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STATE OF CALIFORNIA COMMISSION ON STATE MANDATES

REPORT TO THE LEGISLATURE: APPROVED MANDATE CLAIMS

January 1, 2014 – June 30, 2014

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I. INTRODUCTION

Commission on State Mandates

Test Claim Process

Article XIII B, section 6 of the California Constitution requires the state to provide a subvention of funds to reimburse local government for the costs of new programs or increased levels of service mandated by the state. To implement article XIII B, section 6, the Legislature created the Commission on State Mandates (Commission) to succeed the State Board of Control in making determinations whether new statutes or executive orders are state-mandated programs.¹ The Commission was established to render sound quasi-judicial decisions and to provide an effective means of resolving disputes over the existence of state-mandated local programs. The Commission provides the sole and exclusive procedure for local agencies and school districts (claimants) to claim reimbursement for costs mandated by the state as required by article XIII B, section 6 of the California Constitution. The Commission is required to hear and decide claims (test claims) filed by local agencies and school districts that they are entitled to be reimbursed by the state for costs mandated by the state.²

Parameters and Guidelines

Government Code section 17557 provides that if the Commission determines that a statute or executive order imposes a mandate upon local agencies and school districts, the Commission is required to determine the amount to be subvended to local agencies and school districts for reimbursement by adopting parameters and guidelines. In adopting parameters and guidelines, the Commission may adopt a reasonable reimbursement methodology (RRM). Once parameters and guidelines are adopted, the Commission is required to adopt a statewide cost estimate of the mandated program (Gov. Code, § 17553).

Alternative Processes

In 2007, AB 1222 (Statutes 2007, chapter 329) was enacted to provide an alternate process for determining the amount to be subvended for mandated programs. Under AB 1222, local governments and the Department of Finance may jointly develop reasonable reimbursement methodologies and statewide estimates of costs for mandated programs for approval by the Commission in lieu of parameters and guidelines and statewide cost estimates. Jointly developed reimbursement methodologies and statewide estimates of costs that are approved by the Commission are included in the Commission's Annual Reports to the Legislature.

AB 1222 also provided a process where the Department of Finance and local agencies, school districts, or statewide associations may jointly request that the Legislature determine that a statute or executive order imposes a state-mandated program, establish a reimbursement methodology, and appropriate funds for reimbursement of costs. This process is intended to bypass the Commission's test claim process, thus providing the Commission with more time to complete the caseload backlog. To date, this process has not been successfully utilized.

¹ Statutes 1984, chapter 1459, Government Code section 17500, et seq.

² Government Code section 17551.

Report to the Legislature

The Commission is required to report to the Legislature at least twice each calendar year on the number of mandates it has found, the estimated statewide costs of each mandate, and the reasons for recommending reimbursement.³ In 2010, SB 894 (Stats. 2010, ch. 699) was enacted to require the Commission to expand its Report to the Legislature to include:

- The status of pending parameters and guidelines that include proposed reimbursement methodologies.
- The status of pending joint proposals between the Department of Finance and local governments to develop reasonable reimbursement methodologies in lieu of parameters and guidelines.
- The status of joint proposals between the Department of Finance and local governments to develop legislatively-determined mandates.
- Any delays in the completion of the above-named caseload.

This report fulfills these requirements.

Legislative Analyst

After the Commission submits its report to the Legislature, the Legislative Analyst is required to submit a report to the Joint Legislative Budget Committee and legislative fiscal committees on the mandates included in the Commission's reports. The Legislative Analyst's report shall make recommendations as to whether each mandate should be repealed, funded, suspended, or modified.

The Legislature

Upon receipt of the report submitted by the Commission pursuant to Section 17600, funding shall be provided in the subsequent Budget Act for costs incurred in prior years. No funding shall be provided for years in which a mandate is suspended.⁴

The Legislature may amend, modify, or supplement the parameters and guidelines, reasonable reimbursement methodologies, and adopted statewide estimates of costs for the initial claiming period and budget year for mandates contained in the annual Budget Act. If the Legislature amends, modifies, or supplements the parameters and guidelines, reasonable reimbursement methodologies, or adopted statewide estimates of costs for the initial claiming period and budget year, it shall make a declaration in separate legislation specifying the basis for the amendment, modification, or supplement.⁵

Mandate Funding Provisions

The Government Code provides that if the Legislature deletes from the annual Budget Act funding for a mandate, the local agency or school district may file in the Superior Court of the County of Sacramento an action in declaratory relief to declare the mandate unenforceable and enjoin its enforcement for that fiscal year.⁶ Under Proposition 1A, which amended article XIII

³ Government Code section 17600.

⁴ Government Code section 17612(a).

⁵ Government Code section 17612(b).

⁶ Government Code section 17612(c).

B, section 6 of the California Constitution, city, county, city and county, or special district mandate claims for costs incurred prior to the 2004-2005 fiscal year that have not been paid prior to the 2005-2006 fiscal year may be paid over a term of years, as prescribed by law. However, for the 2005-2006 fiscal year and every subsequent fiscal year, the Constitution now requires the Legislature to either appropriate in the annual Budget Act the full payable amount that has not been previously paid or suspend the operation of the mandate for the fiscal year for which the annual Budget Act is applicable.

If payment for an initial reimbursement claim is being made more than 365 days after adoption of the statewide cost estimate, the State Controller’s Office (SCO) shall include accrued interest at the Pooled Money Investment Account rate.⁷

If the Legislature appropriates the amount of the statewide cost estimate and actual claims exceed this amount, the SCO will prorate the claims.⁸ If the funds to cover the remaining deficiency are not appropriated in the Budget Act, the SCO shall report this information to the legislative budget committees and the Commission.

II. NEW MANDATES

The following table shows the statewide cost estimates that were adopted during the period of January 1, 2014 through June 30, 2014.

**Statewide Cost Estimates (SCE) Adopted
During the Period of January 1, 2014 through June 30, 2014**

<i>Adoption Date, Claim Number and Initial Claiming Period</i>			<i>Estimated Costs for Initial Claiming Period</i>			<i>Estimated Future Annual Costs</i>
Date	Test Claim No.	Initial Claiming Period	Education (K-14)	Local Agency	Totals	Annual
1/24/14	<i>Minimum Conditions for State Aid, 02-TC-25 and 02-TC-31</i>	7/1/01 – 6/30/12	\$267,115,424	-	\$267,115,424	\$27,211,419
1/24/14	<i>Parental Involvement Programs, 03-TC-16</i>	7/1/02 – 6/30/12	\$626,175	-	\$626,175	\$125,268
1/24/14	<i>Williams Case Implementation I, II, and III, 05-TC-04, 07-TC-06, and 08-TC-01</i>	9/29/04 – 6/30/12	\$577,876	-	\$577,876	\$106,183
5/30/14	<i>California Public Records Act, 02-</i>	7/1/01 – 6/30/13	\$499,114	\$9,175,170	\$9,674,284	\$1,719,552

⁷ Government Code section 17561.5(a).

⁸ Government Code section 17567.

	<i>TC-10 and 02-TC-51</i>					
5/30/14	<i>Teacher Credentialing, 03-TC-09</i>	7/1/02 – 12/31/06	\$21,283	-	\$21,283	Reimbursement ended 12/31/06
TOTAL			\$268,839,872	\$9,175,170	\$278,015,042	

III. PENDING PARAMETERS AND GUIDELINES, AMENDMENTS, AND STATEWIDE COST ESTIMATE CASELOAD

Following are tables showing parameters and guidelines, parameters and guidelines with proposed reasonable reimbursement methodologies (RRMs), requests to amend parameters and guidelines, requests to amend parameters and guidelines with proposed RRMs, and statewide cost estimates that are pending Commission determination. A request to include an RRM in parameters and guidelines or amendments thereto is a request made by a local entity claimant, an interested party, Finance, the Controller, or an affected state agency, pursuant to Government Code section 17557 and 17518.5. These requests are often disputed by one or more of the parties and interested parties.

A. Pending Parameters and Guidelines

	Program	Status
1.	<i>Discharge of Stormwater Runoff, 07-TC-09*</i>	Inactive pending court action.

* Local agency programs

† School district or community college district programs

B. Pending Parameters and Guidelines with Proposed RRMs

	Program	Status
1.	N/A	N/A

* Local agency programs

† School district or community college district programs

C. Pending Requests to Amend Parameters and Guidelines

	Program	Status
1.	<i>Graduation Requirements, 11-PGA-03 (CSM-4435)†</i>	Inactive status pending court action.

* Local agency programs

† School district or community college district programs

D. Pending Requests to Amend Parameters and Guidelines with Proposed RRMs

	Program	Status
1.	<i>Enrollment Fee Collection and Waivers, 08-PGA-02 (99-TC-13 & 00-TC-15)†</i>	Set for hearing on July 25, 2014.
2.	<i>Notification of Truancy, 11-PGA-01 (CSM-4133)†</i>	Tentatively set for hearing on September 26, 2014.

3.	<i>Peace Officer Procedural Bill of Rights (POBOR)</i> , 11-PGA-09 (CSM-4499, 05-RL-4499-01, 06-PGA-06) *	Set for hearing on September 26, 2014.
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* Local agency programs

† School district or community college district programs

E. Pending Statewide Cost Estimates

	Program	Status
1.	<i>Sexually Violent Predators</i> , CSM-4509 (12-MR-01)*	Tentatively set for hearing on March 27, 2015.
2.	<i>Interagency Child Abuse and Neglect (ICAN) Investigation Reports</i> , 00-TC-22*	Tentatively set for hearing on September 26, 2014.
3.	<i>Municipal Storm Water and Urban Runoff Discharges</i> , 03-TC-04, 03-TC-19, 03-TC-20, and 03-TC-21*	Hearing date to be set pending court action.
4.	<i>Peace Officers Procedural Bill of Rights II</i> , 03-TC-18*	Tentatively set for hearing on September 26, 2014.
5.	<i>Accounting for Local Revenue Realignments</i> , 05-TC-01*	Tentatively set for hearing on September 26, 2014.
6.	<i>Local Agency Ethics (AB 1234)</i> , 07-TC-04*	Amended SCE set for hearing on July 25, 2014.
7.	<i>State Authorized Risk of Assessment Tool for Sex Offenders (SARATSO)</i> , 08-TC-03*	Tentatively set for hearing on January 23, 2015.
8.	<i>Medi-Cal Eligibility of Juvenile Offenders</i> , 08-TC-04*	Tentatively set for hearing on January 23, 2015.
9.	<i>Race to the Top</i> , 10-TC-06†	Tentatively set for hearing on March 27, 2015.
10.	<i>Immunization Records – Pertussis</i> , 11-TC-02†	Tentatively set for hearing on September 26, 2014.

* Local agency programs

† School district or community college district programs

IV. PENDING JOINT REASONABLE REIMBURSEMENT METHODOLOGIES AND LEGISLATIVELY-DETERMINED MANDATES

A. Pending Joint Reasonable Reimbursement Methodologies

Following is a table showing programs where Department of Finance and test claimants are negotiating RRM's.

	Program	Date of Notice by Local Agencies or Department of Finance	Status
	None		

B. Pending Joint Legislatively-Determined Mandates

Following is a table showing programs for which Department of Finance and local agencies are negotiating legislatively-determined mandates (LDMs) they may jointly propose to the Legislature for adoption.

	Program	Date of Notice	Status
	None		

C. Delays in the Process

Government Code section 17600 requires the Commission to report any delays in the process for joint RRM or LDMs being developed by Department of Finance and local entities and for RRM proposed by any party pursuant to Government Code section 17518.5. There are currently no pending joint RRM or LDMs. However, there are three RRM in parameters and guidelines amendments pursuant to Government Code sections 17557 and 17518.5 pending for the Commission’s consideration.

While the adoption of an RRM pursuant to Government Code sections 17557 and 17518.5 may reduce the auditing issues on reimbursement claims filed with the SCO, the process increases the responsibility of the Commission. For these disputed RRM, the Commission is required to make additional factual determinations, based on substantial evidence in the record, that the proposed formula or unit cost reasonably represents the costs mandated by the state for all eligible claimants in the state. Meeting this evidentiary standard also increases the responsibilities of the proponent of the RRM to compile evidence of costs and put it into the record, which is very time-consuming.

The proposed RRM must be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies and school districts, or other projections of local costs; and shall consider the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner. If these findings are made and an RRM is adopted by the Commission in the parameters and guidelines or amendments thereto, then the claiming is based on the adopted formula or unit cost, in lieu of requiring detailed documentation of actual costs incurred. Over the past three fiscal years, the Commission has adopted a total of five proposed RRM in parameters and guidelines and has denied two proposals based on a lack of evidence.

