

**FREQUENTLY ASKED QUESTIONS RELATED TO  
MANDATED-COST PROGRAMS—  
LOCAL AGENCIES, SCHOOL DISTRICTS, AND COMMUNITY COLLEGES**

*Responses to questions frequently asked of the State Controller's Office (SCO) regarding local government (local agencies, school districts, and community colleges). Additional mandated cost information is available on the SCO website at [www.sco.ca.gov](http://www.sco.ca.gov) (click on the State Mandate Information quick link). For the purposes of this document, local agencies may include city, county, authority, or other political subdivisions of the state, including special districts; and school districts may include the county superintendent of schools.*

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### **1. How is a mandate established?**

Pursuant to Government Code section 17551, subdivision (c), within one year—of the latter of (1) the effective date of a statute or executive order or (2) incurring increased costs as a result of a statute or executive order—local government entities may file a test claim with the Commission on State Mandates (CSM). The CSM reviews test claims, solicits input, and determines if it is a mandate.

### **2. Who determines what specific activities are reimbursable?**

The Commission on State Mandates (CSM) determines what activities are reimbursable. The CSM solicits input and adopts parameters and guidelines consistent with the statement of decision. The parameters and guidelines identify reimbursable activities and provide that claimants are allowed to claim and be reimbursed only for increased costs related to the reimbursable activities identified. Unless otherwise noted, the parameters and guidelines and various Government Code provisions require claimants to claim actual costs. The statement of decision and supporting staff analysis provide additional clarification if the parameters and guidelines for a specific mandate are not clear.

### **3. Who issues claiming instructions?**

The SCO issues claiming instructions pursuant to Government Code section 17558, subdivision (b), within 90 days after the Commission on State Mandates adopts new or amended parameters and guidelines. The claiming instructions allow claimants to file initial and ongoing reimbursement claims. The SCO solicits input from interested parties before issuing new or amended claiming instructions.

The SCO website identifies the claiming instructions for ongoing legislatively mandated-costs programs under “Manuals and Updates.” A separate link allows access to claiming instructions related to initial claims for newly approved or amended mandated-cost programs.

#### **4. When are claims for reimbursement due?**

Annual reimbursement claims are due February 15 following the fiscal year in which costs are incurred. Initial reimbursement claims are due 120 days after the claiming instructions are issued.

#### **5. Can the parameters and guidelines be updated to clarify reimbursable activities?**

Yes. Pursuant to the Title 2, *California Code of Regulations*, Division 2, Chapter 2.5, Article 3, section 1183.2, an interested party can request that the Commission on State Mandates amend, modify, or supplement the parameters and guidelines consistent with the statement of decision.

#### **6. Is there standard language that describes “actual costs?”**

Yes, most parameters and guidelines provide the following guidance related to actual costs:

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee records, time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, “I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct,” and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

#### **7. Are there alternatives to maintaining actual time records?**

No, unless the program’s parameters and guidelines identify a uniform time allowance or some other alternate reasonable reimbursement methodology. Although certain situations allow claimants to document mandate-related time by using a time study, a valid time study still requires actual time records for the time period(s) sampled. An effective time study requires that an activity be a task that is repetitive in nature. Activities that require a varying level of effort are not appropriate for time studies. The time study guidelines are available on the SCO website.

#### **8. What is a reasonable reimbursement methodology?**

Government Code section 17518.5 defines a reasonable reimbursement methodology as a formula for reimbursing local government for costs mandated by the State, as defined in section 17514.

## **9. What are the different processes available in developing a reasonable reimbursement methodology?**

Pursuant to Government Code section 17518.5, a reasonable reimbursement methodology may be developed through the Commission on State Mandates' (CSM) process in consultation with the Department of Finance (DOF), the SCO, an affected State agency, a claimant, or an interested party.

Pursuant to sections 17557.1 and 17557.2, a test claimant and the DOF may develop a reasonable reimbursement methodology (RRM) outside of the CSM process. The jointly developed RRM is proposed to the CSM in lieu of a local government submitting proposed parameters and guidelines for new mandates.

