

Edmund G. Brown Jr.
GOVERNOR



STATE OF CALIFORNIA COMMISSION ON STATE MANDATES

REPORT TO THE LEGISLATURE: APPROVED MANDATE CLAIMS

August 1, 2011 – December 31, 2011

Ana J. Matosantos
Chairperson
Director of the Department of Finance

John Chiang
Vice Chairperson
State Controller

Bill Lockyer
State Treasurer

Ken Alex
Director
Office of Planning and Research

Sarah Olsen
Public Member

Nancy Patton
Acting Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814
(916) 323-3562

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. NEW MANDATES	3
III. PENDING PARAMETERS AND GUIDELINES, AMENDMENTS, AND STATEWIDE COST ESTIMATE CASELOAD.	5
A. Pending Parameters and Guidelines.....	5
B. Pending Parameters and Guidelines with Proposed Reasonable Reimbursement Methodologies	5
C. Pending Requests to Amend Parameters and Guidelines.....	5
D. Pending Statewide Cost Estimates.....	6
IV. PENDING JOINT REASONABLE REIMBURSEMENT METHODOLOGIES AND LEGISLATIVELY-DETERMINED MANDATES	7
A. Pending Joint Reasonable Reimbursement Methodologies.....	7
B. Pending Legislatively-Determined Mandates	7
C. Delays in the Process	7
V. ADOPTED STATEWIDE COST ESTIMATES	

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 subvented 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 costs of 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 imposes a state-mandated program, establish a reimbursement methodology, and appropriate funds for reimbursement of costs. This process is intended to bypass the Commission, thus providing the Commission with more time to complete the caseload backlog.

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

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

³ Government Code section 17600.

⁴ Government Code section 17612(a).

⁵ Government Code section 17612(b).

declaratory relief to declare the mandate unenforceable and enjoin its enforcement for that fiscal year.⁶

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.

Under Proposition 1A, which amended article XIII 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.

II. NEW MANDATES

The following table shows the statewide cost estimates that were adopted during the period of August 1, 2011 through December 31, 2011.

**Statewide Cost Estimates (SCEs) Adopted
During the Period of August 1, 2011 through December 31, 2011**

Date SCE Adopted	Test Claim and Claim No.	Period of Reimbursement (Fiscal Years)	<i>Estimated Costs</i>		
			Education	Non- Education	Totals
10/27/11	<i>Crime Statistic Reports for the Department of Justice</i> , 02-TC-04, 02-TC-22, 07-TC-10	7/1/01 – 6/30/10		\$122,638,312	\$122,638,312
12/1/11	<i>Comprehensive School Safety Plans II</i> , 02-TC-33, 07-TC-11	7/1/01 – 6/30/10	\$26,674		\$26,674

⁶ Government Code section 17612(c).

⁷ Government Code section 17561.5(a).

⁸ Government Code section 17567.

TOTAL	\$26,674	\$122,638,312	\$139,291,857
--------------	----------	---------------	----------------------

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, and statewide cost estimates that are pending Commission determination.

A. Pending Parameters and Guidelines

	Program	Status
1.	<i>California Public Records Act, *&**</i> 02-TC-10 & 02-TC-51	Set for hearing on July 27, 2012.
2.	<i>Minimum Conditions for State Aid,</i> 02-TC-25 & 02-TC-31**	Set for hearing on May 25, 2012.
3.	<i>Developer Fees,</i> 02-TC-42**	To be set.
4.	<i>Discrimination Complaint Procedures,</i> 02-TC-46**	Set for hearing on May 25, 2012.
5.	<i>Community College Construction,</i> 02-TC-47**	Set for hearing on September 28, 2012
6.	<i>Tuberculosis Control,</i> 03-TC-14*	Set for hearing on September 28, 2012
7.	<i>Peace Officer Procedural Bill of Right II,</i> 03-TC-18*	To be set.

B. Pending Parameters and Guidelines that Include Proposed RRMs

	Program	Status
1.	<i>Behavioral Intervention Plans,</i> CSM-4464**	Tentatively set for hearing on May 25, 2012.
2.	<i>Interagency Child Abuse and Neglect (ICAN) Investigation Reports,</i> 00-TC-22*	Tentatively set for hearing on March 23, 2012.
3.	<i>Voter Identification Procedures,</i> 03-TC-23*	Set for hearing on March 23, 2012.