Due to the fiscal crisis that began in 2002 and continued through 2012-2013, the Commission’s position authority has decreased by about half. In addition, for most of 2008 through 2013, Commission staff, like staff from other state offices, were subject to furloughs and other unpaid leave programs. This made it more difficult to complete the Commission’s backlog, including the RRM proposed by local entities. However, the 2013-2014 budget contained a baseline augmentation to fund two additional Commission positions: an attorney III and a senior legal analyst. The proposal to add the new positions projected a 20 percent increase in the number of matters heard by the Commission. Exceeding that projection, the Commission has heard considerably more matters in fiscal year 2013-2014 than in the prior year. These two new positions have hastened the reduction of the Commission’s backlog and will continue to facilitate timely hearing of current and future matters. Commission staff expects to present all currently pending test claims and parameters and guidelines and amendments thereto, except for those being stayed pending court action, for hearing by the September 25, 2014 Commission meeting.

Commission staff also expects to complete the incorrect reduction claim backlog by the end of fiscal year 2015-2016. With regard to the ten test claims which are on inactive status pending a determination by the California Supreme Court, Commission staff projects it will take approximately one year to present those claims for hearing if the court either upholds the Commission decision being challenged or directs the Commission to rehear that claim and hear the remaining claims applying the law as specified by the court in its decision. These claims

will take substantially longer to prepare for hearing than test claims generally, because of the complex and detailed records and mixed issues of fact and law that must be addressed.

Because test claim decisions, initial parameters and guidelines and statewide cost estimates have a statutory deadline of 12-18 months for completion, they will generally be prepared for hearing prior to other matters, including RRM in parameters and guidelines amendments. Thus, in order to promptly hear and decide parameters and guidelines amendment proposals that contain RRM, it is necessary that the Commission operate without a backlog of test claim decisions, initial parameters and guidelines and statewide cost estimates.

V. ADOPTED STATEWIDE COST ESTIMATES

Minimum Conditions for State Aid, 02-TC-25 and 02-TC-31

Adopted: January 24, 2014

Statewide Cost Estimate

\$267,115,424

(Approximate Prospective Cost of \$27,211,419 Annually)

Education Code Sections 66010.2, 66010.7, 66721.5, 66731, 66732, 66736, 66738, 66740, 66742, 70902, 78015, and 78016

Statutes 1988, Chapter 973; Statutes 1991, Chapter 1188; Statutes 1991, Chapter 1198; Statutes 1998, Chapter 365; and Statutes 2000, Chapter 187

California Code of Regulations, Title 5, Sections 53203, 53207, 55001, 55002, 55005, 55006, 55150, 55201, 55202, 55750, 55751, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55759, 55760, 55761, 55764, 55800, 55805, 55805.5, 55806, 58102, 58104, and 58106

Register 91, Number 23; Register 93, Number 25; Register 93, Number 42; Register 94, Number 38; Register 98, Number 7; Register 2000, Number 50; Register 2002, Number 8; and Register 2003, Number 18.

*Minimum Conditions for State Aid
02-TC-25 and 02-TC-31*

Los Rios Community College District, Santa Monica Community College District, and West Kern Community College District, Claimants

STAFF ANALYSIS

Background and Summary of the Mandate

This program addresses activities associated with the standards for the formation and basic operation of the California Community Colleges which includes: (1) faculty participation in district and college governance; (2) transfer centers in community colleges; (3) vocational education; (4) standards of scholarship; (5) curriculum; (6) degrees and certificates; and (7) open courses.

On May 26, 2011, the Commission on State Mandates (Commission) adopted a statement of decision on the test claim finding that the test claim statutes and regulations impose a partially reimbursable state-mandated program upon community college districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

Parameters and Guidelines were adopted on April 19, 2013 approving the reimbursable activities described below under the *Reimbursable Activities* section.

Eligible claimants were required to file initial reimbursement claims (for costs incurred between July 1, 2001, and June 30, 2012) with the State Controller's Office (SCO) by November 19, 2013. Late initial reimbursement claims may be filed until November 19, 2014. Reimbursement claims for fiscal year 2012-2013 are due by February 18, 2014.

Eligible Claimants and Period of Reimbursement

Any community college district as defined in Government Code section 17519, which incurs increased costs as a result of this mandate, is eligible to claim for reimbursement.

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimants filed the test claim in the 2002-2003 fiscal year, establishing eligibility for reimbursement on or after July 1, 2001. All of the reimbursable activities approved in the *Minimum Conditions for State Aid* test claim were operative at the start of the reimbursement period except for the activities mandated by California Code of Regulations, title 5, section 53207. Title 5, section 53207, (Register 2003, No. 18) was operative April 11, 2003. As a result, all of the activities approved in the *Minimum Conditions for State Aid* test claim are eligible for reimbursement beginning July 1, 2001, except for the activities mandated by title 5, section 53207. The activities mandated by title 5, section 53207 are reimbursable beginning April 11, 2003.

Reimbursable Activities

The parameters and guidelines authorize reimbursement of each eligible claimant for the following activities:

1. Participation in District and College Governance (Ed. Code, §§ 66010.2(b), 70902(b)(7) and (b)(14), and Cal. Code Regs., tit. 5, §§ 53203 and 53207)

a. One-Time Activities

- 1) Establish procedures to ensure faculty, staff, and students the opportunity to express their opinions at the campus level, to ensure that these opinions are given every reasonable consideration, and to ensure the right of the academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

The procedures established shall be consistent with the minimum standards established by the Board of Governors. The minimum standards are set forth in California Code of Regulations, title 5, sections 53200-53207 (for faculty), 51023.5 (for staff), and 51023.7 (for students).

Except for those ongoing activities listed below in 1(b), reimbursement is not required to implement the procedures. (Ed. Code, § 70902(b)(7), Stats. 1988, ch. 973.)

- 2) Adopt policies for appropriate delegation of authority and responsibility to its college or district academic senate.

Policies must provide, at a minimum, that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. (Cal. Code Regs., tit. 5, § 53203(a), Register 94, No. 38.)

- 3) Adopt procedures for responding to recommendations of the academic senate that incorporate the following:

- a) In instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendation not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate. (Cal. Code Regs., tit. 5, § 53203(d)(1), Register 94, No. 38.)

- b) In instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons. (Cal. Code Regs., tit. 5, § 53203(d)(2), Register 94, No. 38.)

b. Ongoing Activities

- 1) Provide all students the opportunity to address issues, including ethical issues that are central to their full development as responsible citizens, in community college programs. (Ed. Code, § 66010.2(b), Stats. 1991, ch. 1198.)
- 2) Participate in the consultation process established by the Board of Governors for the development and review of policy proposals pursuant to Education Code section 70901(e). (Ed. Code, § 70902(b)(14), Stats. 1988. Ch. 973.)
- 3) Consult collegially with representatives of the academic senate when adopting the policies for appropriate delegation of authority and responsibility to its college or district academic senate pursuant to California Code of Regulations, title 5, section 53202(a). (Cal. Code Regs., tit. 5, § 53203(b), Register 94, No. 38.)
- 4) *Beginning April 11, 2003*, grant faculty members elected to serve as president and vice president of the Academic Senate of the California Community Colleges release or reassigned time from their local responsibilities by the district by which they are employed during their terms of office. (Cal. Code Regs., tit. 5, § 53207 (Register 2003, No. 18).) Reimbursement is eligible for the following activities and costs:
 - a) Identify the part-time replacement cost prior to September of each year for employees elected to serve as president and vice president of the Academic Senate of the California Community Colleges.
 - b) If the release or reassigned time need identified is 100 percent and the position is in a hard to replace discipline area, certify this to the Chancellor by August 1 for reimbursement at the full-time temporary replacement cost of the employee released.

The costs to perform activities a) and b) are subject to any offsetting revenue provided the district from the Academic Senate of the California Community Colleges for the reasonable and documented administrative costs associated with hiring faculty to replace the faculty serving as president and vice president of the Academic Senate.
 - c) The replacement cost of the faculty member serving as president or vice-president of the Academic Senate of the California Community Colleges is eligible for reimbursement, offset by any funds appropriated to the Academic Senate of the California Community Colleges (line item 6870-101-0001) and provided to the district at either the part-time replacement

rate or the full-time temporary replacement rate pursuant to section 53207(c).

2. Transfer Centers (Ed. Code, §§ 66010.7, 66721.5, 66731, 66732, 66736, 66738, 66740, and 66742)

a. One-Time Activities

- 1) Adopt as policy that the student transfer agreement program shall constitute a significant role in achieving the goal of student diversity within community colleges, and in ensuring that all students, particularly those currently underrepresented in higher education, have access to a university education. (Ed. Code, § 66732 (Stats. 1991, ch. 1188).)
- 2) Formally acknowledge student matriculation from community colleges through the University of California and California State University as a central institutional priority of all segments of higher education. (Ed. Code, § 66731 (Stats. 1991, ch. 1188).)

b. Ongoing Activities

- 1) Provide direction to the appropriate officials at their respective campuses to provide each of their students with a copy of the current transfer core curriculum. (Ed. Code § 66721.5(a)(1), Stats. 2000, ch. 187.)
- 2) Distribute a copy of the current transfer core curriculum to each community college student who is enrolled in a degree or certification program and is physically in attendance at the institution.

Include the text of the current transfer core curriculum in the published class schedule for each academic term, or distribute the transfer core curriculum during the registration process, or by mail, or during the issuance of student identification cards, or during student orientation programs. (Ed. Code § 66721.5(b), (c) and (d), Stats. 2000, ch. 187.)

- 3) Design, adopt, and implement policies intended to facilitate successful movement of students from community colleges through the University of California and the California State University. (Ed. Code, § 66732, Stats. 1991, ch. 1188.)
- 4) Ensure that its college or colleges maintain student transfer counseling centers or other counseling and student services at its college or colleges designed and implemented to affirmatively seek out, counsel, advise, and monitor the progress of potential and identified community college transfer students.

Reimbursement for this activity may include the adoption of policies and procedures. All policies and procedures adopted for this purpose must give preference and emphasis toward enhancing the transfer of students from economically disadvantaged families and students from traditionally underrepresented minorities, to the fullest extent possible under state and federal statutes and regulations. (Ed. Code, § 66736, Stats. 1991, ch. 1188.) *Reimbursement is not required to develop and adopt a transfer center plan pursuant to California Code of Regulations, title 5, section 51027.*

- 5) Except as provided in the next paragraph, undertake intersegmental collaboration and coordination (with the University of California and

California State University) particularly when it can do either of the following: (1) facilitate achievement of the goals of educational equity; (2) facilitate student progress from one segment to another, particularly with regard to preparation of students for higher education as well as the transfer from the California Community Colleges to four-year institutions.

Reimbursement is not required in instances which cooperation can: (1) enhance the achievement of the institutional missions shared by the segments; (2) enable public and private postsecondary education to more effectively meet the educational needs of a geographical region; and (3) provide more effective planning of postsecondary education on a statewide basis. (Ed. Code, § 66010.7(b), Stats. 1991, ch. 1198.)

- 6) Work together with other leaders responsible for public (University of California and California State University) and independent institutions of higher education and the Superintendent of Public Instruction to promote and facilitate the development of intersegmental programs and other cooperative efforts aimed at improving the progress of students through the educational systems and at strengthening the teaching profession at all levels. (Ed. Code, § 66010.7(c), Stats. 1991, ch. 1198.)
- 7) Develop and implement formal, system wide, articulation agreements and transfer agreement programs, including those for general education or a transfer core curriculum, and other appropriate procedures to support and enhance the transfer function.

Reimbursement for this activity may include specifying the curricular requirements that must be met, and the level of achievement that must be attained, by community college students in order for those students to transfer to the campus, undergraduate college, or major of choice in the public four-year segments. (Ed. Code, § 66738(a), Stats. 1991, ch. 1188.)

- 8) Expand existing practices related to concurrent enrollment, in which community college students are provided the opportunity to take courses at University of California and California State University campuses, as space is available, and to expand opportunities for potential transfer students to participate in activities that familiarize them with the university campus. (Ed. Code, § 66738(c), Stats. 1991, ch. 1188.)
- 9) Act in conjunction with each department, school, major in the University of California and California State University to develop discipline-specific articulation agreements and transfer program agreements for those majors that have lower division prerequisites. In doing so, faculty from community colleges and university campuses are to participate in discipline-specific curriculum development to coordinate course content and expected levels of student competency. (Ed. Code, § 66740, first paragraph, Stats. 1991, ch. 1188.)
- 10) Develop discipline-based agreements in conjunction with the California State University and the University of California with as many campuses of the two university segments as feasible, but no fewer than three University of California campuses and five California State University campuses. No one segment should bear the organizational or financial responsibility for

accomplishing these goals. (Ed. Code, § 66740, third paragraph, Stats. 1991, ch. 1188.)

11) Present annual statistical reports with the California Community Colleges, California State University, and the University of California on transfer patterns to the Governor and Legislature via the California Postsecondary Education Commission. Include in these reports statistics and information as described in Education Code section 66742. (Education Code section 66742, Stats. 1991, ch. 1188.)

3. Vocational Education (Ed. Code, §§ 78015 and 78016). Reimbursement is authorized for the following ongoing activities:

- a. Conduct a job market study of the labor market area, as defined by Education Code section 52301.5, in which the community college district proposes to establish the program prior to establishing the program.⁹

The labor market study must use the State-Local Cooperative Labor Market Information Program established by Unemployment Insurance Code section 10533, or if this program is not available for the labor market area, the study must use other sources of labor market information.