In addition, section 17573 established an alternative to the test claim process for pursuing unfunded mandates. A local government or statewide association must first obtain an agreement from the DOF to jointly pursue the development of a legislatively determined mandate proposal that will be submitted to the Legislature in bill form. The legislation would determine the existence of a mandate, establish a reasonable reimbursement methodology, and appropriate funds.

## **10. Does the SCO pre-approve time studies?**

No; however, if the SCO is conducting an audit and a claimant chooses to perform a time study to support costs claimed in previous years, the claimant should submit a time-study plan for the SCO's review to minimize any potential problems. Time-study guidelines are on the SCO website.

## **11. Does the SCO audit to statutory provisions or regulations?**

The SCO audits to the mandated program's parameters and guidelines, which are regulations adopted by the Commission of State Mandates (CSM). The SCO considers the CSM's statement of decisions, supporting staff analysis, and statutory provisions in clarifying reimbursable activities.

## **12. What authority does the SCO have to perform mandated-cost audits?**

The SCO performs audits of filed mandated-cost claims under the authority of Government Code sections 12410, 17558.5, and 17561.

## **13. When can the SCO conduct an audit?**

Pursuant to Government Code section 17558.5, the SCO must initiate an audit within three years of the date on which a claimant files or last amends—whichever is later—an actual reimbursement claim. However, if no funds are paid to the claimant for the claim filed, the three-year statutory period begins from the date the SCO made the first payment for that claim. The SCO considers the initial telephone contact date with the auditee to be the initiation date of the audit.

**14. How long must claimants retain documentation that supports mandated-cost claims?**

A claimant must maintain records for the statutory period in which the claim is subject to audit by the SCO.

**15. Is there a timeline or deadline for the SCO to complete an audit?**

Pursuant to Government Code section 17558.5, the SCO must complete the audit within two years of the audit start date. The SCO considers the initial telephone contact date with the auditee to be the audit start date.

**16. What auditing standards does the SCO use to perform mandated-cost program audits?**

The SCO performs audits in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States. The performance audit fieldwork standards (section 6.56) require an auditor to obtain sufficient, appropriate evidence to provide a reasonable basis for the auditors' findings and conclusions.

**17. Are mandated-cost audit reports posted on the SCO website?**

Yes, the SCO posts mandated-cost audit reports monthly.

**18. What recourse does a claimant have if it disputes an audit finding?**

A claimant may file an Incorrect Reduction Claim (IRC) with the Commission on State Mandates (CSM) within three years of the SCO notification of adjustment. The CSM website ([www.csm.ca.gov/docs/IRCForm.pdf](http://www.csm.ca.gov/docs/IRCForm.pdf)) provides guidance in filing an IRC.

**19. Why aren't mandated-cost programs fully funded?**

The Legislature is responsible for appropriating funds to pay mandated-cost program claims approved for reimbursement by the SCO.

**20. What responsibility does the SCO have to ensure that sufficient funds are available to pay for mandated-cost programs?**

By May 1 of each year, the SCO submits a Deficiency Report to the Department of Finance and the Legislature, notifying them of the amount of outstanding claims for reimbursement approved for payment by the SCO. The report includes schedules that identify the funding deficiencies by program and fiscal year. This annual report is available on the SCO website.

**21. When must the SCO pay a local government for reimbursement claims submitted?**

If funding is appropriated by the Legislature, Government Code section 17561, subdivision (d), requires the SCO to pay eligible claims by October 15, or 60 days after the effective date of the appropriation, whichever is later.

## **22. What is the penalty for filing a late claim?**

The penalty for filing a late claim is 10% of the claim amount. If a local government submits an amended claim after the deadline specified in Government Code section 17560, the SCO will reduce the claim by 10% of the increased claim amount. Chapter 179, Statutes of 2007 (SB 86) established a \$10,000 maximum penalty on annual reimbursement claims filed on or after August 24, 2007. There is no maximum penalty on initial reimbursement claims. The penalty for filing a late claim is based on allowable costs; therefore, the penalty is reduced for any desk review or field audit adjustments.

