health Fee Elimination Annual Reimbursement Claims  
Fiscal Years 2004-05 and 2005-06

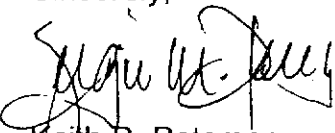
Your letter dated July 1, 2008, requested the District to provide student enrollment data and student health insurance fee amounts by semester on the prescribed Controller claiming forms by September 15, 2008, for the above referenced claims, or those claims would be reduced to zero. Upon our request, you extended this response period due to competing and higher priority work at the District.

I am responding on behalf of the District. As you may know, when we prepare the annual claim, we utilize actual student health insurance income received by the District to determine the net reimbursable costs rather than calculate the "amount collectible." We consider the amount collectible calculation method (total students subject to the student health insurance fee multiplied by the highest authorized student health insurance fee per student) to be less accurate than actual revenues received. This difference in reporting methods has been the subject of past field audits, pending incorrect reduction claims, and pending litigation. We will continue to utilize the actual income received amount until the dispute is decided by competent authority in order to preserve the District's rights.

This letter transmits an HFE 1.1 form for each fiscal year which includes the student enrollment data you requested. The individual student health insurance fee amount is not included since it is the Controller's policy to use the highest authorized rate regardless of the rate charged by the District. The highest authorized rate is a matter of public record available to the Controller's staff, so is not provided here.

If you have any questions, please contact me at 916-565-6105.

Sincerely,



for: Keith B. Petersen

- C: Mark Zacovic, Interim Vice President, Administrative Services Pasadena Area Community College District
- Brigitte Norsworthy, Principal Accountant, Pasadena Area Community College District



State Controller's Office

Community College Mandated Cost Manual

<b>PROGRAM</b> <b>234</b>	<b>MANDATED COSTS</b> <b>HEALTH FEE ELIMINATION</b> <b>CLAIM SUMMARY</b>	<b>FORM</b> <b>HFE-1.1</b>
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(01) Claimant: Pasadena Area Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2005-2006
--	--	--------------------------

(03) Name of College: Pasadena City College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, STOP, do not complete the form. No reimbursement is allowed.

LESS                       SAME                       MORE

	Direct Cost	Indirect Cost of: 32.80%	Total
(05) Cost of Health Services for the Fiscal year of Claim	\$ 512,810	\$ 168,202	\$ 681,012
(06) Cost of providing current fiscal year health services in excess of 1986/87	\$ -	\$ -	\$ -
(07) Cost of providing current fiscal year health services at 1986/87 level [Line (05) - line (06)]	\$ 512,810	\$ 168,202	\$ 681,012

(08) Complete Columns (a) through (g) to provide detail data for health fees

Collection Period Full-time students listed here-in are net of BOG waivers	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code \$76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code \$78355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per Fall Semester	16,742			\$ -		\$ -	\$ -
2. Per Spring Semester	16,723			\$ -		\$ -	\$ -
3. Per Summer Session	7,328			\$ -		\$ -	\$ -
4. Per WINTER session	6,639			\$ -		\$ -	\$ -
5. Per Second Quarter				\$ -		\$ -	\$ -
6. Per Third Quarter				\$ -		\$ -	\$ -

(09) Total health fee that could have been collected: The sum of (Line (08)(1)(c) through line (08)(6)(c)) \$ -

(10) Subtotal [Line (07) - line (09)] \$ -

**Cost Reduction**

(11) Less: Offsetting Savings, If applicable \$ -

(12) Less: Other Reimbursements, If applicable \$ -

(13) Total Amount Claimed [Line (10) - (line (11) + line (12))] \$ -

State Controller's Office

Community College Mandated Cost Manual

<b>PROGRAM</b> <b>234</b>	<b>MANDATED COSTS</b> <b>HEALTH FEE ELIMINATION</b> <b>CLAIM SUMMARY</b>	<b>FORM</b> <b>HFE-1.1</b>
------------------------------	--	-------------------------------

(01) Claimant: Pasadena Area Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2004-2005
--	--	--------------------------

(03) Name of College: Pasadena City College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, STOP, do not complete the form. No reimbursement is allowed.

LESS                       SAME                       MORE

	Direct Cost	Indirect Cost of: 32.80%	Total
(05) Cost of Health Services for the Fiscal year of Claim	\$ 554,535	\$ 181,887	\$ 736,422
(06) Cost of providing current fiscal year health services in excess of 1986/87	\$ -	\$ -	\$ -
(07) Cost of providing current fiscal year health services at 1986/87 level [Line (05) - line (06)]	\$ 554,535	\$ 181,887	\$ 736,422

(08) Complete Columns (a) through (g) to provide detail data for health fees

Collection Period Full-time students listed here-in are net of BOG waivers	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code \$76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code \$76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
1. Per Fall Semester	17,002			\$ -		\$ -	\$ -
2. Per Spring Semester	16,501			\$ -		\$ -	\$ -
3. Per Summer Session	6,995			\$ -		\$ -	\$ -
4. Per WINTER session	5,827			\$ -		\$ -	\$ -
5. Per Second Quarter				\$ -		\$ -	\$ -
6. Per Third Quarter				\$ -		\$ -	\$ -

(09) Total health fee that could have been collected: The sum of (Line (08)(1)(c) through line (08)(6)(c)) \$ -

(10) Subtotal [Line (07) - line (09)]

**Cost Reduction**

(11) Less: Offsetting Savings, if applicable \$ -

(12) Less: Other Reimbursements, if applicable

(13) Total Amount Claimed [Line (10) - {(line (11) + line (12))}] \$ -

Pasadena City College

1570 East Colorado Blvd.

Pasadena, California 91106

(626) 585-7258 office

(626) 585-3117 fax

(951)537-9384 cellular

**From:** svanee@sco.ca.gov [mailto:svanee@sco.ca.gov]  
**Sent:** Monday, May 11, 2009 7:50 AM  
**To:** Mark J. Zacovic  
**Subject:** Health Fee Elimination Program mandated cost claims

Mr. Zacovic,

This is to notify you that the State Controller's Office is reviewing claims that your district submitted for the Health Fee Elimination mandated cost program. We are performing our review under the authority of Government Code sections 12410, 17558.5, and 17561. In addition, the program's parameters and guidelines require the district to provide documentation that supports its claims upon the request of the State Controller. At this time, our review is limited to validating the authorized health service fees that the district reported.

Our review scope includes claims filed for fiscal year (FY) 2004-05 through FY 2005-06. For your convenience, we have attached copies of those claims.

To complete our review, we ask that you provide the following information:

(1) Education Code section 76355, subdivision (c)(1), states that the district may exclude from health fees those students who "depend exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization." For each term within each academic year, please identify the number of students that the district excluded from health service fees pursuant to Education Code section 76355, subdivision (c)(1). Please also identify what

documentation the district maintains to support the number of students excluded.  
(Note: Summer 2002 session is part of the 2002-03 academic year, and so on.)

(2) If the district prohibited any students from using its health services during any term or academic year, please identify the number of students excluded and provide documentation of a contemporaneous district policy showing that the district excluded those students from receiving health services.

Please provide the requested information by May 29, 2009. You may provide the information by mail, fax, or e-mail. If we do not receive the requested information, we will complete our review based upon district enrollment, Board of Governor Grant recipient, and apprenticeship program enrollee information provided by the California Community Colleges Chancellor's Office. Once our review is complete, the State Controller's Office - Division of Accounting and Reporting will notify you if there are any adjustments to claimed costs.

Thank you for your assistance.

**Steve W. Van Zee**

**Audit Manager**

**State Controller's Office**

**Division of Audits / Mandated Cost Audits Bureau**

**Office: (916) 323-2368 / FAX: (916) 324-7223**

[svanzee@sc9.ca.gov](mailto:svanzee@sc9.ca.gov)

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# Memorandum

To : Mike Havey, Chief  
Division of Accounting and Reporting  
State Controller's Office

Date: June 24, 2009

From: Jeffrey V. Brownfield, Chief  
Division of Audits  
State Controller's Office

Subject: PASADENA AREA COMMUNITY COLLEGE DISTRICT  
HEALTH FEE ELIMINATION PROGRAM MANDATED COST CLAIMS  
FOR THE PERIOD OF JULY 1, 2004, THROUGH JUNE 30, 2006

We reviewed the costs claimed by Pasadena Area Community College District for the legislatively mandated Health Fee Elimination Program (Chapter 1, Statutes of 1984, 2<sup>nd</sup> Extraordinary Session, and Chapter 1118, Statutes of 1987) for the period of July 1, 2004, through June 30, 2006. Our review was limited to validating the authorized health service fees that the district reported.

The district claimed \$398,015 for the mandated program. Our review disclosed that \$80,076 is allowable and \$317,939 is unallowable. The costs are unallowable because the district understated authorized health service fees.

The State made no payment to the district. Our review disclosed that \$80,076 is allowable. The State should pay that amount, contingent upon available appropriations.

We recommend that the Division of Accounting and Reporting notify the district of the results of this review. If you have any questions, please contact either Jim L. Spano, Chief, Mandated Cost Audits Bureau, at (916) 323-5849 ([jspano@sco.ca.gov](mailto:jspano@sco.ca.gov)), or Steve Van Zee, Audit Manager, at (916) 323-2368 ([svanzee@sco.ca.gov](mailto:svanzee@sco.ca.gov)).