C. Pending Requests to Amend Parameters and Guidelines

	Program	Status
1.	<i>Enrollment Fee Collection and Waivers,</i> 08-PGA-02 (99-TC-13 & 00-TC-15)**	Tentatively set for hearing on March 22, 2012.
2.	<i>Habitual Truants,</i> 09-PGA-01, 01-PGA-06 (CSM-4487)**	Set for hearing on March 22, 2012.

* Local agency programs

** School district or community college district programs

3.	<i>Peace Officer Procedural Bill of Rights (POBOR), 09-PGA-05 (CSM-4499)*</i>	Set for hearing on September 29, 2011; Continued to March 23, 2012 hearing at request of claimant.
4.	<i>Interdistrict Attendance, 10-PGA-01 (CSM-4442)**</i>	Set for hearing on January 27, 2012
5.	<i>School Accountability Report Cards, 10-PGA-02, (97-TC-21)**</i>	Set for hearing on January 27, 2012
6.	<i>Pupil Promotion and Retention 10-PGA-03 (98-TC-19)**</i>	Set for hearing on January 27, 2012
7.	<i>Crime Statistics Reports for Department of Justice, 10-PGA-05, (02-TC-04, 02-TC-11, 07-TC-10)*</i>	To be set.
8.	<i>Peace Officer Procedural Bill of Rights (POBOR) 10-PGA-06 (CSM-4499)*</i>	To be set.
9.	<i>Notification of Truancy, 11-PGA-01 (CSM-4133)**</i>	To be set.
10.	<i>Annual Parent Notification, 11-PGA-02**</i>	To be set.
11.	<i>Graduation Requirements, 11-PGA-03 (CSM-4435)**</i>	To be set.
12.	<i>Physical Education Reports, 11-PGA-04 (98-TC-08)**</i>	To be set.
13.	<i>AIDs Instruction and AIDs Prevention Instruction, 11-PGA-05 (99-TC-07, 00-TC-01)**</i>	To be set.

D. Pending Statewide Cost Estimates

	Program	Status
1.	<i>Pupil Expulsions II, Educational Services Plan for Expelled Pupils, and Pupil Suspensions II and Amendments, 96-358-03, 03A, 03B, 96-358-04, 04A, 04B, 97-TC-09, 98-TC-22, 98-TC-23, 01-TC-17, 01-TC-18**</i>	To be set.
2.	<i>Modified Primary Election, 01-TC-13*</i>	Set for hearing on July 27, 2012.
3.	<i>Domestic Violence Background Checks, 01-TC-29*</i>	Set for hearing on May 25, 2012.
4.	<i>Identity Theft, 03-TC-08*</i>	Set for hearing on May 25, 2012.
5.	<i>Permanent Absent Voter II, 03-TC-11*</i>	Set for hearing on July 27, 2012
6.	<i>Mandate Reimbursement Process II, 05-TC-05*&**</i>	Set for hearing on March 23, 2012.

*Local agency programs

**School district or community college district programs

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

A. 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. 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
1.	<i>Firefighters' Bill of Rights (FBOR), 07-LDM-01*</i> Statutes 2007, Chapter 508 (AB 1243)	April 28, 2008	Department of Finance and local agencies in negotiations.
2.	<i>Vote-by-Mail Voters 08-LDM-01*</i> Statutes 2007, Chapter 59 (AB 220)	September 12, 2008	Local agency representatives indicate they will be withdrawing this LDM.

* Local agency programs

** School district or community college district programs

C. Delays in the Process

Government Code section 17600 requires the Commission to report any delays in the process for joint RRM's or LDM's being developed by Department of Finance and local entities.

There are currently no pending joint RRM's. There are two pending LDM's. However, local agency representatives indicate they will be withdrawing the *Vote-by-Mail* LDM. Delays in negotiations for the pending LDM's have been attributed to staffing shortages and changes in staffing for both Department of Finance and the local agency representatives.

