

Proposition 98 Mandates

LEGISLATIVE ANALYST'S OFFICE

Presented To:
Assembly Special Committee on State Mandates

March 15, 2004



Removal of Chemicals

Summary:	Comply with guidelines for removing and disposing of science chemicals whose shelf life is outdated.
2004-05 Projected Cost:	\$2.3 million.
Reimbursement Basis:	Actual costs.
Specific Requirements:	Comply with guidelines issued by the Superintendent of Public Instruction on all chemicals used in school programs that presents potential hazards and the estimated shelf life of each compound.
Comments:	<p>Recommend the committee clarify that the guidelines are advisory only.</p> <p>This mandate was amended in 1994 to remove language requiring districts to certify compliance with the state guidelines. As a result, existing statute contains no state mandate. The state, however, has continued to pay district claims as if the previous requirement was still in place because no state agency acted to formally terminate state funding.</p> <p>To accomplish our recommendation, we recommend the committee ask the Department of Finance (DOF) to request that the Commission on State Mandates (CSM) review the parameters and guidelines to reflect changes in this mandate.</p>

Comprehensive School Safety

Summary:	Develop a comprehensive safety plan for each school.
2004-05 Projected Cost:	Unknown (still under development).
Reimbursement Basis:	Actual cost.
Specific Requirements:	Requires schoolsite councils to develop and adopt comprehensive school safety plans that meet the safety needs of each school. Districts are required to review and update the plan each year.
Comments:	<p>Recommend the committee give districts flexibility to update plans as needed, rather than each year. To accomplish this, we recommend amending Education Code Section 35294.2(e) to read the plan "shall be evaluated and amended, as needed...no less than once a year but not more than once a year..."</p> <p>This would eliminate unnecessary costs of automatic annual reviews and updates of the plan.</p>

Emergency Procedures

Summary:	Develop and implement earthquake emergency procedures for each school.
2004-05 Projected Cost:	\$21.5 million.
Reimbursement Basis:	Actual costs incurred.
Specific Requirements:	Requires districts to: <ul style="list-style-type: none">▪ Develop and implement emergency procedure plans for each school. This includes training staff and students about the plan.▪ Conduct “drop procedure” drills in schools four times each year. This procedure involves students taking cover under a table or desk in a specified manner.▪ Direct districts to allow facilities to be used for “mass care and welfare shelters” during disasters or other emergencies.
Comments:	<p>Recommend the committee limit this mandate to the development of an earthquake plan, consistent with the Comprehensive School Safety mandate discussed above.</p> <p>This mandate appears to represent best practice for schools located in earthquake prone areas. Many schools, however, are located in parts of the state that have no or low risk from earthquakes—but may have other safety concerns.</p> <p>For this reason, treating this mandate similarly to the comprehensive safety requirement allows each school to determine the relative importance of earthquakes in the school’s safety plan.</p> <p>Our recommendation would continue the requirement of an earthquake safety plan for each school and allow school facilities to be used as shelters during emergencies.</p>

Juvenile Court Notices II

Summary:	Notify schoolsite employees of students who are convicted of specific crimes.
2004-05 Projected Cost:	\$880,000.
Reimbursement Basis:	Unit cost of about \$35 for each notification received from the court. Also provides about \$25 for each request to destroy the notice contained in a student's file.
Specific Requirements:	<p>Requires principals to inform teachers and counselors of students who have been convicted of a misdemeanor or felony involving:</p> <ul style="list-style-type: none">▪ Curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, certain sex offenses, assault, battery, larceny, vandalism, or graffiti. <p>Districts must maintain these records in a separate confidential file until the student graduates from high school, becomes 18 years old, or is released from the jurisdiction of juvenile court. Requires districts to destroy the confidential document after that date upon request of the student, parent, or guardian.</p>
Comments:	<p>Recommend consolidating this notification to teachers into the Notification to Teachers of Pupil Expulsion mandate. The committee may also want to consider deleting certain offenses—such as curfew, smoking, and graffiti—that may be of lesser concern to teachers.</p> <p>Our recommendation would alter the records retention requirement of this mandate. The Notification of Teachers mandate requires keeping the student data for three years. The Juvenile Court Notices II requirement is based on the student's age or legal status.</p> <p>This mandate is expensive—\$35 per notification. The Notification of Teachers mandate costs about \$10 per notification.</p>

Law Enforcement Agency Notifications

Summary:	Notify law enforcement agencies of students who commit specified offenses on school property.
2004-05 Projected Cost:	\$2.3 million.
Reimbursement Basis:	Actual costs incurred.
Specific Requirements:	Requires notifying law enforcement agencies of acts of a student on a schoolsite involving possession or sale of illegal drugs and possession of firearms or knives.
Comments:	<p>We recommend the committee make this requirement permissive. This mandate has been in place for about 15 years, and districts have developed much closer working relationships with local law enforcement during that time. Therefore, eliminating this mandate probably would not affect their current behavior.</p> <p>This mandate is very expensive—unaudited claims average \$90 per notification. The claims range from a low of \$24 per notification to a high of \$650 per notification. Because claims vary so widely, a unit cost approach to this mandate would not appear to work well.</p>