## **23. How does the SCO recoup overpayments identified in mandated-cost program audits?**

The SCO offsets audit adjustments from mandated-cost reimbursements to be made in subsequent years. Alternatively, the claimant may remit the amount to the State. The SCO cannot recover any overpayments of mandated-cost claims by offsetting funds appropriated by the Legislature for purposes unrelated to mandated-cost reimbursements.

## **24. What general issues has the SCO identified in claims filed by local agencies, schools, and community colleges?**

- Subsidiary claim schedules do not reconcile with the FAM-27 Certification of Claim form
- Subsidiary claim schedules and the FAM-27 amounts are not rounded to whole dollars
- Supporting summary schedules do not agree with the subsidiary claim schedules
- Mathematical or typographical errors result in incorrect claim costs
- Filed claims do not contain detailed salaries and benefits information by individual employee, as required by the claiming instructions
- The most current forms are not used
- The FAM-27 is either not signed or an original signature is not provided
- Required documents (e.g., contracts) are not submitted
- Indirect costs are incorrectly calculated
- Duplicate costs are claimed
- Non-mandate-related training hours are claimed
- Unallowable costs are claimed (costs not identified as reimbursable activities in the program's parameters and guidelines)
- Employee productive hourly rates are not supported by payroll and attendance records. (For instance, employee wage rates are overstated and annual productive hours are understated.)
- Sufficient documentation identifying mandate-related materials and supplies is not maintained
- Documentation supporting claimed costs is not available at start of audit

### **Issues Raised by Local Agencies:**

## **25. Which local agency programs allow the use of a time study for some or all of the reimbursable activities?**

Mandate-related activities performed using standardized procedures that identify a repetitive task may be documented by a time study. The current procedures must be identical to the procedures used during the period to which time study results will be applied. The parameters and guidelines

for the following programs allow the use of a time study for some or all of the reimbursable activities:

- Countywide Tax Rates
- Custody of Minors – Child Abduction and Recovery
- Domestic Violence Arrests and Victim Assistance
- Domestic Violence Background Checks
- Local Government Employee Relations
- Peace Officers Procedural Bill of Rights
- Pesticide Use Reports
- Voter Identification Procedures

## **26. What are the primary reasons for the SCO audit adjustments?**

Audit adjustments are commonly attributable to: (1) employees' time claimed without supportive documentation for initial reimbursement claims; (2) non-mandate-related activities claimed; and (3) other general issues.

### (1) Employees' Time Claimed Without Supportive Documentation for Initial Reimbursable Claims

Claimants often support employees' time claimed on initial reimbursement claims with estimated, rather than actual, time spent performing mandate-related activities. These estimates often are not supported with any source documents. They often are prepared after fiscal year-end. These estimates are not acceptable source documents. Hours recorded must be traceable to source documents used in developing the estimates (e.g., time records, employee sign-in sheets, logs, or calendars). Claimants must maintain source documents that support certifications throughout the period during which the costs are subject to audit.

Consistent with the guidance provided in the parameters and guidelines and/or claiming instructions, a source document is a document created at or near the same time the actual costs were incurred for the event or activity in question. The source document must show the validity of the costs, when they were incurred, and their relationship to the reimbursable activities.

Time records should identify all of the work performed by an employee on a daily basis and should be signed and dated monthly by the employee. This is consistent with Title 2, Code of Federal Regulations, Part 225 (formerly Office of Management and Budget Circular A-87) requirements. The SCO closely scrutinizes time records or logs that identify only mandate-related activities.

Training or meeting sign-in sheets also are valid time records. Sign-in sheets should be dated and accompanied by an agenda or other training or meeting materials that identify the subject matter and specify the actual time spent on mandate-related activities.

