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AMENDED CONSOLIDATED PARAMETERS AND GUIDELINES

Annual Parent Notification

(CSM- 4453, 4461, 4462, 4488, 97-TC-24, 99-TC-09, 00-TC-12)

Education Code Section 48980

As Amended By

Statutes 1977, Chapter 36; Statutes 1979, Chapter 236;
Statutes 1980, Chapter 975; Statutes 1985, Chapter 459;
Statutes 1986, Chapter 97; Statutes 1987, Chapter 1452;
Statutes 1988, Chapter 65; Statutes 1990, Chapters 10 & 403;
Statutes 1992, Chapter 906; Statutes 1993, Chapter 1296;
Statutes 1997, Chapter 929; Statutes 1998, Chapters 846 and 1031;
Statutes 1999-2000, Chapter 1X; Statutes 2000, Chapter 73
[As Amended By Statutes 2003, Chapter 650 and Statutes 2005, Chapter 677]

Education Code Section 49063, Subdivision (k)
Statutes 1998, Chapter 1031

Schoolsite Discipline Rules

Education Code Section 35291
Statutes 1977, Chapter 965
Statutes 1986, Chapter 87

Alternative Schools

Education Code Section 58501
Statutes 1975, Chapter 448; Statutes 1981, Chapter 469

Beginning in Fiscal Year 2006-2007

I. SUMMARY OF THE MANDATES

The Commission determined that Education Code sections 35291, 48980, 48900.1, 49063, subdivision (k), and 58501 impose a new program or higher level of service, and costs mandated by the state, for school districts and county offices of education.²⁶ The following statements of decision address these mandate determinations and are consolidated under these parameters and guidelines:

1. *Notification to Parents: Pupil Attendance Alternatives (CSM 4453)*²⁷

(References to subdivision (g) refer to current subdivision (h).)

The Commission determined that Education Code section 48980, subdivision (g)²⁸ results in costs mandated by the state by requiring school districts to:

Provide or disseminate the notification to parents or guardians including information provided by the California Department of Education explaining the current statutory attendance options, and developing and including all current statutory and local attendance options which are unique to each district, and a procedure for alternative attendance areas or programs all as part of the annual notification, and to develop and distribute school district application forms for requesting a change of attendance, and a description of the appeals process for those applicants who are denied.

2. *Annual Parent Notification (CSM 4461)*²⁹

The Commission determined that Education Code section 48980, subdivision (a) required school districts to annually notify the parent or guardian of all pupils of specified Education Code provisions and that the additional printing and distribution of these notifications (in a cost effective manner) result in a reimbursable-state mandated program. The Commission also determined that a negligible reimbursable state-mandated program exists for annually reviewing and modifying the content of the parent notification to incorporate changes within the new sections referenced in these subdivisions.

3. *Schoolsite Discipline Rules (CSM 4462)*³⁰

The Commission determined that the requirement in Education Code section 35291³¹ for school districts to annually notify the parent or guardian of all pupils

²⁶ Article XIII B, section 6, of the California Constitution, and Government Code section 17514.

²⁷ Statutes 1993, chapter 1296; filed February 16, 1994; Statement of Decision adopted August 15, 1994, and amended February 23, 1995.

²⁸ Added by Statutes 1993, chapter 1296. Renumbered as subdivision (i) by Statutes 1997, chapter 929; renumbered as subdivision (j) by Statutes 1999, chapter 1X.

²⁹ Statutes 1992, chapter 906; filed September 2, 1994; adopted August 24, 1995.

³⁰ Statutes 1986, chapter 87; filed September 16, 1994; adopted August 24, 1995.

of the availability of district rules on student discipline combined with the annual parent notification requirement is a reimbursable state-mandated program.