The study must include a California Occupational Information System supply analysis of existing vocational and occupational education or training programs for adults maintained by high schools, community colleges, and private postsecondary schools in the area to ensure that the anticipated employment demand for students in the proposed programs justifies the establishment of the proposed courses of instruction. (Ed. Code, § 78015(a)(1), Stats. 1998, ch. 365.)

- b. Make copies of each job market study available to the public. (Ed. Code, § 78015(a)(2), Stats. 1998, ch. 365.)
- c. Determine whether or not the job market study justifies the proposed vocational education program. (Ed. Code, § 78015(b), Stats. 1998, ch. 365.)
- d. Determine by resolution whether the program will be offered through the district's own facilities or through a contract with an approved private postsecondary school pursuant to Education Code section 8092, if the district determines that the job market study justifies the initiation of the proposed program. (Ed. Code, § 78015(c), Stats. 1998, ch. 365.)
- e. Review every vocational or occupational training program offered by the district and commenced subsequent to July 28, 1983, every two years to ensure that each program: (1) meets a documented labor market demand; (2) does not represent unnecessary duplication of other manpower training programs in the area; and (3) is of demonstrated effectiveness as measured by the employment and completion success of its students.

⁹ Education Code section 52301.5 defines "Labor Market Area" as "a county or aggregation of counties designated by the Employment Development Department (EDD) that has one or more central core cities and that meets criteria of population, population density, commute patterns, and social and economic integration specified by the EDD.

These three requirements are to be demonstrated by the California Occupational Information System, including State-Local Cooperative Labor Market Information Program established in Unemployment Insurance Code section 10533, or if this program is not available in the labor market area, other available sources of labor market information. (Ed. Code, § 78016(a), Stats. 1998, ch. 365.)

- f. Terminate any program that does not meet the requirements of Education Code section 78016(a), and the standards promulgated by the governing board within one year. (Ed. Code, § 78016(b), Stats. 1998, ch. 365.)
 - g. Include the review and comments by the local Private Industry Council, established pursuant to Unemployment Insurance Code section 15000 et seq., in the review process of every vocational or occupational training program offered by the district and commenced subsequent to July 28, 1983. The review and comments by the Private Industry Council shall occur prior to any decision by the district governing board. (Ed. Code, § 78016(c), Stats. 1998, ch. 365.)
 - h. Make a written summary of the findings of each review available to the public. (Ed. Code, § 78016(e), Stats. 1998, ch. 365.)
- 4. Standards of Scholarship (Ed. Code, § 70902(b)(3), and Cal. Code Regs., tit. 5, §§ 55750, 55751, 55753, 55753.5, 55753.7, 55754, 55755, 55756.5, 55757, 55758, 55759, 55760, 55761, and 55764)**

a. One-time Activities

- 1) Adopt and publish procedures and conditions for probation and appeal of probation and request for removal from probation. (Cal. Code Regs., tit. 5, § 55755(c), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55032(c), Register 2007, No. 35.)
- 2) Adopt and publish procedures and conditions for dismissal and appeal of dismissal and request for reinstatement. (Cal. Code Regs., tit. 5, § 55756(c), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55033(c), Register 2007, No. 35.)
- 3) Adopt rules setting forth the circumstances that warrant exceptions to the standards for dismissal. (Cal. Code Regs., tit. 5, § 55756(d), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55033(d), Register 2007, No. 35.)
- 4) File a copy of the rules setting forth the circumstances that warrant exceptions to the standards for dismissal with the Chancellor. (Cal. Code Regs., tit. 5, § 55756(d), Register 91, No. 23; requirement repealed, operative August 16, 2007, Register 2007, No. 35.)
- 5) Include in the procedures for the correction of grades given in error, procedures for expunging an incorrect grade from the record.

Reimbursement is not required to develop and adopt procedures for the correction of grades. (Cal. Code Regs., tit. 5, § 55760(a), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55025(d), Register 2007, No. 35.)

b. Ongoing Activities

- 1) Adopt regulations consistent with the subchapter regarding standards of scholarship consisting of California Code of Regulations, title 5, section 55750 – 55765. (Ed. Code, § 70902(b)(3), and Cal. Code Regs., tit. 5, § 55750, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55020, Register 2007, No. 35.)
- 2) Publish the regulations consistent with the subchapter regarding standards of scholarship in the college catalog under appropriate headings. Reimbursement is required only for the ongoing pro-rata cost to publish the section of the catalog that contains the mandated regulations (i.e. the cost of printing the additional page(s)). *Reimbursement is not required for the cost of publishing the entire catalog.* (Cal. Code Regs., tit. 5, § 55750, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55020, Register 2007, no. 35.)
- 3) File a copy of the community college district’s regulations regarding standards of scholarship, and any amendments of the regulations, with the Chancellor. (Cal. Code Regs., tit. 5, § 55750, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55020, Register 2007, No. 35.)
- 4) Determine a uniform grading practice for the district based on sound academic principles. (Cal. Code Regs., tit. 5, § 55751, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55021(a), Register 2007, No. 35.)
- 5) Conform the uniform grading practices to the standard that work in all courses acceptable in the fulfillment of the requirements for an associate or baccalaureate degree, a certificate, diploma or license is graded in accordance with a grading scale adopted by the governing board consistent with section 55758, and sections 55752 (Credit-No Credit Options) or 55753 (Credit by Examination). (Cal. Code Regs., tit. 5, § 55751(a) and (b), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55021(c), Register 2007, No. 35.)
- 6) Adopt and publish regulations pertaining to credit by examination in accordance with the provisions of Subchapter 9 “Standards of Scholarship” (Cal. Code Regs., tit. 5, § 55750 et seq.). Reimbursement for publishing the regulations is required only for the ongoing pro-rata cost to publish the section of the catalog that contains the mandated regulations. *Reimbursement is not required for the cost of publishing the entire catalog.* (Cal. Code Regs., tit. 5, § 55753(a), Register 2002, No. 8; for current requirement see Cal. Code Regs., tit. 5, § 55050(a), Register 2007, No. 35.)
- 7) Place a student on academic probation when he/she has attempted at least 12 semester or 18 quarter units as shown by the official academic record and earned a grade point average below 2.0 in all units which were graded on the basis of the grading scale. (Cal. Code Regs., tit. 5, § 55754(a), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55031(a), Register 2007, No. 35.)
- 8) Remove a student from academic probation when the student’s accumulated grade point average is 2.0 or higher. (Cal. Code Regs., tit. 5, § 55755(a), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55032(a), Register 2007, No. 35.)

- 9) Make a student subject to dismissal if the student is on academic probation and has earned a cumulative grade point average of less than 1.75 in all units attempted in each of 3 consecutive semesters or 5 consecutive quarters which were graded on the basis of a grading scale. (Cal. Code Regs., tit. 5, § 55756(a), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55033(a), Register 2007, No. 35.)
- 10) Determine a student's need for remedial coursework using appropriate assessment instruments, methods, or procedures, including, but not limited to, interviews; standardized tests; holistic scoring processes; attitude surveys; vocational or career aptitude and interest inventories; high school or college transcripts; specialized certificates or licenses; educational histories; other measures of performance; and assessment procedures such as identification of test cores which measure particular skill levels, the administrative process by which students are referred for assessment, the manner in which assessment results are made available, and the length of time required before such results are available. (Cal. Code Regs., tit. 5, § 55756.5(b), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55035(a), Register 2007, No. 35.)
- 11) Dismiss and refer students that have exhausted the remedial coursework unit limitation to appropriate adult noncredit education services, provided by college, adult school, community-based organization, or other appropriate local provider which the district has an established referral agreement. (Cal. Code Regs., tit. 5, § 55756.5(b) and (e), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55035(a) and (e), Register 2007, No. 35.)
- 12) Submit, through the established Management Information System, information necessary to enable the Chancellor to determine the effect of the California Code of Regulations, title 5, section 55756.5, on students by sex, age, and ethnicity, and the success rates for students enrolled in "remedial coursework." (Cal. Code Regs., tit. 5, § 55756.5(g), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55035(g), Register 2007, No. 35.)
- 13) Adopt rules and regulations governing the inclusion in or exclusion of units, for the purpose of determining whether to place a student on probation or dismissal, in which a student did not receive a grade or "credit-no credit" or from which the student withdrew in accordance with rules adopted by the district governing board. (Cal. Code Regs., tit. 5, § 55757, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55030(a), Register 2007, No. 35.)
- 14) Determine a student's grade point average using the grades from a grading scale and the corresponding point equivalencies set forth in California Code of Regulations, title 5, section 55758(a). (Cal. Code Regs., tit. 5, § 55758(a), Register 2000, No. 50; for current requirement see Cal. Code Regs., tit. 5, § 55023(a), Register 2007, No. 35.)
- 15) Publish the point equivalencies for the grades used in California Code Regulations, title 5, section 55758(a), in the catalog or catalogs of the community college district as part of its grading practices. "Point

equivalencies for the grades” that are to be published excludes the symbols for credit (CR) and no credit (NC). Reimbursement is required only for the ongoing pro-rata cost to publish the section of the catalog that contains the mandated point equivalencies for grades (i.e. the cost of printing the additional page(s)). *Reimbursement is not required for the cost of publishing the entire catalog.* (Cal. Code Regs., tit. 5, § 55758(d), Register 2000, No. 50; for current requirement see Cal. Code Regs., tit. 5, § 55023(d), Register 2007, No. 35.)

- 16) Make reasonable efforts to notify a student subject to academic probation or dismissal at or near the beginning of the semester or quarter which it will take effect, but no later than the start of the fall semester or quarter. (Cal. Code Regs., tit. 5, § 55759, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55034, Register 2007, No. 35.)
- 17) Make reasonable efforts to notify a student of removal from probation or reinstatement after dismissal within timelines established by the district. (Cal. Code Regs., tit. 5, § 55759, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55034, Register 2007, No. 35.)
- 18) Publish the policies and procedures regarding probation and dismissal in the college catalog. Reimbursement is required only for the one-time cost of formatting the policies and procedures for publication, and the ongoing pro-rata cost to publish the section of the catalog that contains the policies and procedures on probation and dismissal (i.e. the cost of printing the additional page(s)). *Reimbursement is not required for the cost of publishing the entire catalog.* (Cal. Code Regs., tit. 5, § 55759 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55034 (Register 2007, No. 35).)
- 19) Make reasonable effort to provide counseling and other support services to a student on probation to help the student overcome any academic difficulties. (Cal. Code Regs., tit. 5, § 55759, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55034, Register 2007, No. 35.)
- 20) Grade changes. The following activities are eligible for reimbursement:
 - a) The instructor of the course shall determine the grade to be awarded each student in accordance with the California Code of Regulations, title 5, section 55758 (“Academic Record Symbols and Grade Point Average”), which shall be final in the absence of mistake, fraud, bad faith, or incompetency. (Cal. Code Regs., tit. 5, § 55760(a), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55025(a), Register 2007, No. 35).
 - b) Adopt and publish regulations for repeating courses in which substandard work has been recorded Cal. Code Regs., tit. 5, §§ 55760(b) and 55761, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, §§ 55040(a), and 55042(a), Register 2007, No. 35.) If these regulations are published in the college catalog, reimbursement for publishing is required only for the ongoing pro-rata cost to publish the section of the catalog that contains the regulations for repeating courses (i.e. the cost of printing the additional page(s)). *Reimbursement is not required for the cost of publishing the entire catalog.*

21) Adopt and publish regulations for alleviation of previously recorded substandard academic performance that is not reflective of a student's demonstrated ability. If these regulations are published in the college catalog, reimbursement for publishing is required only for the ongoing pro-rata cost to publish the section of the catalog that contains the regulations for alleviation of previously recorded substandard academic performance that is not reflective of a student's demonstrated ability (i.e. the cost of printing the additional page(s)). *Reimbursement is not required for the cost of publishing the entire catalog.* (Cal. Code Regs., tit. 5, § 55764 (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55046(a) (Register 2007, No. 35).)