JVB/sk

Attachments

S09-MCC-903

cc: Jill Kanemasu, Bureau Chief  
Department of Accounting and Recording, State Controller's Office  
Ginny Brummels, Manager  
Department of Accounting and Recording, State Controller's Office

**Attachment 1—  
Summary of Program Costs  
July 1, 2004, through June 30, 2006**

<u>Cost Elements</u>	<u>Actual Costs Claimed</u>	<u>Allowable per Review</u>	<u>Review Adjustment<sup>1</sup></u>
<u>July 1, 2004, through June 30, 2005</u>			
Direct costs	\$ 554,535	\$ 554,535	\$ —
Indirect costs	181,887	181,887	—
Total direct and indirect costs	736,422	736,422	—
Less authorized health service fees	(503,865)	(654,148)	(150,283)
Less offsetting savings/reimbursements	(2,198)	(2,198)	—
Total program costs	<u>\$ 230,359</u>	80,076	<u>\$ (150,283)</u>
Less amount paid by the State		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 80,076</u>	
<u>July 1, 2005, through June 30, 2006</u>			
Direct costs	\$ 512,810	\$ 512,810	\$ —
Indirect costs	168,202	168,202	—
Total direct and indirect costs	681,012	681,012	—
Less authorized health service fees	(513,356)	(922,574)	(409,218)
Subtotal	167,656	(241,562)	(409,218)
Review adjustments that exceed costs claimed	—	241,562	241,562
Total program costs	<u>\$ 167,656</u>	—	<u>\$ (167,656)</u>
Less amount paid by the State		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ —</u>	
<u>Summary: July 1, 2004, through June 30, 2006</u>			
Direct costs	\$ 1,067,345	\$ 1,067,345	\$ —
Indirect costs	350,089	350,089	—
Total direct and indirect costs	1,417,434	1,417,434	—
Less authorized health service fees	(1,017,221)	(1,576,722)	(559,501)
Less offsetting savings/reimbursements	(2,198)	(2,198)	—
Subtotal	398,015	(161,486)	(559,501)
Review adjustments that exceed costs claimed	—	241,562	241,562
Total program costs	<u>\$ 398,015</u>	80,076	<u>\$ (317,939)</u>
Less amount paid by the State		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 80,076</u>	

<sup>1</sup> See Attachment 2, Finding and Recommendation.

## Attachment 2— Finding and Recommendation July 1, 2004, through June 30, 2006

**FINDING—  
Understated  
authorized health  
service fees**

The district understated authorized health service fees by \$559,501.

Mandated costs do not include costs that are reimbursable from authorized fees. Government Code section 17514 states that “costs mandated by the state” means any increased costs that a school district is required to incur. To the extent community college districts can charge a fee, they are not required to incur a cost. In addition, Government Code section 17556 states that the Commission on State Mandates shall not find costs mandated by the State if the school district has the authority to levy fees to pay for the mandated program or increased level of service.

For the period of July 1, 2004, through December 31, 2005, Education Code section 76355, subdivision (c), states that health fees are authorized for all students except those who: (1) depend exclusively on prayer for healing; (2) are attending a community college under an approved apprenticeship training program; or (3) demonstrate financial need. Effective January 1, 2006, only subdivisions (c)(1) and (c)(2) are applicable. The California Community Colleges Chancellor’s Office (CCCCO) identified the fees authorized by Education Code section 76355, subdivision (a).

The following table summarizes the authorized fees per student:

Fiscal Year	Authorized Health Fee Rate	
	Fall and Spring Semesters	Summer Session and Winter Intersession
2004-05	\$13	\$10
2005-06	14	11

We obtained student enrollment, apprenticeship program enrollment, and Board of Governors Grant (BOGG) recipient data from the CCCCCO. The CCCCCO identified enrollment and BOGG recipient data from its management information system (MIS) based on student data that the district reported. CCCCCO identified the district’s enrollment based on its MIS data element STD7, codes A through G. Within the student enrollment, CCCCCO identified the number of apprenticeship program enrollees based on its Data Element SB23, Code 1. CCCCCO eliminated any duplicate students based on their social security numbers. From the district enrollment, CCCCCO identified the number of BOGG recipients based on MIS data element SF21, all codes with first letter of B or F.

The following table shows the authorized health service fee calculation and review adjustment:

	Period				Total
	Summer Session	Fall Semester	Winter Intersession	Spring Semester	
Fiscal Year 2004-05:					
Number of enrolled students	13,044	29,352	12,744	28,172	
Less number of students who depend on prayer for healing	—	—	(1)	(1)	
Less number of BOGG recipients	(3,863)	(9,949)	(5,072)	(10,218)	
Subtotal	9,181	19,403	7,671	17,953	
Authorized health fee rate	× \$(10)	× \$(13)	× \$(10)	× \$(13)	
Authorized health service fees	\$ (91,810)	\$ (252,239)	\$ (76,710)	\$ (233,389)	\$ (654,148)
Less authorizes health service fees claimed					503,865
Review adjustment, FY 2004-05					(150,283)
Fiscal Year 2005-06:					
Number of enrolled students	13,218	28,881	14,050	28,279	
Less number of students who depend on prayer for healing	—	(1)	—	(1)	
Less number of BOGG recipients	(3,772)	(9,721)	—	—	
Subtotal	9,446	19,159	14,050	28,278	
Authorized health fee rate	× \$(11)	× \$(14)	× \$(11)	× \$(14)	
Authorized health service fees	\$ (103,906)	\$ (268,226)	\$ (154,550)	\$ (395,892)	(922,574)
Less authorizes health service fees claimed					513,356
Review adjustment, FY 2005-06					(409,218)
Total review adjustment					\$ (559,501)

### Recommendation

We recommend that the district deduct authorized health service fees from mandate-related costs claimed. To properly calculate authorized health service fees, we recommend that the district identify the number of enrolled students based on CCCC data element STD7, codes A through G. We also recommend that the district identify the number of apprenticeship program enrollees based on data elements SB23, code 1, and STD7, codes A through G. The district should eliminate duplicate entries for students who attend more than one of the district's colleges. In addition, we recommend that the district maintain documentation that identifies any students that the district excludes from the health service fee based on Education Code section 76355, subdivision (c)(1). If the district denies health services to any portion of its student population, it should maintain contemporaneous documentation of a district policy that excludes those students and documentation identifying the number of students excluded.





**JOHN CHIANG**  
California State Controller

October 20, 2009

Mr. James Albanese  
Interim Vice President, Administrative Services  
Pasadena Area Community College District  
1570 E Colorado Blvd  
Pasadena, CA 91106-2003

RE: Health Fee Elimination CH 1/84

Dear Claimant:

We reviewed the costs claimed by Pasadena Area Community College District for the legislatively mandated Health Fee Elimination Program (Chapter 1, Statutes of 1984, 2<sup>nd</sup> Extraordinary Session, and Chapter 1118, Statutes of 1987) for the period of July 1, 2004, through June 30, 2006. Our review was limited to validating the authorized health service fees that the district reported.

The district claimed \$398,015 for the mandated program. Our review disclosed that \$80,076 is allowable and \$317,939 is unallowable, as described in the attached Summary of Program Costs and Finding and Recommendation. The costs are unallowable because the district understated authorized health service fees.

The State made no payment to the district. Our review disclosed that \$80,076 is allowable. The State will pay that amount, contingent upon available appropriations.

If you have any questions, please contact Fran Stuart, Associate Accounting Analyst, at (916) 323-0766.

Sincerely,

A handwritten signature in cursive script that reads "Ginny Brummels".

GINNY BRUMMELS

Manager

GLB:fs

Attachments

cc: Jim L. Spano, Chief  
Mandated Cost Audits Bureau  
Steve Van Zee, Audit Manager  
Division of Audits

Pasadena Area Community College *let*Health Fee Elimination Program

**Attachment 1—  
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July 1, 2004, through June 30, 2006**

<u>Cost Elements</u>	<u>Actual Costs Claimed</u>	<u>Allowable per Review</u>	<u>Review Adjustment<sup>1</sup></u>
<u>July 1, 2004, through June 30, 2005</u>			
Direct costs	\$ 554,535	\$ 554,535	\$ —
Indirect costs	181,887	181,887	—
Total direct and indirect costs	736,422	736,422	—
Less authorized health service fees	(503,865)	(654,148)	(150,283)
Less offsetting savings/reimbursements	(2,198)	(2,198)	—
Total program costs	<u>\$ 230,359</u>	80,076	<u>\$ (150,283)</u>
Less amount paid by the State		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 80,076</u>	
<u>July 1, 2005, through June 30, 2006</u>			
Direct costs	\$ 512,810	\$ 512,810	\$ —
Indirect costs	168,202	168,202	—
Total direct and indirect costs	681,012	681,012	—
Less authorized health service fees	(513,356)	(922,574)	(409,218)
Subtotal	167,656	(241,562)	(409,218)
Review adjustments that exceed costs claimed	—	241,562	241,562
Total program costs	<u>\$ 167,656</u>	—	<u>\$ (167,656)</u>
Less amount paid by the State		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ —</u>	
<u>Summary: July 1, 2004, through June 30, 2006</u>			
Direct costs	\$ 1,067,345	\$ 1,067,345	\$ —
Indirect costs	350,089	350,089	—
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Less authorized health service fees	(1,017,221)	(1,576,722)	(559,501)
Less offsetting savings/reimbursements	(2,198)	(2,198)	—
Subtotal	398,015	(161,486)	(559,501)
Review adjustments that exceed costs claimed	—	241,562	241,562
Total program costs	<u>\$ 398,015</u>	80,076	<u>\$ (317,939)</u>
Less amount paid by the State		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 80,076</u>	

<sup>1</sup> See Attachment 2, Finding and Recommendation.