4. *Alternative Schools Annual Notification (CSM 4488)*³²

The Commission determined that Education Code section 58501³³ resulted in costs mandated by the state by requiring school districts and county offices of education to:

- a. Provide parents and guardians with a prescribed annual written notice on the alternative schools program.
- b. Make available the alternative schools law at the offices of the principal, county superintendent of schools and district administrative office for anyone who requests this information.
- c. Annually post the alternative schools notice in at least two places at each school site for the entire month of March.

5. *Annual Parent Notification – Staff Development (CSM 97-TC-24)*³⁴

The Commission determined that Education Code section 48980, subdivisions (c) and (h), resulted in costs mandated by the state by requiring school districts to:

- a. Provide parents and guardians with annual written notice of the schedule of minimum days and pupil-free staff development days. (Ed. Code, § 48980, subd. (c).)

6. *Annual Parent Notification: 1998-2000 Statutes (CSM 99-TC-09, 00-TC-12)*³⁵

The Commission determined that Education Code section 48980, subdivisions (e), (l), and (m), and Education Code section 49063, subdivision (k), resulted in costs mandated by the state by requiring school districts to provide to parents and guardians, the following information:

- a. Notice that pupils will be required to pass a high school exit examination as a condition of graduation. (Ed. Code, § 48980, subd. (e).)
- b. Notice that no pupil may have his or her grade reduced or lose academic credit for any excused absences if the pupil makes up any missed assignments or tests. (Former Ed. Code, § 48980, subd. (l); renumbered

³¹ Amended by Statutes 1977, chapter 965, and Statutes 1986, chapter 87.

³² Statutes 1975, chapter 448, and Statutes 1981, chapter 469; filed September 29, 1995; Statement of Decision adopted November 15, 1996.

³³ As added by Statutes 1975, chapter 448, and amended by Statutes 1981, chapter 469.

³⁴ Statutes 1997, chapter 929; filed May 12, 1998; Statement of Decision adopted August 26, 1999.

³⁵ CSM 99-TC-09; Statutes 1998, chapters 846 and 1031, and Statutes 1999, chapter 1X; filed May 17, 2000. CSM 00-TC-12; Statutes 2000, chapter 73; filed May 11, 2001. Statement of Decision adopted December 12, 2001.

subd. (k) by Stats. 2003, ch. 650, renumbered subd. (j) by Stats. 2005, ch. 677.)

- c. A copy of the complete text of Education Code section 48205. (Former Ed. Code, § 48980, subd. (l); renumbered subd. (j) by Stats. 2005, ch. 677.)
- d. Notice of the availability of state funds to cover the costs of advanced placement examination fees. (Former Ed. Code, § 48980, subd. (m); renumbered subd. (l) by Stats. 2003, ch. 650, renumbered subdivision (k) by Stats. 2005, ch. 677.)
- e. Notice that a prospectus of school curriculum is available for review at the pupil's school, upon request. (Ed. Code, § 49063, subd. (k).)

II. ELIGIBLE CLAIMANTS

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

III. PERIOD OF REIMBURSEMENT

This amended consolidated set of parameters and guidelines is operative for reimbursement claims filed beginning in fiscal year 2006-2007.

Pursuant to Government Code section 17560, reimbursement for state-mandated costs may be claimed as follows:

A local agency or school district may file an estimated reimbursement claim by January 15 of the fiscal year in which costs are to be incurred, and, by January 15 following that fiscal year shall file an annual reimbursement claim that details the costs actually incurred for that fiscal year; or it may comply with the provisions of subdivision (b).

A local agency or school district may, by January 15 following the fiscal year in which costs are incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.

In the event revised claiming instructions are issued by the Controller pursuant to subdivision (c) of section 17558 between October 15 and January 15, a local agency or school district filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim.

Reimbursable actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Government Code section 17561 (d)(1), all claims for reimbursement of initial years' costs shall be submitted within 120 days of the issuance of the State Controller's claiming instructions. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. REIMBURSABLE ACTIVITIES

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of a mandate.