The SCO has identified the following additional time record problems with mandated-cost claims:

- Claimant did not provide adequate supporting documentation (e.g., time records, time logs, or calendars) to support claimed costs

- Claimant did not support time study used with actual source documentation
- Claimant did not provide documentation to support a percentage of an employee's salary costs charged to the mandated program
- Employees reported time worked based on an average time per occurrence. The claimant did not provide documentation (such as a time study or log) that supports the average time claimed
- Time logs did not show the date(s) on which employees performed mandate-related activities
- Time records did not validate that employees performed mandate-related activities

## (2) Non-Mandate-Related Activities Claimed

- *Custody of Minors – Child Abduction and Recovery Program*
  - Costs related to:
    - Non-mandate-related cases
    - Child abduction cases that already have progressed to trial
    - “Good cause only” cases under Penal Code section 287.7
  - Unreported offsetting reimbursements related to court-ordered restitution payments and/or Peace Officer Standards and Training (POST) training cost reimbursements
- *Domestic Violence Arrest Policies and Standards Program*
  - Overstating number of domestic violence incident reports
  - Claiming the full uniform time allowance of 29 minutes when both parties were not interviewed. The SCO allows 8.5 minutes of the 17 minutes allotted for interviewing both parties if the documentation shows that only one party was interviewed
  - Claiming reports for incidents that do not meet the definition of “domestic violence” pursuant to Penal Code section 13700
  - Claiming an unsupported average productive hourly rate for officers who normally respond to domestic violence incidents
- *Open Meetings Act/Brown Act Reform Program*
  - Costs not related to preparation and posting of agenda items in areas open to public access at least 72 hours prior to the meeting, e.g., costs incurred to develop, review, and approve agenda items.
- *Peace Officers Procedural Bill of Rights Program*
  - Administrative Activities: non-mandate-related training courses and general clerical or data entry costs for maintaining case files
  - Administrative Appeals: defending lawsuits filed against local agencies
  - Administrative Appeals: appeals for dismissals, demotions, suspensions, salary reductions, and written reprimand for someone other than the Chief of Police
  - Interrogations: interrogations during normal duty hours, time incurred by investigators to perform interrogations and prepare interrogation questions, recording interrogations or producing transcriptions when peace officers have not requested this information, and writing investigation reports
  - Note: Commencing with the fiscal year 2006-07 claim, a claimant may elect to claim costs using the reasonable reimbursement methodology (RRM) of \$37.25 per full-time sworn peace officer rather than claiming based on actual costs. The election is



by a claimant, not department (i.e., a county may not use the RRM for one department and actual costs for another department)

- *Pesticide Use Reports Program*
  - Unreported offsetting reimbursements for Mill Tax Assessments and the data entry contract with the Department of Pesticide Use Regulation
  - Salaries and benefits for costs associated with restricted materials
  
- *Sexually Violent Predators (SVP) Program*
  - Transportation costs for SVP prisoners transported with non-SVP prisoners
  - On-going rather than one-time training costs
  - Understated daily jail rates (limited rate to the State Department of Corrections and Rehabilitation (CDCR) approved capped rates rather than CDCR's actual rates based on CDCR's Prior Rate Estimate Adjustment schedules)

### (3) Other General Issues

- Claiming indirect costs using an indirect cost rate prepared from budgeted rather than actual costs
- Claiming direct mandate-related costs that the claimant reported as indirect costs in its indirect cost rate proposal
- Not accounting for revenues received that are directly attributable to materials and supplies the claimant included in its indirect cost pool
- Including salaries and benefits in the indirect cost pool the claimant charged directly to other state or federal programs
- Applying indirect cost rate to direct mandate-related costs that were not included in the indirect cost rate proposal's direct cost base
- Applying the allowed flat 10% indirect cost rate to salaries and benefits rather than to salaries only
- Not maintaining contemporaneous time records to support actual time that employees spent performing both direct and indirect activities
- Not reporting applicable offsetting reimbursements
- Refer to Question No. 24 for additional issues

### **Issues Raised by Schools:**

#### **27. Does the California Department of Education (CDE) provide guidance in supporting actual costs?**

Yes, the CDE's California School Accounting Manual (CSAM), Procedure 905, provides salary and wage documentation requirements that are applicable to federal and state restricted programs. Although the CDE identifies mandated-cost programs as state unrestricted programs, Procedure 905 recognizes that its documentation requirements also may be required for other state programs. The CDE states that these requirements also apply to mandated-cost programs.