## Attachment 2— Finding and Recommendation July 1, 2004, through June 30, 2006

**FINDING—  
Understated  
authorized health  
service fees**

The district understated authorized health service fees by \$559,501.

Mandated costs do not include costs that are reimbursable from authorized fees. Government Code section 17514 states that "costs mandated by the state" means any increased costs that a school district is required to incur. To the extent community college districts can charge a fee, they are not required to incur a cost. In addition, Government Code section 17556 states that the Commission on State Mandates shall not find costs mandated by the State if the school district has the authority to levy fees to pay for the mandated program or increased level of service.

For the period of July 1, 2004, through December 31, 2005, Education Code section 76355, subdivision (c), states that health fees are authorized for all students except those who: (1) depend exclusively on prayer for healing; (2) are attending a community college under an approved apprenticeship training program; or (3) demonstrate financial need. Effective January 1, 2006, only subdivisions (c)(1) and (c)(2) are applicable. The California Community Colleges Chancellor's Office (CCCCO) identified the fees authorized by Education Code section 76355, subdivision (a).

The following table summarizes the authorized fees per student:

Fiscal Year	Authorized Health Fee Rate	
	Fall and Spring Semesters	Summer Session and Winter Intercession
2004-05	\$13	\$10
2005-06	14	11

We obtained student enrollment, apprenticeship program enrollment, and Board of Governors Grant (BOGG) recipient data from the CCCCCO. The CCCCCO identified enrollment and BOGG recipient data from its management information system (MIS) based on student data that the district reported. CCCCCO identified the district's enrollment based on its MIS data element STD7, codes A through G. Within the student enrollment, CCCCCO identified the number of apprenticeship program enrollees based on its Data Element SB23, Code 1. CCCCCO eliminated any duplicate students based on their social security numbers. From the district enrollment, CCCCCO identified the number of BOGG recipients based on MIS data element SF21, all codes with first letter of B or F.

Pasadena Area Community College - ict

Health Fee Elimination Program

The following table shows the authorized health service fee calculation and review adjustment:

	Period				Total
	Summer Session	Fall Semester	Winter Intersession	Spring Semester	
<b>Fiscal Year 2004-05:</b>					
Number of enrolled students	13,044	29,352	12,744	28,172	
Less number of students who depend on prayer for healing	—	—	(1)	(1)	
Less number of BOGG recipients	(3,863)	(9,949)	(5,072)	(10,218)	
Subtotal	9,181	19,403	7,671	17,953	
Authorized health fee rate	x \$(10)	x \$(13)	x \$(10)	x \$(13)	
Authorized health service fees	\$ (91,810)	\$ (252,239)	\$ (76,710)	\$ (231,389)	\$(654,148)
Less authorizes health service fees claimed					503,865
Review adjustment, FY 2004-05					(150,283)
<b>Fiscal Year 2005-06:</b>					
Number of enrolled students	13,218	28,881	14,050	28,279	
Less number of students who depend on prayer for healing	—	(1)	—	(1)	
Less number of BOGG recipients	(3,772)	(9,721)	—	—	
Subtotal	9,446	19,159	14,050	28,278	
Authorized health fee rate	x \$(11)	x \$(14)	x \$(11)	x \$(14)	
Authorized health service fees	\$ (103,906)	\$ (268,226)	\$ (154,550)	\$ (395,892)	(922,574)
Less authorizes health service fees claimed					513,356
Review adjustment, FY 2005-06					(409,218)
Total review adjustment					\$(559,501)

Recommendation

We recommend that the district deduct authorized health service fees from mandate-related costs claimed. To properly calculate authorized health service fees, we recommend that the district identify the number of enrolled students based on CCCCCO data element STD7, codes A through G. We also recommend that the district identify the number of apprenticeship program enrollees based on data elements SB23, code 1, and STD7, codes A through G. The district should eliminate duplicate entries for students who attend more than one of the district's colleges. In addition, we recommend that the district maintain documentation that identifies any students that the district excludes from the health service fee based on Education Code section 76355, subdivision (c)(1). If the district denies health services to any portion of its student population, it should maintain contemporaneous documentation of a district policy that excludes those students and documentation identifying the number of students excluded.



Adopted: 8/27/87  
Amended: 5/25/89

PARAMETERS AND GUIDELINES  
Chapter 1, Statutes of 1984, 2nd E.S. .  
Chapter 1118, Statutes of 1987  
Health Fee Elimination

I. SUMMARY OF MANDATE

Chapter 1, Statutes of 1984, 2nd E.S. repealed Education Code Section 72246 which had authorized community college districts to charge a health fee for the purpose of providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers. This statute also required that health services for which a community college district charged a fee during the 1983-84 fiscal year had to be maintained at that level in the 1984-85 fiscal year and every year thereafter. The provisions of this statute would automatically repeal on December 31, 1987, which would reinstate the community colleges districts' authority to charge a health fee as specified.

Chapter 1118, Statutes of 1987, amended Education Code section 72246 to require any community college district that provided health services in 1986-87 to maintain health services at the level provided during the 1986-87 fiscal year in 1987-88 and each fiscal year thereafter.

II. COMMISSION ON STATE MANDATES DECISION

At its hearing on November 20, 1986, the Commission on State Mandates determined that Chapter 1, Statutes of 1984, 2nd E.S. imposed a "new program" upon community college districts by requiring 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.

At its hearing of April 27, 1989, the Commission determined that Chapter 1118, Statutes of 1987, amended this maintenance of effort requirement to apply to all community college districts which provided health services in fiscal year 1986-87 and required them to maintain that level in fiscal year 1987-88 and each fiscal year thereafter.

III. ELIGIBLE CLAIMANTS

Community college districts which provided health services in 1986-87 fiscal year and continue to provide the same services as a result of this mandate are eligible to claim reimbursement of those costs.

#### IV. PERIOD OF REIMBURSEMENT

Chapter 1, Statutes of 1984, 2nd E.S., became effective July 1, 1984. Section 17557 of the Government Code states that a test claim must be submitted on or before November 30th following a given fiscal year to establish for that fiscal year. The test claim for this mandate was filed on November 27, 1985; therefore, costs incurred on or after July 1, 1984, are reimbursable. Chapter 1118, Statutes of 1987, became effective January 1, 1988. Title 2, California Code of Regulations, section 1185.3(a) states that a parameters and guidelines amendment 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; therefore, costs incurred on or after January 1, 1988, for Chapter 1118, Statutes of 1987, 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 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 allowed by Government Code Section 17564.

#### V. REIMBURSABLE COSTS

##### A. Scope of Mandate

Eligible community college districts shall be reimbursed for the costs of providing a health services program. Only services provided in 1986-87 fiscal year may be claimed.

##### B. Reimbursable Activities

For each eligible claimant, the following cost items are reimbursable to the extent they were provided by the community college district in fiscal year 1986-87:

##### ACCIDENT REPORTS

##### APPOINTMENTS

College Physician - Surgeon  
Dermatology, Family Practice, Internal Medicine  
Outside Physician  
Dental Services  
Outside Labs (X-ray, etc.)  
Psychologist, full services  
Cancel/Change Appointments  
R.N.  
Check Appointments

ASSESSMENT, INTERVENTION 81 COUNSELING

- Birth Control
- Lab Reports
- Nutrition
- Test Results (office)
- VD
- Other Medical Problems
- CD
- URI
- ENT
- Eye/Vision
- Derm./Allergy
- Gyn/Pregnancy Services
- Neuro
- Ortho
- GU
- Dental
- GI
- Stress Counseling
- Crisis Intervention
- Child Abuse Reporting and Counseling
- Substance Abuse Identification and Counseling
- Aids
- Eating Disorders
- Weight Control
- Personal Hygiene
- Burnout

EXAMINATIONS (Minor Illnesses)

- Recheck Minor Injury

HEALTH TALKS OR FAIRS - INFORMATION

- Sexually Transmitted Disease
- Drugs
- Aids
- Child Abuse
- Birth Control/Family Planning
- Stop Smoking
- Etc.
- Library - videos and cassettes

FIRST AID (Major Emergencies)

FIRST AID (Minor Emergencies)

FIRST AID KITS (Filled)

IMMUNIZATIONS

- Diphtheria/Tetanus
- Measles/Rubella
- Influenza
- Information



INSURANCE

On Campus Accident  
Voluntary  
Insurance Inquiry/Claim Administration

LABORATORY TESTS DONE

Inquiry/Interpretation  
Pap Smears

PHYSICALS

Employees  
Students  
Athletes

MEDICATIONS (dispensed OTC for misc. illnesses)

Antacids  
Antidiarrhial  
Antihistamines  
Aspirin, Tylenol, etc.  
Skin rash preparations  
Misc.  
Eye drops  
Ear drops  
Toothache - Oil cloves  
Stingkill  
Midol - Menstrual Cramps

PARKING CARDS/ELEVATOR KEYS

Tokens  
Return card/key  
Parking inquiry  
Elevator passes  
Temporary handicapped parking permits

REFERRALS TO OUTSIDE AGENCIES

Private Medical Doctor  
Health Department  
Clinic  
Dental  
Counseling Centers  
Crisis Centers  
Transitional Living Facilities (Battered/Homeless Women)  
Family Planning Facilities  
Other Health Agencies

TESTS

Blood Pressure  
Hearing  
Tuberculosis  
Reading  
Information  
Vision  
Glucometer  
Urinalysis

Hemoglobin  
E.K.G.  
Strep A testing  
P.G. testing  
Monospot  
Hemacult  
Misc.