5. Curriculum (Ed. Code, § 70902(b)(2)(A), and Cal. Code Regs., tit. 5, §§ 55001, 55002, 55005, 55006, 55150, 55201, and 55202)

a. One-Time Activities

- 1) Adopt policies for the provisions outlined in a) through d) below, in accordance with the Board of Governors regulations addressing faculty participation in district and college governance (i.e. Cal. Code Regs., tit. 5, §§ 53200-53204), when a college is required to establish prerequisites or co-requisites for an associate degree credit course pursuant to California Code of Regulations, title 5, section 55002(a)(2)(D) and (E) (e.g. a student is unlikely to receive a satisfactory grade in a course without the prerequisite or co-requisite, or success in a course is dependent on communication or computation skills):
 - a) The policy for the process for establishing prerequisites or co-requisites shall be based on content review with additional methods of scrutiny being applied depending on the type of prerequisite or co-requisite established. (Cal. Code Regs., tit. 5, § 55201(b)(1), Register 98, No. 7; for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(1), Register 2007, No. 35.)
 - b) The procedures to assure that courses for which prerequisites or co-requisites are established will be taught in accordance with the course outline that are the basis for the requirement to establish the prerequisite or co-requisite. (Cal. Code Regs., tit. 5, § 55201(b)(2), Register 98, No. 7; for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(2), Register 2007, No. 35.)
 - c) The process, including levels of scrutiny, for reviewing prerequisites and co-requisites to assure that they remain necessary and appropriate. The process shall provide that at least once each six years all prerequisites and co-requisites established by the district shall be reviewed. (Cal. Code Regs., tit. 5, § 55201(b)(3), Register 98, No. 7; for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(3), Register 2007, No. 35.)
 - d) The basis to challenge a prerequisite or co-requisite are:
 - i. The prerequisite or co-requisite was not established in accordance with the district's process for establishing prerequisites and co-requisites;
 - ii. The prerequisite or co-requisite violates California Code of Regulations, title 5, sections 55200-55202, which address the

authority, requirements, and limitations on authority, when establishing prerequisites and co-requisites;

- iii. The prerequisite or co-requisite are either unlawfully discriminatory or are being applied in an unlawfully discriminatory manner;
- iv. The student has the knowledge or ability to succeed in the course or program despite not meeting the prerequisite or co-requisite; and
- v. The student will be subject to undue delay in attaining the goal of his or her educational plan because the prerequisite or co-requisite course has not been made reasonably available. (Cal. Code Regs., tit. 5, § 55201(b)(2) and (f)(1)-(5), Register 98, No. 7; for current requirement see Cal. Code Regs., tit. 5, § 55003(b)(2) and (m)(1)-(5), Register 2007, No. 35.)

b. Ongoing Activities

- 1) Establish policies for educational programs. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973.)
- 2) Report the classification of all courses, classes, and activities offered in accordance with California Code of Regulations, title 5, sections 55001 (a) (describing instructional services of community colleges), and 55002 (standards and criteria for associate degree credit course, nondegree credit course, and noncredit course) by transmitting the following information to the Chancellor's Office:
 - a) The unique static course identifier and the course title for all credit and noncredit courses. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55001(c)(1), Register 94, No. 38, ending April 14, 2006.)
 - b) The classification of each credit and noncredit course in accordance with its primary objective, consistent with guidelines published by the Chancellor. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55001(c)(2), Register 94, No. 38, ending April 14, 2006.)
 - c) Whether the course is offered as credit or noncredit. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55001(c)(3), Register 94, No. 38 ending April 14, 2006.)
 - d) Whether the course transfers to the California State University or the University of California or both. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55001(c)(4), Register 94, No. 38 ending April 14, 2006.)
- 3) Establish a college or district curriculum committee by mutual agreement of the college or district administration and the academic senate. The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised in a way that is mutually agreeable to the college or district administration and academic senate. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(1), Register 93, No. 42.)
- 4) Get a recommendation by the college or district curriculum committee and approval by the district governing board, when seeking to offer a course as an

associate degree credit course, nondegree credit course, or noncredit course. Recommendation by the college or district curriculum committee and approval by the district governing board are based on the courses meeting the following standards and criteria listed in a) through d) below:

- a) Each section of an associate degree course, nondegree course, or noncredit course is to be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the course outline of record. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(4), (b)(4), and (c)(3), Register 93, No. 42.)
- b) Proposed associate degree credit courses and nondegree credit courses must meet the following requirements found in California Code of Regulations, title 5, section 55002(a)(2) and (b)(2), in order to receive a recommendation by the college or district curriculum committee:

- i. Grading policy: The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with California Code of Regulations, title 5, section 55758 (Register 2000, No. 50), which details the academic record symbols and associated grade points to be used by community colleges.

The grade is based on demonstrated proficiency in subject matter and the ability to demonstrate that proficiency, at least in part, by means of essays for associate degree credit courses or written expression for nondegree credit courses, or in courses where the curriculum committee deems them to be appropriate, by problem-solving exercises or skills demonstrations by students. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(2)(A) and (b)(2)(A), Register 93, No. 42.)

- ii. Units: The course grants units of credit based upon a relationship specified by the governing board between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline.

The course also requires a minimum of three hours of work per week, including class time (and/or demonstrated competency for nondegree credit courses) for each unit of credit, prorated for short-term, laboratory and activity courses. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(2)(B) and (b)(2)(B), Register 93, No. 42.)

- iii. Intensity: For associate degree credit course, the course must treat subject matter with a scope and intensity that requires students to study independently outside of class time. For nondegree credit courses, the course must provide instruction in critical thinking and generally treats subject matter with a scope and intensity that prepares students to study independently outside of class time and includes reading and writing assignments and homework. In particular, the assignments will be sufficiently rigorous that students completing each such course successfully will have acquired the skills necessary to successfully complete college-level work upon completion of the required sequence of

such courses. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(2)(C) and (b)(2)(C), Register 93, No. 42.)

- c) Proposed associate degree credit courses must also meet the following requirements found in California Code of Regulations, title 5, section 55002(a)(2), in order to receive a recommendation by the college or district curriculum committee:
- i. Prerequisites and Co-requisites: Require prerequisites or co-requisites when: (a) the college and/or district curriculum committee determines, based on a review of the course outline of record, that a student would be highly unlikely to receive a satisfactory grade unless the student has knowledge or skills not taught in the course; or (b) success in the course is dependent upon communication or computation skills, then the course shall require as prerequisites or co-requisites eligibility for enrollment in associate degree credit courses in English and/or mathematics. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(2)(D) and (E), Register 93, No. 42.)
 - ii. Difficulty: The course work calls for critical thinking and the understanding and application of concepts determined by the curriculum committee to be at college level. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(2)(F), Register 93, No. 42.)
 - iii. Level: The course work calls for critical thinking and the understanding and application of concepts determined by the curriculum committee to be at college level. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(2)(G), Register 93, No. 42.)
- d) Proposed noncredit courses must treat subject matter and use resource materials, teaching methods, and standards of attendance and achievement that is deemed appropriate for the enrolled students by the college or district curriculum committee in order to receive a recommendation by the college or district curriculum committee. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(c)(1), Register 93, No. 42.)

Reimbursement for the activity identified in b.) is limited to obtaining a recommendation and approval, as specified, when seeking to offer a course. Reimbursement is not required for the process to determine that the instructor is qualified, or for the cost of the courses or instruction offered. (Cal. Code Regs., tit. 5, § 55002(a), (b), and (c), Register 93, No. 42.)

- 5) Develop and keep a course outline of record for associate degree credit courses, nondegree credit courses, and noncredit courses in the official college files that describe the course and make the outline available to each instructor.

For associate degree credit courses and nondegree credit courses, the course outline shall specify the unit value, scope, objectives, and content of the course in terms of a specific body of knowledge. Also, the course outline shall specify types or provide examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met by students.

For noncredit course, the course outline shall specify the scope, objectives, contents, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55002(a)(3), (b)(3), and (c)(2), Register 93, No. 42; and Cal. Code Regs., tit. 5, § 55150(b), Register 91, No. 23.)

- 6) Make available to students through college publications all of the following facts regarding each course offered before they enroll in the course: (1) whether the course is offered as a credit or noncredit course; (2) whether the course is transferable to four-year colleges and universities; and (3) whether the course fulfills a major or general education requirement. (Ed. Code, § 70902(b)(2)(A) Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55005, Register 91, No. 23.)
- 7) Each community college must keep and submit such current records and reports concerning their total activities as may be required by the Chancellor to fulfill statutory responsibilities. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, §§ 55006 and 55150(c), Register 91, No. 23.)
- 8) The following activities are eligible for reimbursement *only when the curriculum committee of a college determines that prerequisites or co-requisites for an associate degree credit course are required to be established pursuant to California Code of Regulations, title 5, section 55002(a)(2)(D) and (E)* (e.g. a student is unlikely to receive a satisfactory grade in a course without the prerequisite or co-requisite, or success in a course is dependent on communication or computation skills):¹⁰
 - a) When establishing a course in communication or computation skills as a prerequisite or co-requisite for any associate degree credit course other than another course in communication or computation skills, gather data according to sound research practices and show the college or district curriculum committee and district governing board that a student is highly unlikely to succeed in a non-communication or non-computation skills course unless the student has met the proposed prerequisite or co-requisite.

This data gathering requirement does not apply when:

- i) Four-year institutions will not grant credit for a course unless it has the particular communication or computation skill prerequisite; or
- ii) The prerequisite or co-requisite is required for enrollment in a program that is subject to approval by a state agency other than the Chancellor's Office and both of the following conditions are satisfied:
 - Colleges in at least six different districts have previously satisfied the data collection requirement with respect to the same prerequisite or co-requisite for the same program; and
 - The district establishing the prerequisite or co-requisite conducts an evaluation to determine whether the prerequisite or co-requisite has a

¹⁰ Establishing prerequisites and co-requisites in all other situations is discretionary and not mandated by the state. (Cal. Code Regs., tit. 5, § 55201(a) (Register 98, No. 7); for current requirement see Cal. Code Regs., tit. 5, § 55003(a) (Register 2007, No. 35).)

disproportionate impact on particular groups of students described in terms of race, ethnicity, gender, age or disability, as defined by the Chancellor, and if there is a disproportionate impact the district in consultation with the Chancellor develops and implements a plan setting forth the steps the district will take to correct the disproportionate impact. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55201(e), Register 98, No. 7; for current requirement see Cal. Code Regs., tit. 5, § 55003(e), Register 2007, No. 35.)

- b) If a prerequisite or co-requisite required to be established for an associate degree credit course is challenged on the basis that it is either unlawfully discriminatory or applied in an unlawfully discriminatory manner (pursuant to Cal. Code Regs., tit. 5, § 55201(f)(3)), advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to the title 5 regulations addressing discrimination complaint procedures (Cal. Code Regs., tit. 5, § 59300 et seq.). (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55201(g), Register 98, No. 7; for current requirement see Cal. Code Regs., tit. 5, § 55003(n), Register 2007, No. 35.)
- c) Identify prerequisites and co-requisites required to be established for an associate degree credit course in college publications available to students as well as in the course outline of any course for which they are established. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55202(a), Register 93, No. 42; for current requirement see Cal. Code Regs., tit. 5, § 55003(f), Register 2007, No. 35.)
- d) Determine whether a student meets a prerequisite for an associate degree credit course based on successful completion of an appropriate course. This determination shall be made prior to the student's enrollment in the associate degree credit course requiring the prerequisite. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55202(c)(g), Register 93, No. 42; for current requirement see Cal. Code Regs., tit. 5, § 55003(h)(l), Register 2007, No. 35.)
- e) If a prerequisite for an associate degree credit course requires precollegiate skills in reading, written expression, or mathematics, ensure precollegiate basic skills courses designed to teach the required skills are offered with reasonable frequency and that the number of sections available is reasonable given the number of students who are required to meet the associated skills prerequisites and who diligently seek enrollment in the prerequisite course.
This activity does not require reimbursement for offering the course or the costs associated with the teacher time for the course. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55202(d), Register 93, No. 42; for current requirement see Cal. Code Regs., tit. 5, § 55003(i), Register 2007, No. 35.)
- f) When a co-requisite course is established by the district for an associate degree credit course based on a finding by the college or district curriculum committee that the co-requisite is necessary for the course pursuant to section 55002(a)(2)(D) and 55002(a)(2)(E) of the Title 5 regulations, ensure sufficient sections of a co-requisite course are offered to reasonably accommodate all

students who are required to take the co-requisite. Reimbursement for this activity is limited to the administrative functions of ensuring that sufficient sections of a co-requisite course are offered.

This activity does not require reimbursement for offering the co-requisite course or the costs associated with the teacher time for the course. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55202(e), Register 93, No. 42; for current requirement see Cal. Code Regs., tit. 5, § 55003(j), Register 2007, No. 35.)

- g) Waive a co-requisite for an associate degree credit course for any student for whom space in the co-requisite course is not available. (Ed. Code, § 70902(b)(2)(A), Stats. 1988, ch. 973; Cal. Code Regs., tit. 5, § 55202(e), Register 93, No. 42; for current requirement see Cal. Code Regs., tit. 5, § 55003(j), Register 2007, No. 35.)

6. Degrees and Certificates (Cal. Code Regs., tit. 5, §§ 55800, 55805, and 55806)

Reimbursement is authorized for the following ongoing activities:

- a. Adopt policy consistent with the subchapter regarding degrees and certificates consisting of California Code of Regulations, title 5, section 55800 – 55810. (Cal. Code Regs., tit. 5, § 55800, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55060, Register 2007, No. 35.)

Include in the policy the requirement to condition receipt of an associate degree by a student on the satisfactory completion of at least 60 semester units or 90 quarter units of college work that is fulfilled in a curriculum accepted toward the degree by a college within the district (as shown in its catalog). This course work includes 18 semester or 27 quarter units in general education and at least 18 semester or 27 quarter units in a major, at least 12 semester or 18 quarter units completed in residence at the college granting the degree.