Procedure 905 states that local education agencies are required to use Office of Management and Budget (OMB) Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments (codified as Title 2, *Code of Federal Regulations* [CFR], Part 225) or the alternative documentation requirements for state programs. The alternative documentation differs only

slightly from Title 2, CFR, Part 225. Procedure 905 provides guidance for employees working solely on one cost objective (semi-annual certifications) and for employees working on multiple activities or cost objectives (personnel activity reports or equivalent documentation).

Title 2, CFR, Part 225, subsection (h)(4), states:

Where employees work on multiple activities or cost objectives, a distribution of their salaries or wages will be supported by personnel activity reports or equivalent documentation which meets the standards in subsection (5) unless a statistical sampling system (see subsection (6) or other substitute system has been approved by the cognizant Federal agency. . . .

Title 2, CFR, Part 225, subsection (h)(5), states:

Personnel activity reports or equivalent documentation must meet the following standards: (a) They must reflect an after-the-fact distribution of the actual activity of each employee, (b) They must account for the total activity for which each employee is compensated, (c) They must be prepared at least monthly and must coincide with one or more pay periods, and (d) They must be signed by the employee.

The implementation guide to Title 2, CFR, Part 225, ASMB C-10, states:

Where effort is expended on a number of activities with constant variations throughout the day as well as from day to day, a month-end certification would be unacceptable.

## **28. Can charter schools submit claims for reimbursement?**

No, charter schools are not eligible claimants. The Commission on State Mandates (CSM) adopted the Charter School III Statement of Decision on May 25, 2006. The CSM stated that a “charter school is voluntarily participating in the charter program at issue” and that a charter school is not a school district under Government Code section 17519 and therefore is not eligible to claim reimbursement under Government Code section 17560. Thus, costs incurred by charter schools are not eligible for reimbursement either directly or through a third party (i.e., a school district or superintendent of schools).

## **29. Which school district programs allow the use of a time study for some or all of the reimbursable activities?**

Mandate-related activities performed using standardized procedures that identify a repetitive task may be documented by a time study. The current procedures must be identical to the procedures used during the period to which time study results will be applied. The parameters and guidelines for the following programs allow the use of a time study for some or all of the reimbursable activities.

- Habitual Truant
- Interdistrict Attendance Permits
- Intradistrict Attendance
- Juvenile Court Notices II
- Notification of Truancy (only for unique costs recognized by the Commission on State Mandates)
- Physical Performance Tests

### **30. What are the primary reasons for the SCO audit adjustments?**

Audit adjustments are commonly attributable to: (1) employees' time claimed without supportive documentation; (2) non-mandate-related activities claimed; and (3) other general issues.

#### **(1) Employees' Time Claimed Without Supportive Documentation**

Claimants often support claimable employees' hours with certifications that reflect estimated, rather than actual, time spent performing mandate-related activities. These certifications are not supported by any source documents. They often are prepared after fiscal year-end and may also be unsigned and/or undated. These certifications are not acceptable source documents. Hours recorded must be traceable to source documents used in developing the certifications (e.g., time records, employee sign-in sheets, logs, or calendars). Claimants must maintain source documents that support certifications throughout the period during which the costs are subject to audit.

Consistent with the guidance provided in the parameters and guidelines and/or claiming instructions, a source document is a document created at or near the same time the actual costs were incurred for the event or activity in question. The source document must show the validity of the costs, when they were incurred, and their relationship to the reimbursable activities.

Time records should identify all of the work performed by an employee on a daily basis and should be signed and dated monthly by the employee. The SCO closely scrutinizes time records or logs that identify only mandate-related activities.