MISCELLANEOUS

Absence Excuses/PE Waiver  
Allergy Injections  
Band-aids  
Booklets/Pamphlets  
Dressing Change  
Rest  
Suture Removal  
Temperature  
Weigh  
Misc.  
Information  
Report/Form  
Wart Removal

COMMITTEES

Safety  
Environmental  
Disaster Planning

SAFETY DATA SHEETS

Central file

X-RAY SERVICES

COMMUNICABLE DISEASE CONTROL

BODY FAT MEASUREMENTS

MINOR SURGERIES

SELF-ESTEEM GROUPS

MENTAL HEALTH CRISIS

AA GROUP

ADULT CHILDREN OF ALCOHOLICS GROUP

WORKSHOPS

Test Anxiety  
Stress Management  
Communication Skills  
Weight Loss  
Assertiveness Skills

VI. CLAIM PREPARATION

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

A. Description of Activity

1. Show the total number of full-time students enrolled per semester/quarter.
2. Show the total number of full-time students enrolled in the summer program.
3. Show the total number of part-time students enrolled per semester/quarter.
4. Show the total number of part-time students enrolled in the summer program.

B. Actual Costs of Claim Year for Providing 1986-87 Fiscal Year Program Level of Service

Claimed costs should be supported by the following information:

1. Employee Salaries and Benefits

Identify the employee, (s), show the classification of the employee(s) involved, 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. Services and Supplies

Only 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. Allowable Overhead Cost

Indirect costs may be claimed in the manner described by the State Controller in his claiming instructions.

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. This would include documentation for the fiscal year 1986-87 program to substantiate a maintenance of effort. These documents must be kept on file by the agency submitting the claim for a period of no

less than three years from the date of the final payment of the claim pursuant to this mandate, and made available on the request of the State Controller or his agent.

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., federal, state, etc., shall be identified and deducted from this claim. This shall include the amount of \$7.50 per full-time student per semester, \$5.00 per full-time student for summer school, or \$5.00 per full-time student per quarter, as authorized by Education Code section 72246(a). This shall also include payments (fees) received from individuals other than students who are not covered by Education Code Section 72246 for health services.

IX. REQUIRED CERTIFICATION

The following certification must accompany the claim:

I DO HEREBY CERTIFY under penalty of perjury:

THAT the foregoing is true and correct:

THAT Section 1090 to 1096, inclusive, of the Government Code and other applicable provisions of the law have been complied with;

and

THAT I am the person authorized by the local agency to file claims for funds with the State of California.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone No.



## HEALTH FEE ELIMINATION

### 1. Summary of Chapters 1/84, 2nd E.S., and Chapter 1118/87

Chapter 1, Statutes of 1984, 2nd E.S., repealed Education Code § 72246 which authorized community college districts to charge a fee for the purpose of providing health supervision and services, direct and indirect medical and hospitalization services, and operation of student health centers. The statute also required community college districts that charged a fee in the 1983/84 fiscal year to maintain that level of health services in the 1984/85 fiscal year and each fiscal year thereafter. The provisions of this statute would automatically repeal on December 31, 1987, which would reinstate the community college districts' authority to charge a health fee as specified.

Chapter 1118, Statutes of 1987 amended Education Code § 72246 to require any community college district that provided health services in the 1986/87 fiscal year to maintain health services at that level in the 1986/87 fiscal year and each fiscal year thereafter. Chapter 8, Statutes of 1993, has revised the numbering of § 72246 to § 76355.

### 2. Eligible Claimants

Any community college district incurring increased costs as a result of this mandate is eligible to claim reimbursement of these costs.

### 3. Appropriations

To determine if current funding is available for this program, refer to the schedule "Appropriations for State Mandated Cost Programs" in the "Annual Claiming Instructions for State Mandated Costs" issued in mid-September of each year to community college presidents.

### 4. Types of Claims

#### A. Reimbursement and Estimated Claims

A claimant may file a reimbursement claim and/or an estimated claim. A reimbursement claim details the costs actually incurred for a prior fiscal year. An estimated claim shows the costs to be incurred for the current fiscal year.

#### B. Minimum Claim

Section 17554(a), Government Code, provides that no claim shall be filed pursuant to Section 17561 unless such a claim exceeds \$200 per program per fiscal year.

### 5. Filing Deadline

- (1) Refer to item 3 "Appropriations" to determine if the program is funded for the current fiscal year. If funding is available, an estimated claim must be filed with the State Controller's Office and postmarked by November 30, of the fiscal year in which costs are to be incurred. Timely filed estimated claims will be paid before late claims.

After having received payment for an estimated claim, the claimant must file a reimbursement claim by November 30, of the following fiscal year regardless whether the payment was more or less than the actual costs. If the local agency fails to file a reimbursement claim, monies received must be returned to the State. If no estimated claim was filed, the local agency may file a reimbursement

claim detailing the actual costs incurred for the fiscal year, provided there was an appropriation for the program for that fiscal year. (See item 3 above).

- (2) A reimbursement claim detailing the actual costs must be filed with the State Controller's Office and postmarked by November 30 following the fiscal year in which costs were incurred. If the claim is filed after the deadline but by November 30 of the succeeding fiscal year, the approved claim must be reduced by a late penalty of 10%, not to exceed \$1,000. Claims filed more than one year after the deadline will not be accepted.

## 6. Reimbursable Components

Eligible claimants will be reimbursed for health service costs at the level of service provided in the 1986/87 fiscal year. The reimbursement will be reduced by the amount of student health fees authorized per the Education Code § 76355.

After January 1, 1993, pursuant to Chapter 8, Statutes of 1993, the fees students were required to pay for health supervision and services were not more than:

\$10.00 per semester

\$5.00 for summer school

\$5.00 for each quarter

Beginning with the summer of 1997, the fees are:

\$11.00 per semester

\$8.00 for summer school or

\$8.00 for each quarter

The district may increase fees by the same percentage increase as the Implicit Price Deflator (IPD) for the state and local government purchase of goods and services. Whenever the IPD calculates an increase of one dollar (\$1) above the existing amount, the fees may be increased by one dollar (\$1).

## 7. Reimbursement Limitations

- A. If the level at which health services were provided during the fiscal year of reimbursement is less than the level of health services that were provided in the 1986/87 fiscal year, no reimbursement is forthcoming.
- B. Any offsetting savings or reimbursement the claimant received from any source (e.g. federal, state grants, foundations, etc.) as a result of this mandate, shall be identified and deducted so only net local costs are claimed.

## 8. Claiming Forms and Instructions

The diagram "Illustration of Claim Forms" provides a graphical presentation of forms required to be filed with a claim. A claimant may submit a computer generated report in substitution for forms HFE-1.0, HFE-1.1, and form HFE-2 provided the format of the report and data fields contained within the report are identical to the claim forms included in these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file estimated and reimbursement claims. The State Controller's Office will revise the manual and claim forms as necessary. In such instances, new replacement forms will be mailed to claimants.

**A. Form HFE-2, Health Services**

This form is used to list the health services the community college provided during the 1986/87 fiscal year and the fiscal year of the reimbursement claim.

**B. Form HFE-1.1, Claim Summary**

This form is used to compute the allowable increased costs an individual college of the community college district has incurred to comply with the state mandate. The level of health services reported on this form must be supported by official financial records of the community college district. A copy of the document must be submitted with the claim. The amount shown on line (13) of this form is carried to form HFE-1.0.

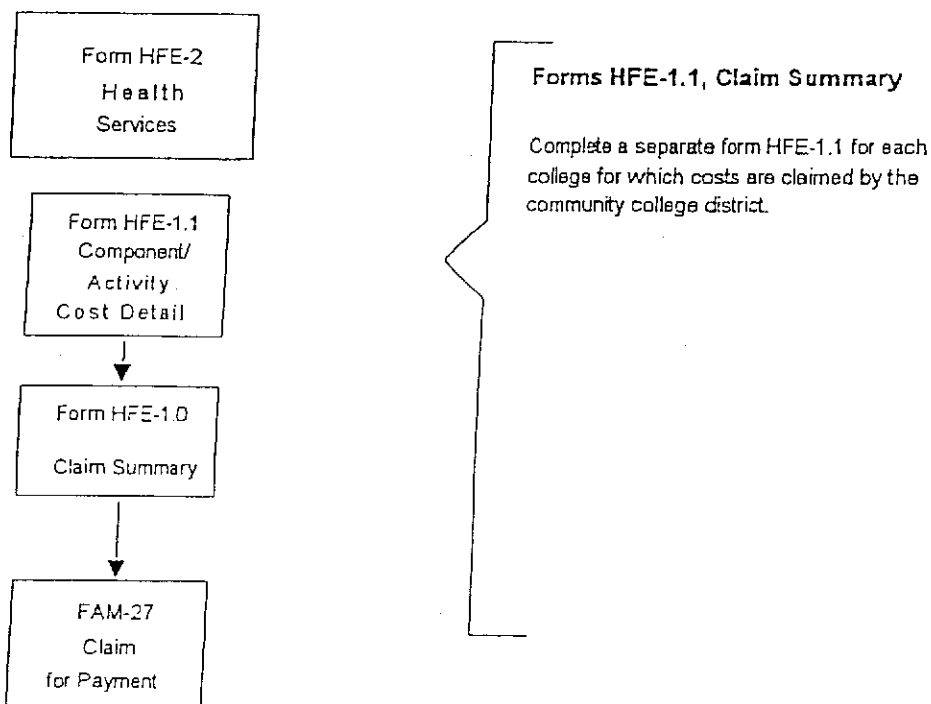
**C. Form HFE-1.0, Claim Summary**

This form is used to list the individual colleges that had increased costs due to the state mandate and to compute a total claimable cost for the district. The "Total Amount Claimed", line (04) on this form is carried forward to form FAM-27, line 13, for the reimbursement claim, or line (07) for the estimated claim.