For each eligible claimant, the following activities are reimbursable:

A. Review and Update

Annual review of Education Code section 48980, subdivisions (a), (c), (e), (h), (j), (k), and 49063, subdivision (k), and the sections referenced therein, for any change to scope and content; prepare or modify the annual parent notification and attendance application, as necessary; and have those changes approved by the governing board. (Ed. Code, § 48980, subd. (a).)

B. Printing

Annually print or otherwise reproduce the parent notification and district alternative attendance application and any state provided notification/application, and the notice of alternative schools. (Ed. Code, §§ 35291, 48980, subds. (a) & (h).)

C. Distribution

Annually distribute in a cost-effective manner a copy of the district parent notification and district alternative attendance application, and any state-provided alternative attendance notification/application, and the notice of alternative schools, to the parent or guardian of continuing and new students. (Ed. Code, §§ 35291, 48980, subds. (a) & (h).)

D. Alternative School Laws

Make available the text of the alternative schools law at the principal's office, county superintendent of school's office, and district administrative office for anyone who requests this information. (Ed. Code, § 58501.)

E. Posting Notice of Alternative Schools

Post the alternative schools notice in at least two places at each school site for the entire month of March. (Ed. Code, § 58501.)

F. Providing Notice of Minimum Days or Pupil-Free Staff Development Days Scheduled After the First Day of School

If the schedule of minimum days or pupil-free staff development days are scheduled after the first day of school, prepare and distribute notice of these days to parents or guardians. (Ed. Code, § 48980, subd. (c).)

V. CLAIM PREPARATION: REASONABLE REIMBURSEMENT METHODOLOGY

The Commission is adopting a *reasonable reimbursement methodology* to reimburse school districts for all direct and indirect costs, as authorized by Government Code section 17557, subdivision (b), *in lieu of payment of total actual costs incurred*. The definition of reasonable reimbursement methodology is in Government Code section 17518.5, as follows:

Government Code Section 17518.5

- (a) *Reasonable reimbursement methodology* means a formula for reimbursing local agency and school district costs mandated by the state that meets the following conditions:
 - (1) the total amount to be reimbursed statewide is equivalent to total estimated local agency and school district costs to implement the mandate in a cost-efficient manner.
 - (2) for 50 percent or more of eligible local agency and school district claimants, the amount reimbursed is estimated to fully offset their projected costs to implement the mandate in a cost-efficient manner.
- (b) Whenever possible, a *reasonable reimbursement methodology* shall be based on general allocation formulas, uniform cost allowances, and other approximations of local costs mandated by the state rather than detailed documentation of actual local costs. In cases when local agencies and school districts are projected to incur costs to implement a mandate over a period of more than one fiscal year, the determination of a reasonable reimbursement methodology may consider local costs and state reimbursements over a period of greater than one fiscal year, but not exceeding 10 years.
- (c) A reasonable reimbursement methodology may be developed by any of the following:
 - (1) The Department of Finance.
 - (2) The Controller.
 - (3) An affected state agency.
 - (4) A claimant.
 - (5) An interested party,

A. Uniform Cost Allowances and Formula for Reimbursable Activities A-E

The *reasonable reimbursement methodology* shall consist of uniform cost allowances to cover all direct and indirect costs of performing activities A-E, as described under Section IV. Reimbursable Activities, and applied to a formula for calculating claimable costs.

The uniform cost allowances for reimbursement of activities, A-E are *as follows*:

1. The fixed cost per page is \$.0697 for fiscal year 2004-2005 costs. In each subsequent year, the Controller shall adjust the fixed cost per page by the Implicit Price Deflator as defined in Government Code section 17523.
2. The maximum number of claimable 8 ½" X 11" pages in the printed notification/application is determined for each program and is included in the matrix that follows.

3. The number of notifications (includes applications), distributed to parents and guardians may be based on one of the following numbers:
 - a. The actual number distributed.
 - b. Actual district enrollment at the time of distribution.
 - c. District’s annual average daily attendance (ADA).