Training or meeting sign-in sheets also are valid time records. Sign-in sheets should be dated and accompanied by an agenda or other training or meeting materials that identify the subject matter and specify the actual time spent on mandate-related activities.

The SCO has identified the following additional time-record problems:

- The claimant did not provide any documentation (e.g., time records, time logs, or calendars) to support claimed costs
- The claimant did not provide any documentation to support a time study allegedly used to calculate claimed costs or did not support a time study used with actual source documentation
- The claimant's time study sample selection methodology was not statistically valid
- The claimant did not provide documentation to support a percentage of an employee's salary costs charged to the mandated program
- Employees reported time worked based on an average time per occurrence. The claimant did not provide documentation (such as a time study or log) that supports the average time claimed
- Time logs did not show the date(s) on which employees performed mandate-related activities
- Time records did not validate that employees performed mandate-related activities

## (2) Non-Mandate-Related Activities Claimed

- *Collective Bargaining and Collective Bargaining Agreement Disclosure Program*
  - Grievances that are actually non-reimbursable personnel issues
  - Individual preparation time for at-table negotiations
  - Fiscal analysis performed after the initial contract proposal or that was required by the prior year's collective bargaining agreement
  - Generic collective-bargaining training at conferences, workshops, and seminars that does not deal with "the negotiated contract"
  - More than five employer representatives present at negotiation sessions
  - Winton-Act base-year direct costs not reported or incorrectly reported
  - Use of the incorrect implicit price deflator when calculating 1974-75 Winton Act adjusted costs
  - Failing to apply the indirect cost rate to contract services (specific to school districts)
  - Estimated hours/costs
  - Personal development and informational programs (classes, conferences, seminars, workshops) and related travel
  - Claiming travel expenses for consultants and attorneys at a higher rate than received by State employees
  - Claiming salaries and benefit costs for bargaining unit representatives rather than costs of substitutes for release time of bargaining unit representatives participating in negotiations
  - Failing to provide documentation identifying the dates that substitutes worked for bargaining unit representatives
  - Claiming salary and benefit costs under Contract Administration for supervisory and management personnel attendance at staff meetings in which collective bargaining updates were provided
  - Costs incurred for updating district software systems for terms of negotiated contracts related to payroll changes
  
- *Habitual Truant Program*
  - Verifying the reasons for student absences
  - Suspension or independent study days counted as unexcused absences, resulting in the district claiming costs attributable to pupils who have not met the minimum criteria to be classified as habitual truants
  
- *Law Enforcement Agency Notification and Missing Children Reports (Consolidation) Program*
  - Investigating the incident, or arresting and processing the student
  
- *Notification of Truancy Program*
  - Notification letters that did not contain the eight elements required by the program's parameters and guidelines The SCO allows a prorated portion of the unit cost allowance for notifications that contain fewer than the eight required items.
  - No documentation showing that the claimant performed the mandate-related activity (i.e., distribution of initial truancy notification letters)
  - Claiming letters distributed to students who did not have at least three unexcused absences
  - Counting unexcused absences accumulated before age 6 or after age 18 in determining whether a student is truant

- Suspension or independent study days counted as unexcused absences, resulting in an overstatement of the number of unexcused absences initially classified as truancy
- Claiming multiple notifications sent for the same student
- *The Stull Act Program*
  - Pre- and post-evaluation conferences
  - Evaluations of non-certificated employees
  - Evaluations of certificated non-instructional employees, unless the employee receives an “unsatisfactory” evaluation
  - Evaluations of hourly, part-time, or substitute certificated instructional employees
  - Claiming in excess of the number of annual evaluations allowed by the parameters and guidelines

(3) Other General Issues

- Claimed employee costs were funded or reimbursed from restricted revenue sources. CSAM Procedure 310 identifies restricted revenue limit, federal, and state sources as resource codes 2000 through 7999.
- Refer to Question No. 24 for additional issues.

**31. What other issues have the SCO’s audits identified?**

The SCO has identified the following issues:

(1) Period Accounting Issue

SCO audits have identified an issue common to Notification of Truancy Program claimants regarding identifying unexcused absences at the middle and high school levels. Education Code section 48260.5 requires schools to issue initial truancy notification letters for truant students.