**D. Form FAM-27, Claim for Payment**

This form contains a certification that must be signed by an authorized representative of the local agency. All applicable information from form HFE-1.0 and HFE 1.1 must be carried forward to this form for the State Controller's Office to process the claim for payment.

**Illustration of Claim Forms**





<p><b>CLAIM FOR PAYMENT</b> Pursuant to Government Code Section 17561  <b>HEALTH FEE ELIMINATION</b></p>	For State Controller Use Only (19) Program Number 00234 (20) Date Filed ___/___/___ (21) LRS Input ___/___/___	Program  <b>234</b>
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LABEL HERE	(01) Claimant Identification Number	Reimbursement Claim Data	
	(02) Claimant Name	(22) HFE-1.0, (04)(b)	
	County of Location	(23)	
	Street Address or P.O. Box	State	(24)
	City	State	Zip Code

Type of Claim	Estimated Claim	Reimbursement Claim	
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>	(25)
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(27)
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(28)
Fiscal Year of Cost	(06) 20___/20___	(12) 20___/20___	(29)
Total Claimed Amount	(07)	(13)	(30)
Less: 10% Late Penalty, not to exceed \$1,000		(14)	(31)
Less: Prior Claim Payment Received		(15)	(32)
Net Claimed Amount		(16)	(33)
Due from State	(08)	(17)	(34)
Due to State		(18)	(35)

**(37) CERTIFICATION OF CLAIM**

In accordance with the provisions of Government Code Section 17561, I certify that I am the officer authorized by the community college district to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1098, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein, and such costs are for a new program or increased level of services of an existing program. All offsetting savings and reimbursements set forth in the Parameters and Guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amounts for this Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs set forth on the attached statements. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Authorized Officer \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Title \_\_\_\_\_

(38) Name of Contact Person for Claim \_\_\_\_\_ Telephone Number ( ) - \_\_\_\_\_ Ext. \_\_\_\_\_

\_\_\_\_\_ E-Mail Address \_\_\_\_\_

Program <b>234</b>	<b>HEALTH FEE ELIMINATION</b> <b>Certification Claim Form</b> <b>Instructions</b>	<b>FORM</b> <b>FAM-27</b>
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- (01) Enter the payee number assigned by the State Controller's Office.
- (02) Enter your Official Name, County of Location, Street or P. O. Box address, City, State, and Zip Code.
- (03) If filing an estimated claim, enter an "X" in the box on line (03) Estimated.
- (04) Leave blank.
- (05) If filing an amended estimated claim, enter an "X" in the box on line (05) Amended.
- (06) Enter the fiscal year in which costs are to be incurred.
- (07) Enter the amount of the estimated claim. If the estimate exceeds the previous year's actual costs by more than 10%, complete form HFE-1.1 and enter the amount from line (13).
- (08) Enter the same amount as shown on line (07).
- (09) If filing a reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) Leave blank.
- (11) If filing an amended reimbursement claim, enter an "X" in the box on line (11) Amended.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim from form HFE-1.1, line (13). The total claimed amount must exceed \$1,000.
- (14) Reimbursement claims must be filed by January 15 of the following fiscal year in which costs are incurred or the claims shall be reduced by a late penalty. Enter zero if the claim was timely filed, otherwise, enter the product of multiplying line (13) by the factor 0.10 (10% penalty), or \$1,000, whichever is less.
- (15) If filing an actual reimbursement claim and an estimated claim was previously filed for the same fiscal year, enter the amount received for the claim. Otherwise, enter a zero.
- (16) Enter the result of subtracting line (14) and line (15) from line (13).
- (17) If line (16), Net Claimed Amount, is positive, enter that amount on line (17), Due from State.
- (18) If line (16), Net Claimed Amount, is negative, enter that amount on line (18), Due to State.
- (19) to (21) Leave blank.
- (22) to (36) Reimbursement Claim Data. Bring forward the cost information as specified on the left-hand column of lines (22) through (36) for the reimbursement claim, e.g., HFE-1.0, (04)(b), means the information is located on form HFE-1.0, block (04), column (b). Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, i.e., no cents. Indirect costs percentage should be shown as a whole number and without the percent symbol, i.e., 7.548% should be shown as 8. Completion of this data block will expedite the payment process.
- (37) Read the statement "Certification of Claim." If it is true, the claim must be dated, signed by the agency's authorized officer, and must include the person's name and title, typed or printed. Claims cannot be paid unless accompanied by an original signed certification. (To expedite the payment process, please sign the form FAM-27 with blue ink, and attach a copy of the form FAM-27 to the top of the claim package.)
- (38) Enter the name, telephone number, and e-mail address of the person whom this office should contact if additional information is required.

Claims should be rounded to the nearest dollar. Submit a signed original and a copy of form FAM-27, Claim for Payment, and all other forms and supporting documents. (To expedite the payment process, please sign the form in blue ink, and attach a copy of the form FAM-27 to the top of the claim package.) Use the following mailing addresses:

*Address, if delivered by U.S. Postal Service:*

OFFICE OF THE STATE CONTROLLER  
 ATTN: Local Reimbursements Section  
 Division of Accounting and Reporting  
 P.O. Box 942850  
 Sacramento, CA 94250

*Address, if delivered by other delivery service:*

OFFICE OF THE STATE CONTROLLER  
 ATTN: Local Reimbursements Section  
 Division of Accounting and Reporting  
 3301 C Street, Suite 500  
 Sacramento, CA 95816

MANDATED COSTS HEALTH FEE ELIMINATION CLAIM SUMMARY	FORM HFE-1.0
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(01) Claimant	(02) Type of Claim Reimbursement <input type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 19__/19__
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(03) List all the colleges of the community college district identified in form HFE-1.1, line (03)

(a) Name of College	(b) Claimed Amount
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	
21.	

(d) Total Amount Claimed	[Line (3.1b) + line (3.2b) + line (3.3b) + ...line (3.21b)]	
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HEALTH FEE ELIMINATION CLAIM SUMMARY Instructions	FORM HFE-1.0
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(01) Enter the name of the claimant. Only a community college district may file a claim with the State Controller's Office on behalf of its colleges.

(02) Check a box, Reimbursement or Estimated, to identify the type of claim being filed. Enter the fiscal year for which the expenses were/are to be incurred. A separate claim must be filed for each fiscal year.

Form HFE-1.0 must be filed for a reimbursement claim. Do not complete form HFE-1.0 if you are filing an estimated claim and the estimate is not more than 110% of the previous fiscal year's actual costs. Simply enter the amount of the estimated claim on form FAM-27, line (07). However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, forms HFE-1.0 and HFE-1.1 must be completed and a statement attached explaining the increased costs. Without this information the high estimated claim will automatically be reduced to 110% of the previous fiscal year's actual costs.

(03) List all the colleges of the community college district which have increased costs. A separate form HFE-1.1 must be completed for each college showing how costs were derived.

(04) Enter the total claimed amount of all colleges by adding the Claimed Amount, line (3.1b) + line (3.2b) ... + (3.21b).

Program <b style="font-size: 24pt;">234</b>	<b>MANDATED COSTS</b> <b>HEALTH FEE ELIMINATION</b> <b>CLAIM SUMMARY</b>	FORM HFE-1.1
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(01) Claimant	(02) Type of Claim Reimbursement <input type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 20__/20__
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(03) Name of College

(04) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986-87 fiscal year. If the "Less" box is checked, STOP, do not complete the form. No reimbursement is allowed.

LESS	SAME	MORE
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Direct Cost	Indirect Cost	Total
(05) Cost of health services for the fiscal year of claim			
(06) Cost of providing current fiscal year health services in excess of 1986-87			
(07) Cost of providing current fiscal year health services at 1986-87 level [Line (05) - line (06)]			
(08) Complete columns (a) through (g) to provide detail data for health fees			

Collection Period	(a) Number of Students Enrolled	(b) Students Exempt per EC 76355(c)(1)	(c) Students Exempt per EC 76355(c)(2)	(d) Students Exempt per EC 76355(c)(3)	(e) Number of Students Subject to Health Fee (a)-(b)-(c)-(d)	(f) Unit Cost Per Student Per EC 76355	(g) Student Health Fees (e) x (f)
1. Per Fall Semester							
2. Per Spring Semester							
3. Per Summer Session							
4. Per First Quarter							
5. Per Second Quarter							
6. Per third Quarter							

(09) Total health fee that could have been collected: The sum of (Line (08)(1)(c) through line (08)(6)(c))	
(10) Subtotal	[Line (07) - line (09)]
Cost Reduction	
(11) Less: Offsetting Savings	
(12) Less: Other Reimbursements	
(13) Total Claimed Amount	[Line (10) - {(line (11) + line (12))}]