STATEWIDE COST ESTIMATE

\$122,638,312

Penal Code Sections 12025(h)(1) and (h)(3), 12031(m)(1)
and (m)(3), 13014, 13023, and 13730(a)

Statutes 1989, Chapter 1172 (SB 202); Statutes 1992, Chapter 1338 (SB 1184); Statutes 1993,
Chapter 1230 (AB 2250); Statutes 1998, Chapter 933 (AB 1999); Statutes 1999, Chapter 571
(AB 491); and Statutes 2000, Chapter 626 (AB 715)

Crime Statistics Reports for the Department of Justice
02-TC-04 and 02-TC-11

and

Penal Code Section 13023

Statutes 2004, Chapter 700 (SB 1234)

Crime Statistics Reports for the Department of Justice Amended
07-TC-10

Test Claims Filed: September 6, 2002, November 22, 2002, and June 25, 2008
Reimbursement Period for this Estimate: July 1, 2001 through June 30, 2010
Eligible Claimants: Any County, City or City and County

STAFF ANALYSIS

Background and Summary of the Mandates

The test claim statutes address crime statistics reporting activities of local government entities and local law enforcement agencies.

On June 26, 2008, the Commission on State Mandates (Commission) considered the *Crime Statistics Reports for the Department of Justice* test claims (02-TC-04 and 02-TC-11) and determined that, beginning July 1, 2001, the test claim statutes impose a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for the following activities:

- A local government entity responsible for the investigation and prosecution of a homicide case to provide the California Department of Justice (DOJ) with demographic information about the victim and the person or persons charged with the crime, including the victim's and person's age, gender, race, and ethnic background (Pen. Code, § 13014).
- Local law enforcement agencies to report, in a manner to be prescribed by the Attorney General, any information that may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability, or gender or national origin (Pen. Code, § 13023).

- For district attorneys to report annually on or before June 30, to the Attorney General, on profiles by race, age, gender, and ethnicity any person charged with a felony or misdemeanor under section 12025 (carrying a concealed firearm) or section 12031 of the Penal Code (carrying a loaded firearm in a public place), and any other offense charged in the same complaint, indictment, or information. The Commission found that this is a reimbursable mandate from July 1, 2001 (the beginning of the reimbursement period for this test claim) until January 1, 2005 (Pen. Code, §§ 12025(h)(1) & (h)(3) & 12031(m)(1) & (m)(3)).
- For local law enforcement agencies to support all domestic-violence related calls for assistance with a written incident report (Pen. Code, § 13730(a), Stats. 1993, ch. 1230).

On July 31, 2009, the Commission considered the *Crime Statistics Reports for the Department of Justice Amended* test claim (07-TC-10). The claim was originally filed as an amendment to, and severed from, test claims 02-TC-04 and 02-TC-11, *Crime Statistics Reports for the Department of Justice*. The Commission determined that Penal Code section 13023 (Stats. 2004, ch. 700) imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution on local law enforcement agencies to report the following in a manner to be prescribed by the Attorney General:

- Any information that may be required relative to hate crimes, as defined in Penal Code section 422.55 as criminal acts committed, in whole or in part, because of one or more of the following *perceived* characteristics of the victim: (1) disability; (2) gender; (3) nationality; (4) race or ethnicity; (5) religion; (6) sexual orientation.
- Any information that may be required relative to hate crimes, defined in Penal Code section 422.55 as criminal acts committed, in whole or in part, because of *association with a person or group with one or more of the following actual or perceived characteristics*: (1) disability; (2) gender; (3) nationality; (4) race or ethnicity; (5) religion; (6) sexual orientation.

On April 12, 2010, the Commission issued a corrected statement of decision in *Crime Statistics Reports for the Department of Justice Amended* (07-TC-10) to correctly identify the operative and effective date of Penal Code section 13023, as amended by Statutes 2004, chapter 700, as January 1, 2005.

These test claims were filed by a city and a county. Although the test claim statutes refer to “local law enforcement agencies” or “local government entity,” the Commission’s findings and decisions were limited to city and county claimants.

The Commission adopted the parameters and guidelines on September 30, 2010.⁹ Eligible claimants were required to file initial reimbursement claims with the State Controller’s Office (SCO) by April 6, 2011. Late claims are due by April 6, 2012.

Eligible Claimants and Reimbursement Period

Any county, city, or city and county is an eligible claimant. The reimbursement periods for mandated activities are as follows:

⁹ Exhibit A.