Pupil Health Exclusions

Summary:	Procedural requirements when excluding students who have infectious diseases from school.
2004-05 Projected Cost:	\$1.6 million.
Reimbursement Basis:	Actual costs. Notification costs—one portion of this mandate—is reimbursed based on a unit cost of about 20 cents per notification.
Specific Requirements:	Requires districts to: <ul style="list-style-type: none">▪ Include specific information on parent notifications.▪ Provide a report to the district governing board on each student excluded.▪ Adopt district rules and regulations.▪ Allow students or parents to inspect documents used by the governing board to make their decision.
Comments:	<p>Recommend the committee make these process requirements permissive. Costs for this mandate are for procedural steps that exceed usual “due process” requirements.</p> <p>Schools would still have to provide parents and students with procedural protections. Parents would have to be notified to the district’s intention to exclude a child from school because of health reasons. Under our recommendations, however, the notice would not be required to contain a description of a parent’s right to inspect all relevant documents or that the decision to exclude the student is subject to periodic review.</p> <p>In addition, federal law would protect the rights of students and parents to have access to any document used in the decision to exclude a child from school.</p>

Pupil Health Screenings

Summary:	Obtain pupil health report on newly enrolling kindergarten and first grade students.
2004-05 Projected Cost:	\$5.3 million.
Reimbursement Basis:	Actual costs incurred.
Specific Requirements:	<p>Requires districts to notify parents of the health screening requirement. Parents may waive the screening requirement.</p> <p>Districts are required to follow-up with parents who do not submit the required report and must exclude from school for up to five days any student whose parents have not submitted the screening or waiver within 90 days of the start of the school year.</p> <p>Districts must also report the number of students receiving the screening and the number of parent waivers to the county and state health departments.</p>
Comments:	<p>Recommend eliminating the mandated reports to the county and state health departments. Currently, the Department of Health Services (DHS) pays schools \$1 per pupil for sending the information to the health agencies. This cost totals about \$500,000 from the General Fund annually.</p> <p>The DHS advises that these data are not used for any purposes currently. Thus, eliminating the requirement would result in General Fund savings and have no negative impact on DHS.</p> <p>In addition, based on district claims for other mandates, we think it is likely that eliminating the reporting requirement would result in school district savings—as district reporting costs probably exceed the \$1 reimbursement level provided through DHS.</p>

Physical Education Compliance Reports

Summary:	Report annually whether students in grades 1 through 8 received 200 minutes of physical education every ten days.
2004-05 Projected Cost:	\$55,000.
Reimbursement Basis:	Actual costs incurred.
Specific Requirements:	State law requires districts to provide at least 200 minutes of physical education instruction every two weeks. This mandate requires districts to report to the state whether this requirement was met.
Comments:	<p>Recommend the committee eliminate this mandate because it is not needed.</p> <p>District reports were designed to provide data to the State Department of Education (SDE) for follow-up audits. Specifically, the statute calls for districts to report to SDE on its compliance with the physical education time requirement each year. After receiving the reports, the department would send staff to 10 percent of districts to verify the physical education law was met.</p> <p>The department never implemented the district report requirement. Instead, SDE is auditing the physical education requirement as part of its existing Consolidated Compliance Review process. As a result, SDE reviews compliance with the physical education requirement in about 25 percent of districts each year.</p>

Immunization Records

Summary:	Obtain evidence that newly enrolled students have received specific immunizations.
2004-05 Projected Cost:	\$4 million.
Reimbursement Basis:	Actual costs incurred.
Specific Requirements:	<p>Districts are required to exclude students who have not had eight required immunizations. The immunization requirement can be waived under specific circumstances.</p> <p>This mandate reimburses districts for:</p> <ul style="list-style-type: none">▪ Notifying parents that a student would be excluded from school—and excluding students from school if warranted—if written evidence of immunizations is not provided.▪ Referring parents to a doctor, nurse, or county health department to obtain the immunizations.▪ Reporting to DHS on the immunization status of newly enrolled students.
Comments:	We were unable to reach staff in DHS to determine whether the department uses the data from districts.

American Government Course Documents

Summary:	Teach students about specific documents that are important in United States' history.
2004-05 Projected Cost:	\$200,000.
Reimbursement Basis:	Actual costs incurred.
Specific Requirements:	<p>All pupils are required to read and be taught six documents from the early history of the country:</p> <ul style="list-style-type: none">▪ The Declaration of Independence.▪ The United States Constitution.▪ Selections from the Federalist Papers.▪ The Emancipation Proclamation.▪ The Gettysburg Address.▪ George Washington's Farewell Address.
Comments:	<p>Recommend the committee revise this mandate to encourage districts to have students read and be taught these documents.</p> <p>The state developed content standards to identify the subject matter and skills students should learn in most subject areas. The history standards for grade 11 (United States history) approved by the State Board of Education include all six documents.</p> <p>By including these documents in the content standards and state assessments, the state created stronger forces to accomplish the same goal as the mandate—with no additional cost.</p> <p>For instance, state standards-based assessments include questions on these documents. Since the mandate's directive that students read and be taught the material is not enforceable, including test questions on this material is probably the strongest step the state can make to encourage districts to learn about these documents.</p>

Graduation Requirements

Summary:	Requires students to take specific types of courses in order to graduate from high school.
2004-05 Projected Cost:	\$12.4 million.
Reimbursement Basis:	Actual costs incurred.
Specific Requirements:	<p>State law requires students to take a minimum number of courses in mathematics, English, science, social science, and other subject matter as a condition of graduating from high school.</p> <p>The costs associated with this mandate result from increasing the number of required science courses from one to two.</p>
Comments:	<p>Recommend the committee request DOF to ask CSM to clarify its claiming guidelines to ensure that districts participating in the state's school facilities construction program cannot also claim reimbursement for facility costs under this mandate.</p> <p>The CSM's claiming guidelines allow districts to claim for construction or remodeling of science laboratories, as well as higher costs for staffing and supplies.</p> <p>The CSM's guidelines also require districts to offset their costs by any other state or federal funds that could be used to pay for these costs. Generally, however, districts fail to include the state's construction funds as an offset.</p>