Program <b>234</b>	HEALTH FEE ELIMINATION CLAIM SUMMARY Instructions	FORM HFE-1.1
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- (01) Enter the name of the claimant. Only a community college district may file a claim with the State Controller's Office (SCO) on behalf of its colleges.
- (02) Type of Claim. Check a box, Reimbursement or Estimated, to identify the type of claim being filed. Enter the fiscal year of costs.
- Form HFE-1.1 must be filed for a reimbursement claim. Do not complete form HFE-1.1 if you are filing an estimated claim and the estimate does not exceed the previous fiscal year's actual costs by more than 10%. Simply enter the amount of the estimated claim on form FAM-27, line (07). However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, form HFE-1.1 must be completed and a statement attached explaining the increased costs. Without this information the high estimated claim will automatically be reduced to 110% of the previous fiscal year's actual costs.
- (03) Enter the name of the college or community college district that provided student health services in the 1986-87 fiscal year and continue to provide the same services during the fiscal year of claim.
- (04) Compare the level of services provided during the fiscal year of reimbursement to the 1986-87 fiscal year and indicate the result by marking a check in the appropriate box. If the "Less" box is checked, STOP and do not complete the remaining part of this claim form. No reimbursement is forthcoming.
- (05) Enter the direct cost, indirect cost, and total cost of health services for the fiscal year of claim on line (05). Direct cost of health services is identified on the college expenditure report authorized by Education Code §76355 and included in the Community College Annual Financial and Budget Report CCFS-311, EDP Code 6440, column 5. If the amount of direct costs claimed is different than that shown on the expenditure report, provide a schedule listing those community college costs that are in addition to, or a reduction to expenditures shown on the report. For claiming indirect costs, college districts have the option of using a federally approved rate from the Office of Management and Budget Circular A-21, form FAM-29C, or a 7% indirect cost rate.
- (06) Enter the direct cost, indirect cost, and total cost of health services that are in excess of the level provided in the 1986-87 fiscal year.
- (07) Enter the difference of the cost of health services for the fiscal year of claim, line (05) and the cost of providing current fiscal year services that are in excess of the level provided in the 1986-87 fiscal year line (06).
- (08) Complete columns (a) through (g) to provide details on the number of students enrolled, the number of students exempt per EC Section 76355(c)(1), (2), and (3), and the amount of health service fees that could have been collected. After 05/01/01, the student fees for health supervision and services are \$12.00 per semester, \$9.00 for summer school, and \$9 for each quarter.
- (09) Enter the sum of student health fees that could have been collected, other than exempt students.
- (10) Enter the difference of the cost of providing health services at the 1986-87 level, line (07) and the total health fee that could have been collected, line (09). If line (09) is greater than line (07), no claim shall be filed.
- (11) Enter the total savings experienced by the school identified in line (03) as a direct cost of this mandate. Submit a detailed schedule of savings with the claim.
- (12) Enter the total of other reimbursements received from any source, (i.e., federal, other state programs, etc.) Submit a detailed schedule of reimbursements with the claim.
- (13) Subtract the sum of Offsetting Savings, line (11), and Other Reimbursements, line (12), from Total 1986-87 Health Service Cost excluding Student Health Fees.

<b>MANDATED COSTS</b> <b>HEALTH ELIMINATION FEE</b> <b>HEALTH SERVICES</b>	<b>FORM</b> <b>HFE-2</b>
--	-----------------------------

(01) Claimant:	(02) Fiscal Year costs were incurred:
----------------	---------------------------------------

(03) Place an "X" in columns (a) and/or (b), as applicable, to indicate which health services were provided by student health service fees for the indicated fiscal years.	(a) FY 1986/87	(b) FY of Claim
--	----------------------	-----------------------

Accident Reports  Appointments College Physician, surgeon Dermatology, family practice Internal Medicine Outside Physician Dental Services Outside Labs, (X-ray, etc.) Psychologist, full services Cancel/Change Appointments Registered Nurse Check Appointments  Assessment, Intervention and Counseling Birth Control Lab Reports Nutrition Test Results, office Venereal Disease Communicable Disease Upper Respiratory Infection Eyes, Nose and Throat Eye/Vision Dermatology/Allergy Gynecology/Pregnancy Service Neuralgic Orthopedic Genito/Urinary Dental Gastro-Intestinal Stress Counseling Crisis Intervention Child Abuse Reporting and Counseling Substance Abuse Identification and Counseling Acquired Immune Deficiency Syndrome Eating Disorders Weight Control Personal Hygiene Burnout Other Medical Problems, list  Examinations, minor illnesses Recheck Minor Injury  Health Talks or Fairs, Information Sexually Transmitted Disease Drugs Acquired Immune Deficiency Syndrome		
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**MANDATED COSTS  
HEALTH ELIMINATION FEE  
HEALTH SERVICES**

**FORM  
HFE-2**

(01) Claimant:

(02) Fiscal Year costs were incurred:

(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health services were provided by student health service fees for the indicated fiscal years.

(a)  
FY  
1986/87

(b)  
FY  
of Claim

Child Abuse  
Birth Control/Family Planning  
Stop Smoking  
Library, Videos and Cassettes

First Aid, Major Emergencies

First Aid, Minor Emergencies

First Aid Kits, Filled

Immunizations  
Diphtheria/Tetanus  
Measles/Rubella  
Influenza  
Information

Insurance  
On Campus Accident  
Voluntary  
Insurance Inquiry/Claim Administration

Laboratory Tests Done  
Inquiry/Interpretation  
Pap Smears

Physical Examinations  
Employees  
Students  
Athletes

Medications  
Antacids  
Antidiarrheal  
Aspirin, Tylenol, Etc  
Skin Rash Preparations  
Eye Drops  
Ear Drops  
Toothache, oil cloves  
Stingkill  
Midol, Menstrual Cramps  
Other, list

Parking Cards/Elevator Keys  
Tokens  
Return Card/Key  
Parking Inquiry  
Elevator Passes  
Temporary Handicapped Parking Permits



<b>MANDATED COSTS</b> <b>HEALTH ELIMINATION FEE</b> <b>HEALTH SERVICES</b>		<b>FORM</b> <b>HFE-2</b>	
(01) Claimant:		(02) Fiscal Year costs were incurred:	
(03) Place an "X" in columns (a) and/or (b), as applicable, to indicate which health services were provided by student health service fees for the indicated fiscal years.		(a) FY 1986/87	(b) FY of Claim
Referrals to Outside Agencies Private Medical Doctor Health Department Clinic Dental Counseling Centers Crisis Centers Transitional Living Facilities, battered/homeless women Family Planning Facilities Other Health Agencies  Tests Blood Pressure Hearing Tuberculosis Reading Information  Vision Glucometer Urinalysis Hemoglobin EKG Strep A testing PG Testing Monospot Hemacult Others, list  Miscellaneous Absence Excuses/PE Waiver Allergy Injections Band-aids Booklets/Pamphlets Dressing Change Rest Suture Removal Temperature Weigh Information Report/Form Wart Removal Others, list  Committees Safety Environmental Disaster Planning			



**Fiscal Year**

**2004 - 2005**

# SixTen and Associates

## Mandate Reimbursement Services

Claim File Copy

KEITH B. PETERSEN, MPA, JD, President  
5252 Balboa Avenue, Suite 807  
San Diego, CA 92117

Telephone: (858) 514-8605  
Fax: (858) 514-8645  
E-Mail: Kbpsixten@aol.com

January 12, 2006

CERTIFIED MAIL # 7004 2510 0004 4007 0664

Ms. Virginia Brummels, Section Manager  
Local Reimbursement Section  
Division of Accounting and Reporting  
Office of the State Controller  
P.O. Box 942850  
Sacramento, CA 94250

RE: Annual Reimbursement Claim  
Pasadena Area Community College District CC12145


Dear Ms. Brummels:

Enclosed please find the original claim and an extra copy of the FAM-27 for Pasadena Area Community College District's reimbursement claim listed below:

961/75	Collective Bargaining	2004-2005
486/75	<del>Mandated Reimbursement Process</del>	2004-2005
1/84	Health Fee Elimination	2004-2005
641/86	Open Meetings Act/Brown Act Reform	2004-2005

If you have any questions regarding this claim, please contact me at (858) 514-8605.

Sincerely,

  
Sergio M. Perez, Vice-President  
Claims Processing Manager

**CLAIM FOR PAYMENT**  
 Pursuant to Government Code Section 17561  
**HEALTH FEE ELIMINATION**

For State Controller Use only  
 (19) Program Number 00234  
 (20) Date Filed \_\_\_/\_\_\_/\_\_\_  
 (21) LRS Input \_\_\_/\_\_\_/\_\_\_

**Program**  
**234**

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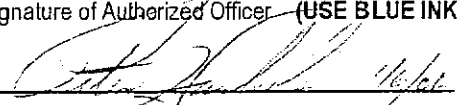
(01) Claimant Identification Number: CC 19335		<b>Reimbursement Claim Data</b>	
(02) Claimant Name Pasadena Area Community College District		(22) HFE-1.0, (04)(b)	230,359
County of Location Los Angeles		(23)	
Street Address 1570 E. Colorado Blvd		(24)	
City Pasadena	State CA	Zip Code 91106-2003	(25)
<b>Type of Claim</b>	<b>Estimated Claim</b>	<b>Reimbursement Claim</b>	(26)
	(03) Estimated <input checked="" type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(27)
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(28)
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(29)
<b>Fiscal Year of Cost</b>	(06) 2005-2006	(12) 2004-2005	(30)
<b>Total Claimed Amount</b>	(07) \$ 253,000	(13) \$ 230,359	(31)
<b>Less: 10% Late Penalty</b>		(14) \$ -	(32)
<b>Less: Prior Claim Payment Received</b>		(15) \$ -	(33)
<b>Net Claimed Amount</b>		(16) \$ 230,359	(34)
<b>Due from State</b>	(08) \$ 253,000	(17) \$ 230,359	(35)
<b>Due to State</b>		(18)	(36)