The 18 semester or 27 quarter units in a major must be taken in a single discipline or related disciplines, as listed in the Community Colleges “Taxonomy of Programs.”

The 18 semester or 27 quarter units in general education requirements must include a minimum of three semester or four quarter units in each of the following areas: (1) Natural Sciences, (2) Social and Behavioral Sciences, (3) Humanities, (4) Language and Rationality – English Composition, and (5) Language and Rationality – Communication and Analytical Thinking.

The remainder of the unit requirement is also to be selected from among these five divisions of learning or as determined by local option. (Cal. Code Regs., tit. 5, § 55806(a) and (b)(1), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55063(a) and (b), Register 2007, No. 35.)

- b. Publish in the college catalog under appropriate headings the policy that is consistent with the subchapter in title 5 of the California Code of Regulations regarding degrees and certificates. (Cal. Code Regs., tit. 5, § 55800, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55060, Register 2007, No. 35.)
- c. File a copy of the policy regarding degrees and certificates, and any amendments, with the Chancellor. (Cal. Code Regs., tit. 5, § 55800, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55060, Register 2007, No. 35.)

- d. Adopt a policy which states its specific philosophy on General Education. (Cal. Code Regs., tit. 5, § 55805(a) (Register 91, No. 23); for current requirement see Cal. Code Regs., tit. 5, § 55061(a) (Register 2007, No. 35).)
- e. When developing the policy stating its specific philosophy on General Education, consider the policy of the Board of Governors specified in California Code Regulations, title 5, section 55805(a) (Register 91, No. 23). (Cal. Code Regs., tit. 5, § 55805(a), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55061(a), Register 2007, No. 35.)
- f. Establish criteria, subject to the limitations in California Code of Regulations, title 5, section 55805.5 (Register 91, No. 23), to determine which courses may be used in implementing its philosophy on the associate degree and general education. (Cal. Code Regs., tit. 5, §§ 55805(b) and 55805.5, Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, §§ 55061(b) and 55062, Register 2007, No. 35.)
- g. Review the policy and criteria for General Education, established pursuant to California Code of Regulations, title 5, section 55805(a) and (b), on a regular basis. (Cal. Code Regs., tit. 5, § 55805(c), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55061(c). Register 2007, No. 35.)
- h. Offer ethnic studies in at least one of the general education areas of learning listed in California Code of Regulations, title 5, section 55806(b)(1)(A)-D) (i.e. Natural Sciences, Social and Behavioral Sciences, Humanities, Language and Rationality-English Composition, and Language and Rationality-Communication and Analytical Thinking). (Cal. Code Regs., tit. 5, § 55806(b)(3), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55063(b)(2), Register 2007, No. 35.)
- i. Design a course to help students develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities, in order to satisfy the general education requirement in natural sciences. (Cal. Code Regs., tit. 5, § 55806 (b)(1)(A), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55063(b)(1)(A), Register 2007, No. 35.)
- j. Design a course to develop an awareness of the method of inquiry used by the social and behavioral sciences and to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate, in order to satisfy the general education requirement in social and behavioral sciences. (Cal. Code Regs., tit. 5, § 55806 (b)(1)(B), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55063(b)(1)(B), Register 2007, No. 35.)
- k. Design a course to help students to develop an awareness of the ways in which people throughout the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and ability to make value judgments, in order to satisfy the general education requirement in humanities. (Cal. Code Regs., tit. 5, § 55806 (b)(1)(C), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55063(b)(1)(C), Register 2007, No. 35.)
- l. Design courses fulfilling the written composition (English composition) requirement to include both expository and argumentative writing. (Cal. Code Regs., tit. 5, §

55806 (b)(1)(D)(1), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55063(b)(1)(D)(1), Register 2007, No. 35.)

- m. Design a course to fulfill the communication and analytical thinking requirement. (Cal. Code Regs., tit. 5, § 55806 (b)(1)(D)(2), Register 91, No. 23; for current requirement see Cal. Code Regs., tit. 5, § 55063(b)(1)(D)(2), Register 2007, No. 35.)

7. Open Courses (Cal. Code Regs., tit. 5, §§ 58102, 58104, and 58106)

- a. Publish a description of each course that is clear and understandable to the prospective student in the official catalog, schedule of classes, and addenda. (Cal. Code Regs., tit. 5, §§ 58102 and 58104, Register 93, No. 25.)
- b. Handle challenges to enrollment limitations made by students pursuant to title 5, section 58106(c), in a timely manner. (Cal. Code Regs., tit. 5, § 58106, Register 93, No. 42.)
- c. Waive the enrollment limitation with respect to a student that challenged an enrollment limitation, if the challenge is upheld. (Cal. Code Regs., tit. 5, § 58106, Register 93, No. 42.)
- d. Advise a student that he or she may file a formal complaint of unlawful discrimination pursuant to title 5, section 59300 et seq., upon completion of handling a challenge to an enrollment limitation made by a student alleging that an enrollment limitation is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner (pursuant to Cal. Code Regs., tit. 5, § 58106(c)(1), Register 93, No. 42). (Cal. Code Regs., tit. 5, § 58106, Register 93, No. 42.)

Statewide Cost Estimate

Assumptions

Staff reviewed the reimbursement claims data submitted by 5 community college districts and compiled by the SCO.¹¹ The actual claims data showed that 55 initial claims were filed for fiscal years 2001-2002 through 2011-2012 for a total of \$267,115,424. Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program.

- *The actual amount claimed for reimbursement may increase and exceed the statewide cost estimate.*
 - There are currently 73 community college districts in California. Of those, only 5 community college districts filed initial reimbursement claims totaling \$267,115,424 for this program for fiscal years 2001-2002 through 2011-2012. If other eligible claimants file late or amended initial claims, the amount of reimbursement claims may exceed the statewide cost estimate. Late initial reimbursement claims for this program for fiscal years 2001-2002 through 2011-2012 may be filed until November 19, 2014. There also may be several reasons that non-claiming community college districts did not file reimbursement claims, including but not limited to: (1) they did not incur more than \$1,000 in increased costs for this program; and (2) they did not have supporting documentation to file a reimbursement claim.

¹¹ Claims data reported as of December 4, 2013.

- Additionally, the total costs claimed in the most recent three years of the initial claiming period are trending upward. It is likely that the costs of the activities will continue to increase with the costs of living moving forward.
- *The total amount of reimbursement for this program may be lower than the statewide cost estimate because the SCO may reduce any reimbursement claim for this program.*
 - The SCO may conduct audits and reduce any claims it deems to be excessive or unreasonable. This test claim was partially approved, primarily for administrative activities, and the scope of what was approved is narrower than what was pled in the test claim. As a result, it is possible that reimbursement claims may have been submitted for activities that go beyond the scope of what was approved in the test claim decision and parameters and guidelines.
 - *Block grant funding is available for this program beginning fiscal year 2013-2013 and participation of claimants from year to year will vary, thus a fluctuation in the number of claims eligible for submission to the SCO.*
 - Community college districts may opt to be recipients of block grant funding apportioned to fund the costs of this program as specified in Government Code section 17581.7. Community college districts that take this discretionary action are not eligible to submit claims to the SCO for reimbursement.

Methodology

Fiscal Years 2001-2002 through 2011-2012

The statewide cost estimate for fiscal years 2001-2002 through 2011-2012 was developed by totaling the 55 reimbursement claims filed with the SCO for these years totaling \$267,115,424. For the reasons discussed above, staff finds that the averages for the most recent three-year period are most indicative of potential future annual costs. For the most recent three-year period, costs averaged \$27,211,419 annually. Following is a breakdown of estimated total costs per fiscal year:

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
2001-2002	5	\$19,589,533
2002-2003	5	\$21,396,084
2003-2004	5	\$19,426,344
2004-2005	5	\$20,930,305
2005-2006	5	\$22,981,381
2006-2007	5	\$26,724,451
2007-2008	5	\$26,468,760
2008-2009	5	\$27,964,310
2009-2010	5	\$27,027,397
2010-2011	5	\$27,100,455
2011-2012	5	\$27,506,404
TOTAL	55	\$267,115,424

Draft Staff Analysis and Proposed Statewide Cost Estimate

Commission staff issued a draft staff analysis on December 16, 2013. No comments were received.

Conclusion

On January 24, 2014, the Commission adopted the proposed statewide cost estimate of **\$267,115,424 (Approximate Prospective Cost of \$27,211,419 Annually)** for costs incurred in complying with the *Minimum Conditions for State Aid* program.

Statewide Cost Estimate

\$626,175

(Approximate Prospective Cost of \$125,268 Annually)

Education Code Sections 11504, 49091.10, 51101, 51101.1

Statutes 1990, Chapter 1400; Statutes 1998, Chapter 864; Statutes 1998, Chapter 1031; and
Statutes 2002, Chapter 1037

Parental Involvement Programs

03-TC-16

San Jose Unified School District, Claimant

STAFF ANALYSIS

Background and Summary of the Mandate

This program addresses activities associated with parent involvement and parent rights in the education of their children pursuant to various Education Code sections. The activities include the adoption of parent involvement policies, providing parents access to classrooms and class materials, and providing notice to parents of specific education related rights.

On December 7, 2012, the Commission on State Mandates (Commission) adopted a statement of decision on the test claim finding that Education Code sections 11504, 49091.10(a), 49091.10(b), 51101(b), and 51101.1(a), as added or amended by the test claim statutes, impose a partial reimbursable state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution, and Government Code section 17514.

Parameters and guidelines were adopted on April 19, 2013 approving the reimbursable activities described below under the *Reimbursable Activities* section.

Eligible claimants were required to file initial reimbursement claims for costs incurred between fiscal years 2002-2003 and 2011-2012 with the State Controller's Office (SCO) by November 19, 2013. Late initial reimbursement claims may be filed until November 19, 2014. Reimbursement claims for fiscal year 2012-2013 are due by February 18, 2014.

Eligible Claimants and Period of Reimbursement

Any "school district" as defined in Government Code section 17519, excluding community colleges, which incurs increased costs as a result of this mandate, is eligible to claim reimbursement. However, charter schools are not eligible for reimbursement for this program.

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. San Jose Unified School District filed the test claim on September 25, 2003, establishing eligibility for reimbursement for the 2002-2003 fiscal year. All of the reimbursable activities approved in the *Parental Involvement Programs* test claim were eligible for reimbursement beginning July 1, 2002.

Reimbursable Activities

The parameters and guidelines authorize reimbursement of each eligible claimant for the following activities:

1. One Time Activities

a. Parent Involvement Policies (Ed. Code, §§ 11504 and 51101(b))

- 1) For school districts formed, or school districts with schools formed, on or after July 1, 2002 that could not have adopted parent involvement policies prior to the 2002-2003 fiscal year, engage in the following one-time activity:

Adopt a policy on parent involvement, consistent with the purposes and goals set forth in Education Code section 11502 (Stats. 1990, ch. 1400), for each school that does not receive funding under Chapter 1 of the federal Elementary and Secondary Education Act of 1965, as amended by the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub. L. No. 100-297). (Ed. Code, § 11504 (Stats. 1990, ch. 1400).)

- 2) For school districts formed, or school districts with schools formed, on or after July 1, 2002 that could not have adopted a policy prior to the 2002-2003 fiscal year, engage in the following one-time activity:

Develop jointly with parents and guardians, and adopt, a policy that outlines how parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each schoolsite.

The policy must include the following: (1) the means by which the school and parents or guardians of pupils may help pupils to achieve academic and other standards of the school; (2) a description of the school's responsibility to provide a high quality curriculum and instructional program in a supportive and effective learning environment that enables all pupils to meet the academic expectations of the school; and (3) the manner in which the parents and guardians of pupils may support the learning environment of their children, including, but not limited to: (a) monitoring attendance of their children, (b) ensuring that homework is completed and turned in on a timely basis, (c) participation of the children in extracurricular activities, (d) monitoring and regulating the television viewed by their children, (e) working with their children at home in learning activities that extend learning in the classroom, (f) volunteering in their children's classrooms, or for other activities at the school, (g) participating, as appropriate, in decisions relating to education of their own child or the total school program. (Ed. Code, § 51101(b) (Stats. 1998, ch. 864).)

To the extent that school districts choose to adopt a single policy for both 1(a)(1) and 1(a)(2) of the above-referenced activities or the same policy for multiple schools within the district, they may only claim reimbursement for actual costs of the adoption of that single policy.

2. Ongoing Activities

a. Parent Involvement Opportunities (Ed. Code, § 49091.10)

- 1) Promptly make all assessments, excluding standardized tests described in Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3 of the Education Code, available for inspection by a parent or guardian in a

reasonable timeframe or in accordance with procedures determined by the governing board of the school district.¹² (Ed. Code, § 49091.10(a) (Stats. 1998, ch. 1031).)