Related Activities	Penal Code Section	Amended by Statutes/ Chapter	Reimbursable Period
Homicide Reports	13014	1992/1338	FY 2001-2002 thru 2009-2010
Domestic Violence Related Calls for Assistance	13730	1993/1230	FY 2001-2002 thru 2009-2010
Hate Crimes Reports	13023	2004/700	FY 2004-2005 (from 01/01/2005 to 06/30/2005 only) and FY 2005-2006 thru 2009-2010
Firearms Reports	12025 (h)(1), (h)(3) and 12031 (m)(1), (m)(3)	1999/571	FY2001-2002 thru 2003-2004 and FY 2004-2005 (from 07/01/2004 to 12/31/2004 only)

The Commission approved the following activities for reimbursement:

One-Time Activities

- A. Revise existing policies and procedures to reflect the ongoing activities listed in these parameters and guidelines regarding the reporting of the hate crime and demographic information required by Penal Code sections 12025(h)(1) and (h)(3), 12031(m)(1) and (m)(3), 13014, and 13023 to the California Department of Justice and the Attorney General.
- B. Revise existing policies and procedures to reflect the ongoing activities listed in these parameters and guidelines regarding the requirement in Penal Code section 13730(a) (as amended by Stats. 1993, ch. 1230) to support all domestic violence related calls for assistance with a written incident report.

Ongoing Activities

- A. Homicide Reports: (Pen. Code, § 13014; Stats. 1992, ch. 1338)

For a city, county, or city and county responsible for the investigation and prosecution of a homicide case, to provide the California Department of Justice, on a form distributed by the California Department of Justice, with demographic information about the homicide victim and the person or persons charged with the crime of homicide, including the victim’s and person’s age, gender, race, and ethnic background.

The following activities are eligible for reimbursement:

- 1. Extract demographic information from existing local records about the homicide victim and the person or persons charged with the crime of homicide, including the victim’s and person’s age, gender, race, and ethnic background, from local records in order to report the information to DOJ.
- 2. Report to the Department of Justice, on a monthly basis, demographic information about the homicide victim and the person or persons charged with the crime of homicide, including the victim’s and person’s age, gender, race, and ethnic background. Reporting may be accomplished

electronically via the Electronic-Crime and Arrest Reporting Systems (E-CARS) Plus, or manually by submitting DOJ Form BCIA 15 (Supplemental Homicide Report), or other form distributed in accordance with Penal Code section 13014 by the Department of Justice.

3. Verify information contained in the report or provide an additional explanation about the report when specifically requested by the Department of Justice.

Reimbursement is not required to review and edit every report.

B. Hate Crime Reports: (Pen. Code, § 13023; Stats. 1989, ch. 1172; Stats. 1998, ch. 933; Stats. 2000, ch. 626; Stats. 2004, ch. 700)

For city, county, and city and county law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General, any information that may be required relative to hate crimes:

The following activities are eligible for reimbursement:

1. Extract the information required by the Attorney General relative to hate crimes from existing law enforcement records in order to report the information to the Department of Justice.¹⁰
2. Report to the Department of Justice on an annual and monthly basis, in a manner prescribed by the Attorney General, the information required relative to hate crimes. Reporting may be accomplished electronically via the Hate Crime Analysis, Tracking & Evaluation (HATE) System, manually by submitting the agency crime report, or any other manner prescribed by the Attorney General.
3. Verify information contained in the report or provide an additional explanation about the report when specifically requested by the Department of Justice.

Reimbursement is not required to review and edit every report.

C. Firearm Reports: (Pen. Code, §§ 12025(h)(1) & (h)(3) & 12031(m)(1) & (m)(3); Stats. 1999, ch. 571)

For district attorneys to submit annually a report on or before June 30, to the Attorney General consisting of profiles by race, age, gender, and ethnicity for any person charged with a felony or misdemeanor under section 12025 (carrying a concealed firearm) or section 12031 of the Penal Code (carrying a loaded firearm in a public place), and any other offense charged in the same complaint, indictment, or information.

The following activities are eligible for reimbursement *from July 1, 2001, through December 31, 2004 only*:

1. Extract the following information from law enforcement records in order to report the information to the Attorney General: race, age, gender, and ethnicity for any person charged with a felony or misdemeanor under Penal Code section 12025 (carrying a concealed firearm) or Penal Code

¹⁰ Penal Code section 13023 was amended in 2004 to clarify the definition of “hate crime” as provided in Penal Code section 422.55. (Stats. 2004, ch. 700.)

section 12031 (carrying a loaded firearm in a public place), and any other offense charged in the same complaint, indictment, or information.

2. Report to the Attorney General on Form CJSC 4, or in another manner prescribed by the Attorney General, profiles by race, age, gender, and ethnicity for any person charged with a felony or misdemeanor under Penal Code section 12025 (carrying a concealed firearm) or Penal Code section 12031 (carrying a loaded firearm in a public place), and any other offense charged in the same complaint, indictment, or information.