Education Code section 48260, subdivision (a), states:

Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse three full days in one school year or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.

For middle and high schools, many schools maintain attendance by period but do not count single-period unexcused absences as one unexcused absence when identifying truant students. Instead, schools erroneously count six unexcused period absences as one unexcused absence (using the premise that one day contains six periods; thus 18 periods equates to three days). As a result, these school attendance systems have two potential flaws: (1) The school may not comply with Education Code section 48260.5 regarding timely notifications. For example, if a student has a first-period unexcused absence for 18 consecutive days, the school will not issue an initial truancy letter until well after the student meets the definition of a truant and an habitual truant. (2) The school may not comply with Education Code section 48260.5 for certain students. For example, if a student has a first-period unexcused absence for ten days, the student is truant by statutory definition, but the school attendance system will not identify the student as truant.

## (2) Notification of Truancy Program Changes

Pursuant to Chapter 69, Statutes of 2007 (AB 1698), the Commission on State Mandates (CSM) amended the program's parameters and guidelines on January 31, 2008. The amendments revise the definition of a truant pupil to conform to Education Code section 48260. In addition, the amendments revise the truancy notification requirements to conform to Education Code section 48260.5. The amendments do not change existing statutory requirements; instead, they bring the program's parameters and guidelines into conformance with existing statutory requirements. The parameters and guidelines amendments are effective July 1, 2006.

Pursuant to Chapter 724, Statutes of 2010 (AB 1610), districts are required to notify the pupil's parent or guardian using the most cost-effective method possible, which may include electronic mail or telephone call. The SCO submitted to the CSM proposed parameters and guidelines on November 8, 2011 related to reimbursing districts for initial truancy notifications by a method other than an initial truancy form. This proposal has not yet been heard and decided by the CSM. Pending a decision by the CSM, only the costs of initial truancy notifications by an initial truancy form is reimbursable. Documentation standards have not yet been identified for other notification methods.

### **Issues Raised by Community Colleges:**

#### **32. Does the California Community Colleges Chancellor's Office (CCCCO) provide guidance in supporting actual costs?**

No.

#### **33. Which community college programs allow the use of a time study for some or all of the reimbursable activities?**

Mandate-related activities performed using standardized procedures that identify a repetitive task may be documented by a time study. The current procedures must be identical to the procedures used during the period to which time study results will be applied. The parameters and guidelines for the Health Fee Elimination program allow the use of a time study for some or all of the reimbursable activities.

#### **34. What are the primary reasons for the SCO audit adjustments?**

Audit adjustments are commonly attributable to: (1) employees' time claimed without supportive documentation; (2) non-mandate-related activities claimed; (3) other specific issues; and (4) other general issues.

##### (1) Employees' Time Claimed Without Supportive Documentation

- *Enrollment Fee Collection and Waivers Program*
  - Districts only provide declarations (time surveys) based on estimates as support for the time increments required to perform the six ongoing activities of Calculating and Collecting Enrollment Fees and the six ongoing activities of Waiving Student Fees. Districts provide no actual cost documentation, such as time studies, to support the costs claimed.

- *Health Fee Elimination Program*
  - Districts frequently claim a percentage of counselor salary costs without any documentation supporting the percentage applied.

## (2) Non-Mandate-Related Activities Claimed

- *Collective Bargaining and Collective Bargaining Agreement Disclosure Program*
  - Refer to discussion under Issues Raised by Schools, “Non-Mandate-Related Activities Claimed”
- *Enrollment Fee Collection and Waivers Program*
  - Including nonresidents or special part-time students in the district’s net enrollment numbers
  - Claiming Preparation of Policies and Procedures costs beyond a one-time occurrence that are not related to changes/updates in State requirements
  - Claiming costs for Training District Staff beyond a one-time occurrence
- *Health Fee Elimination Program*
  - Athletic insurance costs
  - Salary costs of health professionals present at athletic events
  - Costs not required to maintain health services, such as promotional key chains, pens, coolers, tee-shirts, and refreshments
  - Services not provided in the fiscal year (FY) 1986-87 base year
  - Bad debt expense related to uncollected student health fees
  - District administrative costs (indirect costs) claimed as services and supplies