- 2) Upon written request by a parent or guardian, arrange for the parental observation of the requested class or classes or activities by the parent or guardian within a reasonable timeframe and in accordance with procedures determined by the governing board of the school district. (Ed. Code, § 49091.10(b) (Stats. 1998, ch. 1031).)

Teacher time to arrange for the parental observation of a class is not reimbursable.

b. Notice to Parents and Guardians of Pupils that Speak a Primary Language Other than English of Specified Education Related Rights (Ed. Code, § 51101.1)

Provide notice of the rights set forth in Education Code section 51101(a)(1), (a)(2), (a)(3), (a)(4), (a)(11), retention and promotion policies as provided in (a)(12) and (a)(16) (Stats. 2002, ch. 1037), and Education Code section 51101.1(b)(2) and (b)(4) (Stats. 2002, ch. 1037) to the parents and guardians of pupils that speak a single primary language other than English if 15 percent or more of the pupils in the school speak that single primary language. (Ed. Code, § 51101.1(a) (Stats. 2002, ch. 1037).)

Statewide Cost Estimate

Assumptions

Staff reviewed the reimbursement claims data submitted by approximately 22 school districts and compiled by the SCO¹³. The actual claims data showed that 111 initial claims were filed for fiscal years 2002-2003 through 2011-2012 for a total of \$626,175. Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program.

- *The actual amount claimed for reimbursement may increase and exceed the statewide cost estimate.*
 - There are currently 1043 school districts in California. Of those, only 22 school districts filed initial reimbursement claims totaling \$626,175 for this program for fiscal years 2002-2003 through 2011-2012. If other eligible claimants file late or amended initial claims, the amount of reimbursement claims may exceed the statewide cost estimate. Late initial reimbursement claims for this program for fiscal years 2002-2003 through 2011-2012 may be filed until November 19, 2014. There also may be several reasons that non-claiming community college districts did not file reimbursement claims, including but not limited to, (1) they did not incur more than \$1,000 in increased costs for this program and (2) they did not have supporting documentation to file a reimbursement claim.

¹² In 2009, the Legislature made a non-substantive amendment to section 49091.10 in order to modernize existing statutory references to audio or video recordings. Specifically, the Legislature replaced “tapes” with “audio video records.” (Stats. 2009, ch. 88.)

¹³ Claims data reported as of December 4, 2013.

- Additionally, the total costs claimed in the most recent three years of the initial claiming period are trending upward. It is likely that the costs of the activities will continue to increase with the costs of living moving forward.
- *The annual costs of the program may vary depending on how school districts adopt parental involvement program policies.*
 - a. School districts may choose to adopt a single policy for both one-time, parental involvement program policy requirements approved under Education Code sections 11504 and 51101(b) or the same policy for multiple schools within the district. If a single policy is adopted, then they may only claim reimbursement for actual costs of that single policy.
 - b. Additionally, this program requires school districts to arrange for the parental observation of the requested class or classes or activities within a reasonable timeframe and in accordance with procedures determined by the governing board of the school district if a parent or guardian submits a written request for a class observation. As a result, the costs of claims will vary annually depending on the number of requests filed within the school district.
- *The total amount of reimbursement for this program may be lower than the statewide cost estimate because the SCO may reduce any reimbursement claim for this program.*
 - The SCO may conduct audits and reduce any claims it deems to be excessive or unreasonable.

Methodology

Fiscal Years 2002-2003 through 2011-2012

The statewide cost estimate for fiscal years 2002-2003 through 2011-2012 was developed by totaling the 111 reimbursement claims filed with the SCO for these years totaling \$626,175. For the reasons discussed above, staff finds that the averages for the most recent three-year period are most indicative of potential costs. For the most recent three-year period, costs averaged \$125,268 annually.

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

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
2002-2003	4	\$6,277
2003-2004	4	\$8,372
2004-2005	6	\$31,751
2005-2006	7	\$13,324
2006-2007	9	\$30,310
2007-2008	13	\$51,370
2008-2009	15	\$108,967
2009-2010	15	\$106,651
2010-2011	18	\$125,252
2011-2012	20	\$143,901
<i>TOTAL</i>	111	\$626,175

Draft Staff Analysis and Proposed Statewide Cost Estimate

Commission staff issued a draft staff analysis on December 16, 2013. No comments were received.

Conclusion

On January 24, 2014, the Commission adopted the statewide cost estimate of **\$626,175 (Approximate Prospective Cost of \$125,268 Annually)** for costs incurred in complying with the *Parental Involvement Programs* mandated program.

Adopted: January 24, 2014

Statewide Cost Estimate

\$577,876

(Approximate Prospective Cost of \$106,183 Annually)

Education Code Sections 14501, 33126(b), 35186, 41020, and 42127.6 as Added or Amended by Statutes 2004, Chapter 900 (SB 550); Statutes 2004, Chapter 902 (AB 3001); Statutes 2004, Chapter 903 (AB 2727); Statutes 2005, Chapter 118 (AB 831); Statutes 2006, Chapter 704 (AB 607); and Statutes 2007, Chapter 526 (AB 347)

Williams Case Implementation I, II, and III
05-TC-04, 07-TC-06, and 08-TC-01

San Diego County Office of Education and Sweetwater Union High School District, Claimants

STAFF ANALYSIS

Background and Summary of the Mandate

This program arises from the consolidated test claim of three test claim filings based on legislative enactments resulting from the state's settlement in *Eliezer Williams, et al. v. State of California (Williams)*. In *Williams*, the plaintiffs sought to vindicate the rights of public school children to receive access to sufficient instructional materials; decent, clean, and safe school facilities; and qualified teachers.

The case was settled under the Schwarzenegger administration; and the settlement agreement called for legislative action to ensure that students would be provided with sufficient instructional materials, qualified teachers, and clean and safe facilities and instructional spaces. The resulting statutes made a number of changes to the Education Code, which addressed deficiencies in the provision of instructional materials, assignment and retention of qualified teachers, and the maintenance of clean and safe facilities and instructional spaces.

On December 7, 2012, the Commission on State Mandates (Commission) adopted a statement of decision on the consolidated test claim finding that Education Code sections 14501, 33126(b), 35186, 41020, and 42127.6, as added or amended by the test claim statutes, impose reimbursable state-mandated new programs or higher levels of service for school districts and county offices of education, within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

On April 19, 2013, the parameters and guidelines were adopted approving the reimbursable activities described below under the *Reimbursable Activities* section and based on the consolidated *Williams Case Implementation* test claim filings.

Eligible claimants were required to file initial reimbursement claims (for costs incurred between September 29, 2004 and June 30, 2005 and for fiscal years 2005-06 through 2011-12) with the State Controller's Office (SCO) by November 21, 2013. Late initial reimbursement claims may be filed until November 21, 2014. Reimbursement claims for fiscal year 2012-2013 are due by February 18, 2014.

Eligible Claimants and Period of Reimbursement

Any "school district" as defined in Government Code section 17519, excluding community colleges, which incurs increased costs as a result of this mandate, is eligible to claim reimbursement.

Government Code section 17557(e), states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. However, given the various test claim filing dates and various effective dates of statutes, the beginning of the reimbursement periods differ by approved activity, but range from September 29, 2004 to October 12, 2007. The beginning reimbursement periods for each approved activity are included below under the *Reimbursable Activities* section.

Reimbursable Activities

The parameters and guidelines authorize reimbursement of each eligible claimant for the following activities:

1. Reimbursable activities for school districts:
 - a. Beginning September 29, 2004, reporting the following information on the School Accountability Report Card, pursuant to Education Code section 33126(b):¹⁴
 - i. Misassignments of teachers, including teachers of English learners, and the number of vacant teacher positions for the most recent three-year period. Reimbursement is not required for reporting the assignment of teachers outside their areas of competence, as was required by Proposition 98 and is not new.
 - ii. Availability of textbooks and other instructional materials. Reimbursement is not required for reporting on the quality and currency of textbooks and other instructional materials; those reporting requirements were required by Proposition 98 and are not new. Additionally, reimbursement is not required to determine whether each student in the district has sufficient textbooks or instructional materials; that activity is required as a condition of seeking funds under the Pupil Textbook and Instructional Materials Incentive grant program pursuant to Education Code section 60119, and was denied by the Commission.
 - iii. Maintenance needed to ensure good repair. Reimbursement is not required for reporting on the safety, cleanliness, and adequacy of school facilities, since that was required by Proposition 98 and is not new.

Reimbursement for this activity is required only if the information provided in the school accountability report card is accurate, as determined by the annual audit performed pursuant to Education Code section 41020. If the information is determined to be inaccurate, reimbursement for reporting the information required by

¹⁴ Statutes 2004, chapter 900.

- 1.a. i, ii, or iii above, is required if the information is corrected by May 15 following the audit.¹⁵
- b. Complying with the Williams Complaint Process pursuant to Education Code section 35186 as enacted in Statutes 2004, chapter 900 (SB 550), and amended by Statutes 2004, chapter 903 (AB 2727); Statutes 2005, chapter 118 (AB 831); Statutes 2006, chapter 704 (AB 607); and Statutes 2007, chapter 526 (AB 347):
- i. Receiving complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher misassignments or vacancies. The eligible reimbursement period for this activity begins September 29, 2004.¹⁶
 - ii. Responding to complaints, if requested. The eligible reimbursement period for this activity begins September 29, 2004.¹⁷
 - iii. Forwarding a complaint beyond the authority of the local school official in a timely manner but not to exceed 10 working days. The eligible reimbursement period for this activity begins September 29, 2004.¹⁸
 - iv. Making all reasonable efforts to investigate any problem within the principal's authority. The eligible reimbursement period for this activity begins September 29, 2004.¹⁹
 - v. Remediating a valid complaint within a reasonable time period but not to exceed 30 working days. The eligible reimbursement period for this activity begins September 29, 2004.²⁰

The activity of remediating a valid complaint includes costs incurred, where applicable, for the administrative activities of (1) arranging for the maintenance or repair required to remedy complaints related to facility conditions that pose an emergency or urgent threat to the health and safety of pupils or staff (2) procuring sufficient textbooks or instructional materials, but only in the case that the district is not participating in the Pupil Textbook and Instructional Materials Incentive Program pursuant to Education Code section 60117 et seq.; (3) locating suitable teachers to fill vacancies, or reallocating staff to remedy misassignments, as identified by the complaint process; and (4) remediating a failure to provide intensive instruction and services to a pupil who has not passed one or both parts of the high school exit examination by the end of grade 12.

¹⁵ Education Code section 33126(c) (Stats. 2004, ch. 900 (SB 550)).

¹⁶ Education Code section 35186(a)(1) (Stats. 2004, ch. 900 § 12 (SB 550); Stats. 2004, ch. 903 (AB 2727)).

¹⁷ Education Code section 35186(a)(1) (Stats. 2004, ch. 900 § 12 (SB 550)).

¹⁸ Education Code section 35186(a)(3) (Stats. 2004, ch. 900 § 12 (SB 550)).

¹⁹ Education Code section 35186(b) (Stats. 2004, ch. 900 § 12 (SB 550)).

²⁰ Education Code section 35186(b) (Stats. 2004, ch. 900 § 12 (SB 550)).

Reimbursement is **not required** for the costs of any maintenance or repair required to remedy complaints related to facilities conditions that pose an emergency or urgent threat to the health and safety of pupils or staff; teacher salaries and benefits; or the salaries and other direct costs of intensive instruction and services provided to pupils who have not passed one or both parts of the high school exit examination by the end of grade 12.

- vi. Reporting the resolution to the complainant within 45 working days. The eligible reimbursement period for this activity begins September 29, 2004.²¹
- vii. Hearing the complaint at a regularly scheduled hearing of the district governing board. The eligible reimbursement period for this activity begins September 29, 2004.²²
- viii. Reporting summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent and the district governing board. The eligible reimbursement period for this activity begins September 29, 2004.²³
- ix. Beginning September 29, 2004, the *one-time activity* of posting a notice in each classroom identifying the appropriate subjects of complaint, including sufficient textbooks and instructional materials, and facilities conditions; and informing potential complainants of the location where a complaint form may be obtained in the case of a shortage.²⁴
- x. Beginning July 25, 2005, the *one-time activity* of adding to the posted notice in each classroom that “[t]here should be no teacher vacancies or misassignments.”²⁵
- xi. Beginning October 12, 2007, the *one-time activity* of adding to the posted notice in each classroom in schools that serve grades 10 to 12, that “[p]upils who have not passed the high school exit examination by the end of grade 12 are entitled to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until the pupil has passed both parts of the high school exit examination, whichever comes first.”²⁶
- xii. Beginning October 12, 2007, receiving complaints regarding “any deficiencies related to intensive instruction and services provided...to pupils who have not

²¹ Education Code section 35186(b) (Stats. 2004, ch. 900 § 12 (SB 550)).

²² Education Code section 35186(c) (Stats. 2004, ch. 900 § 12 (SB 550)).

²³ Education Code section 35186(d) (Stats. 2004, ch. 900 § 12 (SB 550)).

²⁴ Education Code section 35186(f) (Stats. 2004, ch. 900 § 12 (SB 550)).