Reimbursement is not required to review and edit the report.

D. Domestic Violence Related Calls for Assistance: (Pen. Code, § 13730(a); Stats. 1993, ch. 1230)

The following activity, performed by city, county, and city and county law enforcement agencies, is eligible for reimbursement:

1. Support all domestic-violence related calls for assistance with a written incident report.
2. Review and edit the report.

Statewide Cost Estimate

Staff reviewed the reimbursement claims data submitted by 231 cities and 35 counties and compiled by the SCO, and a random sample of reimbursement claims. The actual claims data showed that 2,258 claims were filed for 9 fiscal years for a total of \$122,638,312.¹¹ Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program.

Assumptions

1. *The actual amount claimed for reimbursement may increase if late or amended claims are filed.*

There are currently 482 cities and 58 counties in California. Of those, only 231 cities and 35 counties filed reimbursement claims for this program between 2001 and 2010. If other eligible claimants file late or amended claims, the amount of reimbursement claims may exceed the statewide cost estimate. Late claims for this program may be filed until April 6, 2012.

2. *The costs of this program will vary from year to year, based on the annual number of domestic violence incidents.*

This program requires local entities to: (1) file three annual reports with Department of Justice on various crimes; and (2) write and edit an incident report for each domestic violence related call for assistance. Reimbursement for filing the annual reports should remain static over time. However, the cost of this program for completing domestic violence incident reports will vary depending on the number of domestic violence incident calls that occur in each local jurisdiction.

3. *There may be several reasons that non-claiming cities and counties did not file for reimbursement, including but not limited to:*

¹¹ Claims data reported as of September 19, 2011.

- The Commission approved only a portion of this program as a mandate. Therefore, some cities and counties may not be able to reach the \$1,000 threshold for filing annual reimbursement claims.
- They did not have supporting documentation to file a reimbursement claim.

4. *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 conducted a preliminary desk review of these claims and approved them for reimbursement. However, the SCO reduced claims for various reasons, such as deducting penalties for late filings. The SCO may also conduct full field audits, and reduce any claims it deems to be excessive or unreasonable.

Methodology

Fiscal Years 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, and 2009-2010.

The statewide cost estimate for the above-named fiscal years was developed by totaling the 2,258 reimbursement claims filed with the SCO for these years.

The statewide cost estimate includes nine fiscal years for a total of \$122,638,312 for the *Crime Statistics Reports for the Department of Justice Amended* program. This averages to \$13,626,479 annually in costs for the state for this nine-year period.

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

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
2001-2002	233	\$11,181,471
2002-2003	238	\$11,947,685
2003-2004	244	\$12,796,745
2004-2005	248	\$13,574,057
2005-2006	251	\$13,649,085
2006-2007	254	\$14,050,583
2007-2008	260	\$14,957,255
2008-2009	264	\$15,163,419
2009-2010	266	\$15,318,012
TOTAL	2,258	\$122,638,312

Comments on the Draft Staff Analysis and Proposed Statewide Cost Estimate

On September 21, 2011, Commission staff issued the draft staff analysis and proposed statewide cost estimate for comment.¹² No comments were received.

Conclusion

¹² Exhibit B.

On October 27, 2011, the Commission adopted the statewide cost estimate of **\$122,638,312** for costs incurred in complying with the *Crime Statistics Reports for the Department of Justice Amended* program.

STATEWIDE COST ESTIMATE

\$26,674

Education Code Sections 32281, 32282, 32286, and 32288

Statutes 1997, Chapter 736; Statutes 1999, Chapter 996

Statutes 2001, Chapter 890; Statutes 2002, Chapter 506;

Statutes 2004, Chapter 895

Comprehensive School Safety Plans II, and Amendment

02-TC-33, 07-TC-11

Test Claims Filed: June 23, 2003 and June 25, 2008

Reimbursement Period for this Estimate: July 1, 2001 through June 30, 2010

Eligible Claimants: Any School District

REVISED STAFF ANALYSIS

Commission staff issued a final staff analysis on this matter recommending adoption of a statewide cost estimate of \$3,298,953. Staff revised this estimate and proposed adoption of a statewide cost estimate of \$26,674, based on the following information.

Background and Summary of the Mandate

In 2001 and 2002, the Commission on State Mandates (Commission) approved the *Comprehensive School Safety Plans I* test claim (98-TC-01, 99-TC-10), for school districts to develop and adopt a comprehensive school safety plan. The statewide cost estimate was adopted in 2004.