**(37) CERTIFICATION OF CLAIM**

In accordance with the provisions of Government Code Section 17561, I certify that I am the officer authorized by the community college district to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1098, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein, and such costs are for a new program or increased level of services of an existing program. All offsetting savings and reimbursements set forth in the Parameters and Guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amounts for this Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs set forth on the attached statements. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Authorized Officer (USE BLUE INK)  


Date  
 1/6/06

Peter Hardash  
 Type or Print Name

Vice President, Administrative Services  
 Title

(38) Name of Contact Person for Claim

SixTen and Associates

Telephone Number: (858) 514-8605  
 E-mail Address: kbpsixten@aol.com

<b>MANDATED COSTS HEALTH FEE ELIMINATION CLAIM SUMMARY</b>	<b>FORM HFE-1.0</b>
--	-------------------------

(01) Claimant:  Pasadena Area Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year  2004-2005
--	--	------------------------------

**(03) List all the colleges of the community college district identified in form HFE-1.1, line (03)**

(a) Name of College	(b) Claimed Amount
1. Pasadena City College	\$230,359.05
2.	
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<b>(04) Total Amount Claimed</b>	[Line (3.1b) + line (3.2b) + line (3.3b) + ...line (3.21b)]	<b>\$ 230,359</b>
----------------------------------	---	-------------------

<b>PROGRAM</b> <b>234</b>	<b>MANDATED COSTS</b> <b>HEALTH FEE ELIMINATION</b> <b>CLAIM SUMMARY</b>	<b>FORM</b> <b>HFE-1.1</b>
------------------------------	--	-------------------------------

(1) Claimant: Pasadena Area Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year: 2004-2005
---	--	---------------------------

(3) Name of College: Pasadena City College

(4) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, STOP, do not complete the form. No reimbursement is allowed.

LESS                       SAME                       MORE

	Direct Cost	Indirect Cost of: 32.80%	Total
(5) Cost of Health Services for the Fiscal year of Claim	\$ 554,535	\$ 181,887	\$ 736,422
(6) Cost of providing current fiscal year health services in excess of 1986/87	\$ -	\$ -	\$ -
(7) Cost of providing current fiscal year health services at 1986/87 level [Line (05) - line (06)]	\$ 554,535	\$ 181,887	\$ 736,422

(8) Complete Columns (a) through (g) to provide detail data for health fees

Collection Period	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code \$76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code \$76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
Per Fall Semester				\$ -		\$ -	\$ -
Per Spring Semester				\$ -		\$ -	\$ -
Per Summer Session				\$ -		\$ -	\$ -
Per First Quarter				\$ -		\$ -	\$ -
Per Second Quarter				\$ -		\$ -	\$ -
Per Third Quarter				\$ -		\$ -	\$ -

(9) Total health fee that could have been collected:	The sum of (Line (08)(1)(c) through line (08)(6)(c)	\$ 503,865
(10) Subtotal	[Line (07) - line (09)]	\$ 232,557

**Cost Reduction**

(1) Less: Offsetting Savings, if applicable	\$ -
(2) Less: Other Reimbursements, if applicable	\$ 2,198.00
(3) Total Amount Claimed	\$ 230,359 [Line (10) - {(line (11) + line (12))}]

Program

029

**MANDATED COSTS  
1/84 HEALTH FEE ELIMINATION  
COMPONENT/ACTIVITY COST DETAIL**

**FORM  
HFE-2**

(01) Claimant

Pasadena Area Community College District

(02) Fiscal Year costs were incurred:

2004-2005

(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.

(a)  
FY  
1986/87

(b)  
FY  
of Claim

Accident Reports

X

X

Appointments

College Physician, surgeon

X

X

Dermatology, Family practice

X

X

Internal Medicine

X

X

Outside Physician

Dental Services

Outside Labs, (X-ray, etc.,)

Psychologist, full services

X

X

Cancel/Change Appointments

X

X

Registered Nurse

Check Appointments

X

X

Assessment, Intervention and Counseling

Birth Control

X

X

Lab Reports

X

X

Nutrition

X

X

Test Results, office

X

X

Venereal Disease

X

X

Communicable Disease

X

X

Upper Respiratory Infection

X

X

Eyes, Nose and Throat

X

X

Eye/Vision

X

X

Dermatology/Allergy

X

X

Gynecology/Pregnancy Service

X

X

Neuralgic

X

X

Orthopedic

X

X

Genito/Urinary

Dental

Gastro-Intestinal

X

X

Stress Counseling

X

X

Crisis Intervention

X

X

Child Abuse Reporting and Counseling

X

X

Substance Abuse Identification and Counseling

Eating Disorders

Weight Control

X

X

Personal Hygiene

X

X

Burnout

X

X

Other Medical Problems, list

X

X

Examinations, minor illnesses

Recheck Minor Injury

X

X

Health Talks or Fairs, Information

Sexually Transmitted Disease

X

X

Drugs

X

X

Acquired Immune Deficiency Syndrome

X

X

Child Abuse

X

X



**Program**  
**029**

**MANDATED COSTS**  
**1/84 HEALTH FEE ELIMINATION**  
**COMPONENT/ACTIVITY COST DETAIL**

**FORM**  
**HFE-2**

(01) Claimant  
Pasadena Area Community College District

(02) Fiscal Year costs were incurred:  
2004-2005

(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.	(a) FY 1986/87	(b) FY of Claim
Birth Control/Family Planning	X	X
Stop Smoking	X	X
Library, Videos and Cassettes		
First Aid, Major Emergencies	X	X
First Aid, Minor Emergencies	X	X
First Aid Kits, Filled	X	X
Immunizations		
Diphtheria/Tetanus	X	X
Measles/Rubella	X	X
Influenza	X	X
Information	X	X
Insurance		
On Campus Accident	X	X
Voluntary	X	X
Insurance Inquiry/Claim Administration		
Laboratory Tests Done		
Inquiry/Interpretation	X	X
Pap Smears	X	X
Physical Examinations		
Employees		
Students	X	X
Athletes		
Medications		
Antacids	X	X
Antidiarrheal	X	X
Aspirin, Tylenol, etc.,	X	X
Skin Rash Preparations	X	X
Eye Drops	X	X
Ear Drops	X	X
Toothache, oil cloves		
Stingkill		
Midol, Menstrual Cramps	X	X
Other, list---> Antihistamines, Decongestants, etc.	X	X
Parking Cards/Elevator Keys		
Tokens		
Return Card/Key		
Parking Inquiry		
Elevator Passes		
Temporary Handicapped Parking Permits		

<b>Program</b> <b>029</b>	<b>MANDATED COSTS</b> <b>1/84 HEALTH FEE ELIMINATION</b> <b>COMPONENT/ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>HFE-2</b>
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(01) Claimant Pasadena Area Community College District	(02) Fiscal Year costs were incurred: 2004-2005
---	--

(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.	(a) FY 1986/87	(b) FY of Claim
<b>Referrals to Outside Agencies</b>		
Private Medical Doctor	X	X
Health Department	X	X
Clinic	X	X
Dental	X	X
Counseling Centers	X	X
Crisis Centers	X	X
Transitional Living Facilities, battered/homeless women	X	X
Family Planning Facilities	X	X
Other Health Agencies	X	X
<b>Tests</b>		
Blood Pressure	X	X
Hearing	X	X
Tuberculosis		
Reading	X	X
Information	X	X
Vision	X	X
Glucometer	X	X
Urinalysis	X	X
Hemoglobin	X	X
EKG	X	X
Strep A Testing	X	X
PG Testing	X	X
Monospot	X	X
Hemacult	X	X
Others, list	X	X
<b>Miscellaneous</b>		
Absence Excuses/PE Waiver	X	X
Allergy Injections	X	X
Band-aids	X	X
Booklets/Pamphlets	X	X
Dressing Change	X	X
Rest	X	X
Suture Removal	X	X
Temperature	X	X
Weigh	X	X
Information	X	X
Report/Form	X	X
Wart Removal	X	X
Others, list		
<b>Committees</b>		
Safety	X	X
Environmental	X	X
Disaster Planning	X	X

**Fiscal Year**

**2005 - 2006**

# Sixten and Associates Mandate Reimbursement Services

KEITH B. PETERSEN, MPA, JD, President  
E-Mail: Kbpsixten@aol.com

**San Diego**  
5252 Balboa Avenue, Suite 900  
San Diego, CA 92117  
Telephone: (858) 514-8605  
Fax: (858) 514-8645

**Sacramento**  
3841 North Freeway Blvd., Suite 170  
Sacramento, CA 95834  
Telephone: (916) 565-6104  
Fax: (916) 564-6103

*Claim File Copy*

January 16, 2007

CERTIFIED MAIL # 7003 3110 0000 2900 4921

Ms. Virginia Brummels, Section Manager  
Local Reimbursement Section  
Division of Accounting and Reporting  
Office of the State Controller  
P.O. Box 942850  
Sacramento, CA 94250

RE: Annual Reimbursement Claims  
Pasadena Area Community College District CC 19335

Dear Ms. Brummels:

Enclosed please find the original claims and extra copies of the FAM-27 for Pasadena Area Community College District's reimbursement claims listed below:

961/75	Collective Bargaining	2005-2006
1/84	Health Fee Elimination	2005-2006
308/95	Enrollment Fee Collection and Waivers	2005-2006
764/99	Integrated Waste Management	2005-2006

If you have any questions regarding these claims, please contact me at (858) 514-8605.