²⁵ Education Code section 35186(f) (Stats. 2005, ch. 118 § 5 (AB 831)).

²⁶ Education Code section 35186(f) (Stats. 2007, ch. 526 § 2 (AB 347)).

passed one or both parts of the high school exit examination after the completion of grade 12.”²⁷

- c. Beginning September 29, 2004, including verification of the following in annual compliance audits, pursuant to Education Code sections 14501 and 41020:
- i. That the reporting requirements and the hearings required to establish sufficiency of textbooks or instructional materials, or both, as outlined in section 60119, have been completed, for schools that receive instructional materials funds.²⁸
 - ii. Whether any of a representative sample of teachers is misassigned, within the meaning of sections 33126(b) and 44258.9.²⁹
 - iii. That the information reported on the School Accountability Report Card required by section 33126 is accurate based on the tests and criteria provided for in the Audit Guide.³⁰
- d. Beginning September 29, 2004, providing to the county superintendent of schools, pursuant to Education Code section 42127.6:
- i. A copy of a study, report, evaluation, or audit commissioned by the school district, the county superintendent, the Superintendent of Public Instruction, or a state control agency, which contains evidence that the school district is showing fiscal distress under the standards and criteria adopted in Education Code sections 33127, unless commissioned by the district or the county office of education.
 - ii. A copy of a report on the school district by the County Office Fiscal Crisis and Management Assistance Team or any regional team created pursuant to subdivision (i) of Education Code section 42127.8.
- Reimbursement is not required to provide a copy of a study, report, evaluation, or audit commissioned *at the discretion of* the district or of the county office of education.

2. Reimbursable activities for county offices of education:

Beginning September 29, 2004, reviewing audit exceptions related to the following, pursuant to Education Code sections 14501 and 41020, and determining whether the exceptions are either corrected or an acceptable plan of correction has been developed:

- i. Reporting and hearing requirements for sufficiency of textbooks or instructional materials, or both, as defined in section 60119.

²⁷ Education Code section 35186(a) (Stats. 2007, ch. 526 § 2 (AB 347)).

²⁸ Education Code sections 14501; 41020; 60119; 60252 (Stats. 2004, ch. 900 (SB 550)).

²⁹ Education Code sections 14501; 41020; 44258.9 (Stats. 2004, ch. 900 (SB 550)). See also Code of Regulations, title 5, section 19817.5 (Register 2011, No. 18).

³⁰ Education Code sections 14501; 41020; 33126(b) (Stats. 2004, ch. 900 (SB550)). See also Code of Regulations, title 5, section 19837.3 (Register 2009, No. 27).

- ii. Teacher misassignments pursuant to Education Code section 44258.9.
- iii. The accuracy of the information reported on the School Accountability Report Card required by section 33126.³¹

Statewide Cost Estimate

Assumptions

Staff reviewed the reimbursement claims data submitted by 29 school districts and compiled by the SCO³². The actual claims data showed that 136 initial claims were filed for fiscal years 2004-2005³³, through 2011-2012 for a total of \$577,876. Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program.

- *The actual amount claimed for reimbursement may increase and exceed the statewide cost estimate.*
 - There are approximately 1043 school districts in California. Of those, only 29 school districts filed initial reimbursement claims totaling \$577,876 for this program for fiscal years 2004-2005 through 2011-2012. If other eligible claimants file late or amended initial claims, the amount of reimbursement claims may exceed the statewide cost estimate. Late initial claims for this program for fiscal years 2004-2005 through 2011-2012 may be filed until November 21, 2014. There may be several reasons that non-claiming school districts did not file reimbursement claims, including but not limited to:
 - they did not incur more than \$1,000 in increased costs for this program; or
 - they did not have supporting documentation to file a reimbursement claim.
 - Additionally, the total costs claimed in the most recent three years of the initial claiming period are trending upward. It is likely that the costs of the activities will continue to increase with the costs of living moving forward.
- *The initial reimbursement costs of this program will vary from year to year.*
 - The variation in costs claimed for this program may be due to more than one eligible reimbursement period effective on different dates for specified activities added by subsequent statutes and one-time activities found to be reimbursable.
 - Additionally, this program requires school districts to submit claims based on costs incurred pursuant to the *Williams* complaint process as outlined in the parameters and guidelines. As a result, the costs of claims will vary annually depending on the number of complaints filed within the school district.
- *The total amount of reimbursement for this program may be lower than the statewide cost estimate because the SCO may reduce any reimbursement claim for this program.*
 - The SCO may conduct audits and reduce any claims it deems to be excessive or unreasonable. Reimbursement is required for the higher level of service for the

³¹ Education Code section 41020 (Stats. 2004, ch. 900 § 13 (SB 550)).

³² Claims data reported as of December 4, 2013.

³³ The initial reimbursement period began on September 29, 2004.

incremental costs of reporting on the three specified new subjects within the School Accountability Report Card under prior law. Claimants may file claims for activities that, while part of a larger process, are not reimbursable under the test claim decision and parameters and guidelines and those claims may therefore be reduced by the SCO.

Methodology

Fiscal Years 2004-2005 through 2011-2012

The statewide cost estimate for fiscal years 2004-2005³⁴ through 2011-2012 was developed by totaling the 136 reimbursement claims filed with the SCO for these years totaling \$577,876. For the reasons discussed above, staff finds that the averages for the most recent three-year period are most indicative of potential costs. For the most recent three-year period, costs averaged \$106,183 annually. Following is a breakdown of estimated total costs per fiscal year:

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
2004-2005	7	\$26,795
2005-2006	11	\$46,027
2006-2007	12	\$48,610
2007-2008	18	\$81,314
2008-2009	17	\$56,582
2009-2010	21	\$90,556
2010-2011	25	\$112,108
2011-2012	25	\$115,884
<i>TOTAL</i>	136	\$577,876

Draft Staff Analysis and Proposed Statewide Cost Estimate

Commission staff issued a draft staff analysis on December 16, 2013. No comments were received.

Conclusion

On January 24, 2014, the Commission adopted the statewide cost estimate of **\$577,876 (Approximate Prospective Cost of \$106,183 Annually)** for costs incurred in complying with the *Williams Case Implementation I, II, III* program.

³⁴ The initial reimbursement period began on September 29, 2004.

Adopted: May 30, 2014

Statewide Cost Estimate

\$9,674,284

(Approximate Prospective Cost of \$1,719,552 Annually)

Government Code Sections 6253, 6253.1, 6253.9, 6254.3, and 6255

Statutes 1992, Chapters 463 (AB 1040); Statutes 2000, Chapter 982
(AB 2799); and Statutes 2001, Chapter 355 (AB 1014)

California Public Records Act
02-TC-10 and 02-TC-51

STAFF ANALYSIS

Background and Summary of the Mandate

The California Public Records Act (CPRA) has long required the disclosure of public records kept by the state, local agencies, school districts and community college districts, and county offices of education.

On May 26, 2011, the Commission on State Mandates (Commission) adopted a statement of decision finding that the test claim statutes impose a partially reimbursable state-mandated program upon local agencies and K-14 school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. Specifically, the Commission found that the test claim statutes imposed an incremental higher level of service only for the limited activities specified below which do not include the primary Public Records Act activities of providing access to public records for review or providing paper copies of such records, since those activities were not new. Parameters and guidelines were adopted on April 19, 2013 and corrected on July 26, 2013 approving the reimbursable activities described below under the *Reimbursable Activities* section.

Eligible claimants were required to file initial reimbursement claims (for costs incurred between fiscal years 2001-2002 and 2012-2013) with the State Controller's Office (SCO) by February 28, 2014. Late initial reimbursement claims may be filed until February 28, 2015.

Eligible Claimants and Period of Reimbursement

Any city; county; city and county; special district subject to the taxing restrictions of articles XIII A and XIII C, and the spending limits of article XIII B, of the California Constitution, whose costs for this program are paid from proceeds of taxes; or any "school district" as defined in Government Code section 17519 which incurs increased costs as a result of this mandate, is eligible to claim reimbursement.

Government Code section 17557(e), states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The County of Los Angeles filed the first test claim on October 15, 2002, establishing eligibility for reimbursement for the 2001-2002 fiscal year. Therefore, costs incurred pursuant to the test claim statutes are reimbursable on or after July 1, 2001.

Reimbursable Activities

The parameters and guidelines authorize reimbursement of each eligible claimant for the following activities:

A. One Time Activities: Development of Policies and Procedures, and Training Employees to Implement the Mandate

1. Developing policies, protocols, manuals, and procedures, to implement only the activities identified in section IV.B. of these parameters and guidelines. The activities in section IV.B. represent the incremental higher level of service approved by the Commission.

This activity does not include, and reimbursement is not required for, developing policies and procedures to implement California Public Records Act requirements not specifically included in these parameters and guidelines. This activity specifically does not include making a determination whether a record is disclosable, or providing copies of disclosable records.

2. One-time training of each employee assigned the duties of implementing the reimbursable activities identified in section IV.B. of these parameters and guidelines.

This activity does not include, and reimbursement is not required for, instruction on California Public Records Act requirements not specifically included in these parameters and guidelines. This activity specifically does not include instruction on making a determination whether a record is disclosable, or providing copies of disclosable records.

B. Ongoing Activities

1. Provide a copy of a disclosable electronic record in the electronic format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. (Gov. Code, § 6253.9(a)(2) (Stats. 2000, ch. 982)).

This activity includes:

- a. Computer programming, extraction, or compiling necessary to produce disclosable records.
- b. Producing a copy of an electronic record that is otherwise produced only at regularly scheduled intervals.

Reimbursement is not required for the activities of making the determination whether a record is disclosable, receiving the request for records, determining whether the request falls within the agency's jurisdiction, determining whether the request describes reasonably identifiable records, identifying access to records, conducting legal review to determine whether the records are disclosable, processing the records, sending the records, or tracking the records.

Fee authority discussed in section VII. of these parameters and guidelines is available to be applied to the costs of this activity. The Controller is authorized to reduce reimbursement for this activity to the extent of fee authority, as described in section VII.

2. Upon receipt of a request for a copy of records, a local agency or K-14 school district must perform the activities in a., b., or c. as follows:
 - a. Beginning January 1, 2002, within 10 days from receipt of a request for a copy of records, provide verbal or written notice to the person making the request of the disclosure determination and the reasons for the determination. (Gov. Code, § 6253(c), Stats. 2001, ch. 982);

This activity includes, where applicable:

- 1) Drafting, editing and reviewing a written notice to the person making the request, setting forth the reasons for the determination.
 - 2) Obtaining agency head, or his or her designee, approval and signature of a written notice of determination.
 - 3) Sending or transmitting the notice to the requestor.
- b. Beginning January 1, 2002, if the 10-day time limit to notify the person making the records request of the disclosure determination is extended due to “unusual circumstances” as defined by Government Code section 6253(c)(1)-(4) (Stats. 2001, ch. 982), the agency head, or his or her designee, shall provide written notice to the person making the request, setting forth the reasons of the extension and the date on which a determination is expected to be dispatched. (Gov. Code, § 6253(c), Stats. 2001, ch. 982).

This activity includes, where applicable:

- 1) Drafting, editing and reviewing a written notice to the person making the request, setting forth the reasons for the extension of time.
 - 2) Obtaining agency head, or his or her designee, approval and signature of, the notice of determination or notice of extension.
 - 3) Sending or transmitting the notice to the requestor.
- c. Beginning July 1, 2001, if a request is denied, in whole or in part, respond in writing to a written request for inspection or copies of public records that includes a determination that the request is denied. (Gov. Code, § 6255(b), Stats. 2000, ch. 982).

This activity includes, where applicable:

- 1) Drafting, editing and reviewing a written notice to the person making the request, setting forth the reasons for the determination. This may include legal review of the written language in the notice. However, legal research and review of the law and facts that form the basis of the determination to deny the request are not reimbursable.
- 2) Obtaining agency head, or his or her designee, approval and signature of, the notice of determination.
- 3) Sending or transmitting the notice to the requestor.

Reimbursement for activities 2a., 2b., and 2c. is not required for making the determination whether a record is disclosable, receiving the request for records, determining whether the request falls within the agency’s jurisdiction, determining whether the request describes reasonably identifiable records, identifying access to records, conducting legal review to determine whether the records are disclosable, processing the records, sending the records, or tracking the records.

3. When a member of the public requests to inspect a public record or obtain a copy of a public record, the local agency or K-14 school district shall (1) assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated; (2) describe the information technology and physical location in which the records exist; and (3) provide

suggestions for overcoming any practical basis for denying access to the records or information sought.

This activity includes:

- a. Conferring with the requestor if clarification is needed to identify records requested.
- b. Identifying record(s) and information which may be disclosable and may be responsive to the request or to the purpose of the request, if stated.
- c. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

These activities are not reimbursable when: (1) the public records requested are made available to the member of the public through the procedures set forth in Government Code section 6253; (2) the public agency determines that the request should be denied and bases that determination solely on an exemption listed in Government Code section 6254; or (3) the public agency makes available an index of its records. (Gov. Code, § 6253.1(a) and (d), Stats. 2001, ch. 355).