## (3) Other Specific Issues

- *Enrollment Fee Collection and Waivers Program*
  - Districts claim time increments for conducting the six ongoing activities of Calculating and Collecting Enrollment Fees and the six ongoing activities of Waiving Student Fees that are often significantly overstated.
  - Districts do not provide documentation supporting the additional time required to perform the reimbursable activities when using less automated procedures during the earlier years of the mandated program.
  - Districts overstate costs because they did not adjust student enrollment for students that paid their enrollment fees online or through a telephone payment system rather than in person.
  - Districts overstate the number of BOGG fee waivers granted to students.
  - Districts claim blended productive hourly rates for departments without allocating the level of involvement for various district staff who performed the reimbursable activities.
  - Districts understate the amount of offsetting revenues received from the State related to 2% of enrollment fees collected (Enrollment Fee Collection) and/or amounts related to 2% of enrollment fees waived and \$0.91 per credit unit waived (Enrollment Fee Waivers).

- *Health Fee Elimination Program*
  - Districts do not report the correct amount of authorized health service fees. Districts report incorrect amounts by: (1) reporting actual fees collected rather than authorized fees; (2) reporting inaccurate student enrollment, apprenticeship program enrollment, and students who depend exclusively on prayer for healing; and (3) calculating authorized fees using an incorrect authorized fee per student. The SCO obtains the non-duplicated count for student enrollment and apprenticeship program enrollment from the CCCCCO. The CCCCCO extracts this information from annual reports that districts submit.
  - Districts do not report other health service-related revenue received, including additional fees charged to students.
  - Districts do not accurately document health services provided in both the base-year (FY 1986-87) and the claim year. Frequently, districts alter the base-year services identified from one claim year to the next and do not document actual base-year services provided. Districts also inappropriately modify the standardized claim form (HFE-2) to include services that are not identified in the parameters and guidelines. In addition, districts do not maintain documentation that adequately identifies claim-year services provided.
  - Districts do not document actual time spent performing activities that exceed base-year activities.
  - For FY 2004-05 and subsequent fiscal years, districts claimed indirect costs using a methodology other than the SCO's FAM-29C, which is not allowed by the parameters and guidelines and claiming instructions for this mandated program.

(4) Other General Issues

- Claimed indirect cost rates were not in accordance with a methodology allowed by the parameters and guidelines (e.g., they were either not federally approved or were not calculated correctly using the SCO's FAM-29C methodology).
- Refer to Question No. 24 for additional issues,

**35. Are there other issues regarding the Health Fee Elimination Program found by the SCO audits that the claimants should be aware of?**

Yes, other significant issues are described below:

- The first term of a fiscal year is the summer session.
- For fiscal year (FY) 2011-12, the authorized health service fee per student is \$18 per fall and spring semesters and \$15 per quarter, summer session, or winter intersessions of four weeks or more. However, community colleges were not notified by the CCCCCO until August 20, 2011, of the fee increase. Therefore, for audit purposes, the SCO only will require claimants to record the increased fee amounts on the mandated-cost claims effective with the FY 2011-12 winter quarter (for districts using the quarter schedule) or the FY 2011-12 winter intersession (for districts using semester schedules). If the district does not hold a winter intersession, the SCO will require that the increased fee be recorded on the mandated-cost claims commencing with the spring 2012 semester. Conversely, the SCO will require that the increased fee be recorded on the mandated-cost claims in earlier sessions if the district's records show that it implemented the fee increase earlier than the sessions identified above.



- For FY 2012-13 and FY 2013-14, the authorized health service fee per student is \$19 per fall and spring semesters and \$16 per quarter, summer session, or winter intersessions of four weeks or more.