The formula for calculating claimable costs for Reimbursable Activities A-E for each program is as follows:

$$\text{Claimable Costs} = (\text{fixed cost/page}) \times (\# \text{ of claimable pages}) \times (\# \text{ of notifications})$$

B. Uniform Cost Allowance and Formula for Reimbursable Activity F.

The *reasonable reimbursement methodology* shall consist of uniform cost allowances to cover all direct and indirect costs of performing activity F, as described under Section IV. Reimbursable Activities, and applied to a formula for calculating claimable costs.

The uniform cost allowance for preparing and distributing notice to parents and guardians of minimum days or pupil-free staff development days scheduled after the first day of school is \$0.2772 per notice for fiscal year 2004-2005. The Controller shall adjust this cost each subsequent year by the Implicit Price Deflator.

The number of notices prepared and distributed to parents and guardians may be based on one of the following numbers:

1. Actual number of notices distributed.
2. Actual grade level or district enrollment at the time of distribution.
3. District’s annual average daily attendance (ADA).

The formula for calculating claimable costs for reimbursable activity F is as follows:

$$\text{Claimable Costs} = (\text{fixed cost/notice}) \times (\text{number of notices distributed})$$

FOR FISCAL YEAR 2006-2007

The test claim decisions and content of parent notices, maximum number of “claimable pages”, reimbursement period, and statutory reference, for each program are as follows:

Test Claim Decisions and Content of Parent Notice	Claimable Pages	Status of Reimbursement Period	Current Reference
CSM-4453 <i>Pupil Attendance Alternatives</i>	Based on District Population: 0-500 -- 1 page 501-2500 – 3 pages 2501-25,000- 6 pages 25,001+ - 9 pages	Ongoing	Ed. Code, § 48980, subd. (h)

CSM-4461 <i>Annual Parent Notification</i>	2.75 pages	Ongoing	Ed. Code, § 48980, subd. (a)
CSM-4462 <i>School Site Discipline Procedures</i>			Ed. Code, § 35291
CSM-4448 <i>Alternative Schools</i>	0.25 page	Ongoing	Ed. Code, §, 58501
97-TC-24 <i>Staff Development Days</i>	1.5 pages	Ongoing	Ed. Code § 48980, subd. (c)
99-TC-09, 00-TC-12 <i>High School Exit Exam</i>	.5 page	Ongoing	Ed. Code, § 48980 Subd. (e)
<i>Grade Reduction & Text of Ed. Code § 48205</i>	1.7 pages		Subd. (j)
<i>Advanced Placement Fees</i>	.5 pages		Subd. (k)
<i>Prospectus of Curriculum</i>	.5 pages		Ed. Code, § 49063, subd. (k)

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs based on this reasonable reimbursement methodology filed by a local agency or school district pursuant to this chapter³⁶ is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

School districts must retain documentation which indicates the total number of notifications/applications distributed and a sample copy of the notification distributed during the period subject to audit.

³⁶ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

VII. OFFSETTING SAVINGS AND REIMBURSEMENTS

Any offsetting savings the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, including but not limited to, service fees collected, federal funds, and other state funds, shall be identified and deducted from this claim.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue revised claiming instructions for each mandate that requires state reimbursement not later than 60 days after receiving the revised adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The revised claiming instructions shall be derived from the test claim decisions and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561, subdivision (d)(1), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. REMEDIES BEFORE THE COMMISSION

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The Statements of Decisions listed in Section I. Summary of the Mandate are legally binding on all parties with respect to statutes claimed and determined by the Commission on State Mandates and provides the legal and factual basis for these consolidated parameters and guidelines. However, these Statements of Decision do not address subsequent amendments to the test claim statutes. The support for the legal and factual findings is found in the administrative record for the test claims. The administrative records, including the Statements of Decision, are on file with the Commission.