Sincerely,



*for* Keith B. Petersen, President

<b>CLAIM FOR PAYMENT</b> Pursuant to Government Code Section 17561 <b>HEALTH FEE ELIMINATION</b>	For State Controller Use only (19) Program Number 00234 (20) Date Filed ___/___/___ (21) LRS Input ___/___/___	Program <b>234</b>
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(01) Claimant Identification Number: CC 19335	<b>Reimbursement Claim Data</b>	
(02) Claimant Name: Pasadena Area Community College District	(22) HFE-1.0, (04)(b)	167,656
County of Location: Los Angeles	(23)	
Street Address: 1570 E. Colorado Blvd.	(24)	
City: Pasadena State: CA Zip Code: 91106-2003	(25)	

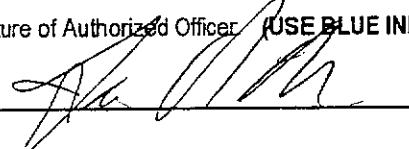
Type of Claim	Estimated Claim	Reimbursement Claim	
(03) Estimated <input checked="" type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(26)	
(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(27)	
(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(28)	
(06) Fiscal Year of Cost: 2006-2007	(12) Fiscal Year of Cost: 2005-2006	(29)	
(07) Total Claimed Amount: \$ 184,000	(13) Total Claimed Amount: \$ 167,656	(30)	
Less: 10% Late Penalty, not to exceed \$1,000	(14) \$ -	(31)	
Less: Prior Claim Payment Received	(15) \$ -	(32)	
Net Claimed Amount	(16) \$ 167,656	(33)	
(08) Due from State: \$ 184,000	(17) Due from State: \$ 167,656	(34)	
Due to State	(18)	(35)	

**(37) CERTIFICATION OF CLAIM**

In accordance with the provisions of Government Code Section 17561, I certify that I am the officer authorized by the community college district to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1098, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein, and such costs are for a new program or increased level of services of an existing program. All offsetting savings and reimbursements set forth in the Parameters and Guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amounts for this Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs set forth on the attached statements. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Authorized Officer (USE BLUE INK)  _____ James Albanese Type or Print Name	Date 1/8/07 _____ Interim Vice President, Administrative Services Title
(38) Name of Contact Person for Claim SixTen and Associates Telephone Number: (858) 514-8605 E-mail Address: kbpsixten@aol.com	

<b>MANDATED COSTS HEALTH FEE ELIMINATION CLAIM SUMMARY</b>	<b>FORM HFE-1.0</b>
--	-------------------------

(01) Claimant:  Pasadena Area Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year  2005-2006
--	--	------------------------------

**(03) List all the colleges of the community college district identified in form HFE-1.1, line (03)**

(a) Name of College	(b) Claimed Amount
1. Pasadena City College	\$167,655.68
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21.	
<b>(04) Total Amount Claimed</b>	[Line (3.1b) + line (3.2b) + line (3.3b) + ...line (3.21b)] <b>\$ 167,656</b>

<b>PROGRAM</b> <b>234</b>	<b>MANDATED COSTS</b> <b>HEALTH FEE ELIMINATION</b> <b>CLAIM SUMMARY</b>	<b>FORM</b> <b>HFE-1.1</b>
------------------------------	--	-------------------------------

(1) Claimant: Pasadena Area Community College District	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2005-2006
---	--	--------------------------

(3) Name of College: Pasadena City College

(4) Indicate with a check mark, the level at which health services were provided during the fiscal year of reimbursement in comparison to the 1986/87 fiscal year. If the "Less" box is checked, STOP, do not complete the form. No reimbursement is allowed.

LESS                       SAME                       MORE

	Direct Cost	Indirect Cost of: 32.80%	Total
(5) Cost of Health Services for the Fiscal year of Claim	\$ 512,810	\$ 168,202	\$ 681,012
(6) Cost of providing current fiscal year health services in excess of 1986/87	\$ -	\$ -	\$ -
(7) Cost of providing current fiscal year health services at 1986/87 level [Line (05) - line (06)]	\$ 512,810	\$ 168,202	\$ 681,012

(8) Complete Columns (a) through (g) to provide detail data for health fees

Collection Period	(a) Number of Full-time Students	(b) Number of Part-time Students	(c) Unit Cost for Full-time Student per Educ. Code §76355	(d) Full-time Student Health Fees (a) x (c)	(e) Unit Cost for Part-time Student per Educ. Code §76355	(f) Part-time Student Health Fees (b) x (e)	(g) Student Health Fees That Could Have Been Collected (d) + (f)
Per Fall Semester				\$ -		\$ -	\$ -
Per Spring Semester				\$ -		\$ -	\$ -
Per Summer Session				\$ -		\$ -	\$ -
Per First Quarter				\$ -		\$ -	\$ -
Per Second Quarter				\$ -		\$ -	\$ -
Per Third Quarter				\$ -		\$ -	\$ -

(9) Total health fee that could have been collected:	The sum of (Line (08)(1)(c) through line (08)(6)(c))	\$ 513,356
(10) Subtotal	[Line (07) - line (09)]	\$ 167,656

**Cost Reduction**

(11) Less: Offsetting Savings, if applicable	\$ -
(12) Less: Other Reimbursements, if applicable	\$ -
(13) Total Amount Claimed	\$ 167,656

Program <b>234</b>	MANDATED COSTS 1/84 HEALTH FEE ELIMINATION COMPONENT/ACTIVITY COST DETAIL	FORM <b>HFE-2</b>	
(01) Claimant Pasadena Area Community College District		(02) Fiscal Year costs were incurred: 2005-2006	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.		(a) FY 1986/87	(b) FY of Claim
Accident Reports		X	X
Appointments			
College Physician, surgeon		X	X
Dermatology, Family practice		X	X
Internal Medicine			
Outside Physician			
Dental Services			
Outside Labs, (X-ray, etc.,)			
Psychologist, full services		X	X
Cancel/Change Appointments		X	X
Registered Nurse			
Check Appointments		X	X
Assessment, Intervention and Counseling			
Birth Control		X	X
Lab Reports		X	X
Nutrition		X	X
Test Results, office		X	X
Venereal Disease		X	X
Communicable Disease		X	X
Upper Respiratory Infection		X	X
Eyes, Nose and Throat		X	X
Eye/Vision		X	X
Dermatology/Allergy		X	X
Gynecology/Pregnancy Service		X	X
Neuralgic		X	X
Orthopedic			
Genito/Urinary			
Dental		X	X
Gastro-Intestinal		X	X
Stress Counseling		X	X
Crisis Intervention		X	X
Child Abuse Reporting and Counseling			
Substance Abuse Identification and Counseling			
Acquired Immune Deficiency Syndrome			
Eating Disorders		X	X
Weight Control		X	X
Personal Hygiene		X	X
Burnout		X	X
Other Medical Problems, list			
Examinations, minor illnesses			
Recheck Minor Injury		X	X
Health Talks or Fairs, Information			
Sexually Transmitted Disease		X	X
Drugs		X	X
Acquired Immune Deficiency Syndrome		X	X
Child Abuse		X	X



Program <b>234</b>	MANDATED COSTS 1/84 HEALTH FEE ELIMINATION COMPONENT/ACTIVITY COST DETAIL	FORM <b>HFE-2</b>	
(01) Claimant Pasadena Area Community College District		(02) Fiscal Year costs were incurred: 2005-2006	
(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.		(a) FY 1986/87	(b) FY of Claim
Birth Control/Family Planning Stop Smoking Library, Videos and Cassettes		X X	X X
First Aid, Major Emergencies First Aid, Minor Emergencies First Aid Kits, Filled		X X X	X X X
Immunizations Diphtheria/Tetanus Measles/Rubella Influenza Information		X X X X	X X X X
Insurance On Campus Accident Voluntary Insurance Inquiry/Claim Administration		X X	X X
Laboratory Tests Done Inquiry/Interpretation Pap Smears		X X	X X
Physical Examinations Employees Students Athletes		X	X
Medications Antacids Antidiarrheal Aspirin, Tylenol, etc., Skin Rash Preparations Eye Drops Ear Drops Toothache, oil cloves Stingkill Midol, Menstrual Cramps Other, list--> Antihistamines, Decongestants, etc.		X X X X X X X X X	X X X X X X X
Parking Cards/Elevator Keys Tokens Return Card/Key Parking Inquiry Elevator Passes Temporary Handicapped Parking Permits			

(01) Claimant  
Pasadena Area Community College District

(02) Fiscal Year costs were incurred:  
2005-2006

(03) Place an "X" in column (a) and/or (b), as applicable, to indicate which health Service was provided by student health service fees for the indicated fiscal year.

(a) FY 1986/87	(b) FY of Claim
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Referrals to Outside Agencies

Private Medical Doctor	X	X
Health Department	X	X
Clinic	X	X
Dental	X	X
Counseling Centers	X	X
Crisis Centers	X	X
Transitional Living Facilities, battered/homeless women	X	X
Family Planning Facilities	X	X
Other Health Agencies	X	X

Tests

Blood Pressure	X	X
Hearing	X	X
Tuberculosis		
Reading	X	X
Information	X	X
Vision	X	X
Glucometer	X	X
Urinalysis	X	X
Hemoglobin	X	X
EKG	X	X
Strep A Testing	X	X
PG Testing	X	X
Monospot	X	X
Hemacult	X	X
Others, list	X	X

Miscellaneous

Absence Excuses/PE Waiver	X	X
Allergy Injections	X	X
Bandaids	X	X
Booklets/Pamphlets	X	X
Dressing Change	X	X
Rest	X	X
Suture Removal	X	X
Temperature	X	X
Weigh	X	X
Information	X	X
Report/Form	X	X
Wart Removal	X	X
Others, list		

Committees

Safety	X	X
Environmental	X	X
Disaster Planning	X	X