In addition, reimbursement is not required for the activities of making the determination whether a record is disclosable, receiving the request for records, determining whether the request falls within the agency's jurisdiction, conducting legal review to determine whether the requested records are disclosable, processing the records, sending the records, or tracking the records.

4. For K-12 school districts and county offices of education only, the following activities are eligible for reimbursement:
 - a. Redact or withhold the home address and telephone number of employees of K-12 school districts and county offices of education from records that contain disclosable information.

This activity is not reimbursable when the information is requested by: (1) an agent, or a family member of the individual to whom the information pertains; (2) an officer or employee of another school district, or county office of education when necessary for the performance of its official duties; (3) an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home addresses and home telephone numbers of employees performing law enforcement-related functions shall not be disclosed (and thus must always be redacted or withheld); (4) an agent or employee of a health benefit plan providing health services or administering claims for health services to K-12 school district and county office of education employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents. (Gov. Code, § 6254.3(a), Stats. 1992, ch. 463.)

- b. Remove the home address and telephone number of an employee from any mailing lists that the K-12 school district or county office of education is legally required to maintain, if requested by the employee, except for lists used exclusively by the K-12 school district or county office of education to contact the employee. (Gov. Code, § 6254.3(b), Stats. 1992, ch. 463.)

Statewide Cost Estimate

Assumptions

Staff reviewed the reimbursement claims data submitted by approximately 160 local agencies, 29 school districts, and two community college districts and compiled by the SCO.³⁵ The actual claims data showed that 1124 initial claims were filed for a 12-year period including fiscal years 2001-2002 through 2012-2013 for a total of \$9,674,284. Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program.

- *The actual amount claimed for reimbursement may increase and exceed the statewide cost estimate.*
 - a. There are currently 482 cities, 58 counties and over 6,000 special districts in California. Combined, only 160 local agencies filed reimbursement claims totaling just over nine million dollars for this program for a 12-year period including fiscal years 2001-2002 through 2012-2013. Likewise, there are 1043 school districts and 58 county offices of education (COEs). Yet only 29 districts and no COEs filed claims totaling \$473,409. Finally, only two of the 72 community college districts in the state filed claims for a total of \$25,705. If other eligible claimants file late or amended initial claims, the amount of reimbursement claims may exceed the statewide cost estimate. Late initial reimbursement claims for this program for fiscal years 2001-2002 through 2012-2013 may be filed until February 28, 2015.
 - o There also may be several reasons that non-claiming local agencies, school districts, and community college districts did not file reimbursement claims in the initial claiming period, including but not limited to: (1) they did not incur more than \$1,000 in increased costs for this program; (2) they did not have supporting documentation to file a reimbursement claim; and (3) they determined that the elaborate claiming process and long-delays in reimbursement did not warrant the investment of necessary staff time.
 - b. Additionally, the number of claimants that submitted reimbursement claims and the total costs claimed in the initial claiming period, in all 12 fiscal years for local agencies as well as school districts, are trending upward. It is likely that the number of claimants that submit reimbursement claims as well as the cost of the activities will continue to increase moving forward.
- *The total amount of reimbursement for this program may be lower than the statewide cost estimate.*
 - o The SCO may conduct audits and reduce any claims it deems to be excessive or unreasonable.
 - o The state-mandated reimbursable activities represent only an incremental increase in the level of service required under prior law. Therefore, it is possible that claimants may submit invalid claims based on activities that exceed the limited scope of this program.

³⁵ Claims data reported as of March 13, 2014.

- Only those special districts subject to the taxing restrictions of articles XIII A and XIII C, and the spending limits of article XIII B, of the California Constitution, whose costs for this program are paid from proceeds of taxes are eligible claimants. Therefore, it is possible that some of the claims may have been submitted by ineligible claimants.
- Some local agencies assert that they may not file reimbursement claims because the elaborate claiming process and long-delays in reimbursement do not warrant the investment of necessary staff time. This may include some agencies that did file initial claims.

Methodology

Fiscal Years 2001-2002 through 2012-2013

The statewide cost estimate for fiscal years 2001-2002 through 2012-2013 was developed by totaling the 1124 reimbursement claims filed with the SCO for these years totaling \$9,674,284. Staff finds that the averages for the most recent three-year period are most indicative of potential future costs. For the most recent three-year period, costs averaged \$1,719,552 annually.

Following is a breakdown of estimated costs per fiscal year:

Fiscal Year	# of Local Claims	Local Totals	# of School Claims	School Totals	# of CCD Claims	CCD Totals
2001-2002	35	\$220,290	1	\$1,464	-	-
2002-2003	42	\$252,852	2	\$3,363	-	-
2003-2004	47	\$299,186	2	\$3,454	-	-
2004-2005	51	\$329,837	2	\$3,432	-	-
2005-2006	57	\$382,715	6	\$19,255	-	-
2006-2007	69	\$485,586	7	\$45,752	-	-
2007-2008	83	\$568,344	5	\$9,928	-	-
2008-2009	97	\$843,199	6	\$24,641	-	-
2009-2010	115	\$978,139	9	\$44,191	-	-
2010-2011	135	\$1,242,492	14	\$73,153	-	-
2011-2012	139	\$1,548,724	19	\$111,773	2	\$21,388
2012-2013	157	\$2,023,806	21	\$133,003	1	\$4,317
TOTAL	1027	\$9,175,170	94	\$473,409	3	\$25,705
TOTAL ALL CLAIMS						\$9,674,284

Draft Staff Analysis and Proposed Statewide Cost Estimate

Commission staff issued a draft staff analysis on March 25, 2014. On April 7, 2014, the California Special Districts Association (CSDA) filed comments largely agreeing with the assumptions in the draft staff analysis but submitting that while many special districts may have incurred the minimum \$1,000 to file reimbursement claims, they often do not file for reimbursement because of the “elaborate claiming process and long-delays in reimbursement.” Commission staff has added this reason to the assumptions regarding why the total amount of reimbursement for this program may be higher or lower than the statewide cost estimate.

CSDA also suggested that the number of special districts that claim reimbursement in the future may increase due to the “recent Commission operations budget augmentation, intended to expedite the mandate determination process.” Commission staff notes that the actual payment of

reimbursement claims is not administered by the Commission, nor paid out of the Commission's operations budget. Pursuant to Government Code section 17561(c), "the amount appropriated to reimburse local agencies and school districts for costs mandated by the state shall be appropriated to the *Controller* for disbursement." (Emphasis added.) Rather, *reimbursement claims* are filed by local agencies with the SCO and paid out of specific appropriations for each program or out of under the "local assistance" portion of the Commission's budget. For school districts and community college districts, reimbursement claims are also administered by the SCO, but paid out of specific appropriations by program in the education portion of the state budget or out of a block grant intended to fund the mandate.

However, the addition of two staff in the 2013 budget has helped to reduce the Commission's backlog of test claims and incorrect reduction claims. Moreover, the augmented staffing will aid in the timely resolution of any new test claims, incorrect reduction claims, requests to amend parameters and guidelines, and mandate redetermination requests filed with the Commission, thus shortening the mandate determination process in the future.

Further, CSDA continues to dispute the Commission's determination that only local agencies that receive property tax are eligible claimants for reimbursement under this program. However, that issue was the subject of a final Commission decision on the test claim and is not open for discussion in this quasi-legislative report on the estimate of statewide costs of the program.

Conclusion

On May 30, 2014, the Commission adopted the statewide cost estimate of **\$9,674,284 (Approximate Prospective Cost of \$1,719,552 Annually)** for costs incurred in complying with the *California Public Records Act* program.

Statewide Cost Estimate

\$21,283

California Code of Regulations, Title 5, Sections 80556(a),(c),(f) and (j) and 80556.1(e)
as added and amended by Register 86, No. 40; Register 94, No. 19

Teacher Credentialing
03-TC-09

Period of reimbursement begins July 1, 2002 and ends December 31, 2006.

STAFF ANALYSIS

Background and Summary of the Mandate

This program addresses the teacher credentialing process and employment of K-12 teachers.

On April 19, 2013, the Commission on State Mandates (Commission) adopted a statement of decision finding that the test claim regulations impose a partially reimbursable state-mandated program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 from July 1, 2002 until December 31, 2006.

Parameters and Guidelines were adopted on July 26, 2013 approving the reimbursable activities described below under the *Reimbursable Activities* section.

Eligible claimants were required to file initial reimbursement claims (for costs incurred between fiscal years 2002-2003 and December 31, 2006) with the State Controller's Office (SCO) by February 26, 2014. Late initial reimbursement claims may be filed until February 26, 2015.

Eligible Claimants and Period of Reimbursement

Any "school district" as defined in Government Code section 17519, excluding community colleges, which incurs increased costs as a result of this mandate, is eligible to claim reimbursement. However, charter schools are not eligible for reimbursement for this program.

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimant, San Diego County Office of Education, filed the test claim on September 25, 2003 establishing eligibility for reimbursement beginning July 1, 2002, and ending December 31, 2006, when the program became optional and no longer mandated by the state. All of the reimbursable activities approved in the *Teacher Credentialing* test claim were eligible for reimbursement beginning July 1, 2002.

Reimbursable Activities

The parameters and guidelines authorize reimbursement of each eligible claimant for the following activities from July 1, 2002 until December 31, 2006:

A. Professional growth activities related to renewing clear single or multiple subject credentials:

- If a school district employs one or more holders of professional clear credentials, the chief administrative officer of the employing school district, or his or her designee, shall designate one or more certificated persons to be professional growth advisors.³⁶
- The employing school district shall adopt policies and procedures for the selection of professional growth advisors which contribute the best possible match between the credential holder and the advisor. *This is a one-time activity.*³⁷
- The employing school district shall give each credential holder the names and work locations of any professional growth advisors who have been designated by the district.³⁸
- The chief administrative officer of the employing school district, or his or her designee, shall remove any professional growth advisor who has been determined by the district or CTC to have willfully and arbitrarily violated Education Code Section 44277 or Article 4 of the regulations.³⁹

B. Professional growth activities related to renewing clear service or specialist credentials:

- The school district shall identify professional growth advisors and give each credential holder the names and work locations of any professional growth advisors who have been designated by the agency for these credential areas.⁴⁰

Statewide Cost Estimate

Assumptions

Staff reviewed the reimbursement claims data submitted by 3 school districts and compiled by the SCO⁴¹. The actual claims data showed that 7 initial claims were filed for fiscal years 2002-2003 through December 31, 2006 for a total of \$21,283. Reimbursement for this program ended on December 31, 2006 therefore there will not be any annual claims filed on the program. Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program.

- *The actual amount claimed for reimbursement may increase and exceed the statewide cost estimate.*
 - There are currently 1043 school districts in California. Of those, only 3 school districts filed initial reimbursement claims totaling \$21,283 for this program for fiscal years 2002-2003 through December 31, 2006. If other eligible claimants file late or amended initial claims, the amount of reimbursement claims may exceed the statewide cost estimate. Late initial reimbursement claims for this program for fiscal years 2002-2003 through December 31, 2006 may be filed until February 26, 2015.

³⁶ California Code of Regulations, title 5, section 80556(a).

³⁷ California Code of Regulations, title 5, section 80556(c).

³⁸ California Code of Regulations, title 5, section 80556(f).

³⁹ California Code of Regulations, title 5, section 80556(j).

⁴⁰ California Code of Regulations, title 5, section 80556.1(e).

⁴¹ Claims data reported as of December 4, 2013.

- There also may be several reasons that non-claiming school districts did not file reimbursement claims, including but not limited to, (1) they did not incur more than \$1,000 in increased costs for this program and (2) they did not have supporting documentation to file a reimbursement claim.
- *The total amount of reimbursement for this program may be lower than the statewide cost estimate because the SCO may reduce any reimbursement claim for this program.*
 - The SCO may conduct audits and reduce any claims it deems to be excessive or unreasonable.

Methodology

Fiscal Years 2002-2003 through December 31, 2006

The statewide cost estimate for fiscal years 2002-2003 through December 31, 2006 was developed by totaling the 7 reimbursement claims filed with the SCO for these years totaling \$21, 283.⁴² This averages to \$4,257 annually in costs for the state over this five-year period. Following is a breakdown of estimated total costs per fiscal year:

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
2002-2003	1	\$2,997
2003-2004	1	\$3,269
2004-2005	3	\$8,890
2005-2006	1	\$4,022
2006-2007	1	\$2,105
<i>TOTAL</i>	7	\$21,283

Comments on the Draft Staff Analysis and Proposed Statewide Cost Estimate

On April 3, 2014, Commission staff issued the draft staff analysis and proposed statewide cost estimate for comments. No comments were received.

Conclusion

On May 30, 2014, the Commission adopted the statewide cost estimate of **\$21,283** for costs incurred in complying with the *Teacher Credentialing* program.

⁴² Sonoma County Office of Education and Woodville Elementary School District each submitted claims for three years of the reimbursement period and Fresno Unified School District submitted a claim for one year.