In 2008 and 2009, the Commission approved the *Comprehensive School Safety Plans II* test claim (02-TC-33) and a subsequent amendment to the test claim (07-TC-11) for: 1) addressing the timing for new schools to adopt their safety plans; and for all school districts to 2) add two new elements to the safety plan; 3) specify particular parties or entities that must be notified of the public meeting when school districts are adopting their safety plans; 4) develop an earthquake emergency procedure system; 5) develop a procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies; and 6) include these systems and procedures in the comprehensive school safety plans.

In 2010, the Commission adopted the parameters and guidelines for *Comprehensive School Safety Plans II*, and consolidated the parameters and guidelines for *Comprehensive School Safety Plans I and II* beginning July 1, 2009.¹³ Costs incurred before July 1, 2009, may be claimed under the individual parameters and guidelines for *Comprehensive School Safety Plans I* (98-TC-01, 99-TC-10), and *Comprehensive School Safety Plans II* (02-TC-33, 07-TC-11).

Statewide Cost Estimate

This statewide cost estimate is for the *Comprehensive School Safety Plans II* program.

¹³ Exhibit A.

Staff initially used claiming data for fiscal years 2001-2002 through 2009-2010 to develop the statewide cost estimate. However, a claimant representative pointed out that the claims filed for 2009-2010 include over \$3 million claimed for the *Comprehensive School Safety Plans I* program. Therefore, the proposed statewide cost estimate for *Comprehensive School Safety Plans II* program is incorrect and is being revised.

The claims data submitted shows that for fiscal years 2001-2002 through 2008-2009, only 10 claims were filed for a total of \$23,710. For fiscal year 2009-2010, 480 claims were filed for a total of \$3,275,243 for costs for both *Comprehensive School Safety Plans I* and *II*.¹⁴ The reimbursement claims for 2009-2010 do not clarify what costs are attributable to each program. Based on this data, staff made the following revised assumptions and used the following revised methodology to develop a statewide cost estimate for this program.

Assumptions

1. *The actual amount claimed for reimbursement may increase if late or amended claims are filed.*

Only six school districts filed reimbursement claims between 2001 and 2010. Other school districts may file late or amended claims, and therefore, the amount of reimbursement claims may exceed the statewide cost estimate. Late claims for this program may be filed until June 7, 2012.

2. *There may be several reasons that non-claiming school districts did not file for reimbursement, including but not limited to:*

- The Commission approved only a portion of this program as a mandate. Therefore, school districts may not be able to reach the \$1,000 threshold for filing reimbursement claims.
- They did not have supporting documentation to file a reimbursement claim.

3. *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 conducted a preliminary desk review of these claims and approved them for reimbursement. The SCO may conduct full field audits, and reduce any claims it deems to be excessive or unreasonable.

4. *For fiscal year 2009-2010, a similar number of claimants filed claims for the reimbursable activities approved in *Comprehensive School Safety Plans II*, and for similar amounts as in previous fiscal years.*

As stated previously, we are unable to differentiate the claims filed in 2009-2010 for the *Comprehensive School Safety Plans I* and *II* programs. In order to develop a cost estimate for fiscal year 2009-2010, staff averaged the number of claims filed and averaged the estimated cost of the claims filed in the eight previous fiscal years.

Methodology

Fiscal Years 2001-2002 through 2008-2009

The statewide cost estimate for the above-named fiscal years was developed by totaling the 10 reimbursement claims filed with the SCO for these years.

¹⁴ Claims data reported as of September 20, 2011.

Fiscal Year 2009-2010

Staff totaled the claims filed for 2001-2002 through 2008-2009 and averaged these costs for a total of \$2,964 for 2009-2010.

The revised statewide cost estimate includes nine fiscal years for a total of \$26,674 for the *Comprehensive School Safety II* program.

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

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
2001-2002	1	\$6,973
2002-2003	2	\$3,668
2003-2004	0	0
2004-2005	1	\$1,029
2005-2006	1	\$1,649
2006-2007	1	\$3,045
2007-2008	2	\$3,730
2008-2009	2	\$3,616
2009-2010	1*	\$2,964*
TOTAL		\$26,674

* Estimated based on previous years' filings.

Conclusion

On December 1, 2011, the Commission on State Mandates adopted a statewide cost estimate of \$26,674 for the *Comprehensive School Safety II* program.