

April 21, 2009

Education Mandates

LEGISLATIVE ANALYST'S OFFICE

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Assembly Budget Subcommittee No. 2

On Education Finance

Hon. Wilmer Amina Carter, Chair





Existing Mandate System Has Well-Recognized Problems

- ☑ The existing mandate system creates *budget* problems:
 - Costs often exceed expectations.
 - Districts claim vastly different amounts for similar activities.
 - State typically defers payment, resulting in large backlog.

- ☑ Also creates *policy* problems:
 - Reimbursement process can reward inefficiency.
 - State cannot hold districts accountable for results.



Court Case Creates Significant Pressure To Address Mandate Problems

- In 2008, a Superior Court found the state's practice of deferring payments for education mandates unconstitutional.
- Separation of powers means the court cannot force the state to pay for mandates.
- Court's decision does, however, create significant pressure to address mandate problems.



Three Proposals for Addressing Mandate Costs/Problems

- Continue the current practice of deferring all mandates (*2009-10 Budget Act*).
- Suspend all mandates (Governor).
- Reform mandates based on individual merits (LAO)—group into three categories:
 - Eliminate some mandates that do not serve a compelling purpose.
 - Eliminate other mandates, but preserve underlying policies.
 - Retain some mandates that serve a compelling purpose. Develop a standardized methodology for reimbursing districts.



Current Practice of Deferring Mandate Payments Does Not Address Existing Problems or Court Case

- Deferring mandate payments ignores long-standing budget and policy problems.
- Fails to address recent court decision.
- Sends mixed messages to districts regarding which activities are still deemed important.



Governor's Proposal Addresses Court Case, Fails to Address Long-Term Problems

- Governor's proposal addresses court case by not requiring mandated activities to be conducted in 2009-10.
- But provides only a short-term budget solution.
- And eliminates *all* policies underlying mandates for 2009-10, including:
 - High school science graduation requirements.
 - Collective bargaining.
 - District oversight of charter schools.
- Creates confusion for districts regarding which activities are still required.
- Raises possibility mandate could be reinstated.



LAO Reform Plan Addresses Court Case And Underlying Problems

- LAO plan addresses both the court case and long-standing mandate problems.
- Unlike other proposals, provides lasting solutions to both budget and policy problems.
- Sends clear signals to districts as to which activities are still required.
- Starts by reforming the five costliest mandates.
- Proceeds by reforming most mandates with annual cost of more than \$500,000.
- Groups mandates into one of three reform categories.



Group Mandates Into One of Three Categories

Group Mandates Into One of Three Reform Categories

LAO Recommendation	Applicable Mandates
<p>Eliminate the mandate entirely</p>	<ul style="list-style-type: none"> • Physical performance tests • Law enforcement notifications • Removal of chemicals • Enrollment fee and waiver (CCC) • Health fee/services (CCC)
<p>Eliminate all or part of the mandate, but preserve the underlying policy</p>	<ul style="list-style-type: none"> • Graduation requirement • Behavioral intervention plans • Collective bargaining • Stull Act • Notification of truancy • Habitual truant • AIDS prevention • Caregiver affidavits • Notification to teachers of expulsion
<p>Retain the mandated activities, standardize reimbursement</p>	<ul style="list-style-type: none"> • High school exit exam • Immunization records (including Hepatitis B) • Comprehensive school safety • Integrated Waste Management Board (CCC—depending on cost)



High School Science Graduation Requirement

- ☑ Graduation requirement mandate provides example of mandate problems.
 - In 1983, the state increased high school science graduation requirement from one class to two.
 - Originally, mandate was not expected to impose any additional cost on school districts.
 - After going through the mandate process, could cost roughly \$2 billion in outstanding claims and \$200 million in ongoing annual claims.
 - The Governor's proposal to suspend the mandate would eliminate cost of the mandate in the budget year but would also suspend the high school science graduation requirement.
 - LAO proposal to reform mandate would make a simple statutory change that would permanently eliminate the ongoing cost of the mandate but preserve the science graduation requirement.



Education Mandates

K-12 Education Mandates				
<i>(In Millions)</i>				
Mandate	Legal Reference	Estimated 2009-10 Cost	Requirements	Comments/ Recommendations
Graduation Requirement	Ch. 498/83	\$196	Changed high school graduation requirement from one to two science classes. Reimburses costs of second science class, including teacher salaries, equipment, and classroom facility costs.	Eliminate but preserve policy prospectively by placing reasonable limits on districts' ability to require classes beyond those the state requires.
Behavioral Intervention Plans (BIPs)	Ch. 959/90	65	Requires districts to develop BIP as part of a student's Individualized Education Plan (IEP).	Eliminate but preserve policy by aligning state and federal law.
Collective Bargaining	Ch. 961/75	30	Reimburses districts for bargaining activities.	Eliminate but preserve policy. Bargaining no longer mandate in wake of appellate court decisions.
Stull Act	Ch. 498/83	24	Requires districts to: (1) ensure teacher met curricular objectives, (2) use student assessment scores in evaluation, and (3) conduct annual reviews of permanent certificated employees with unsatisfactory performance.	Eliminate but preserve policy. Activities mandated after 1971 should be permissive.
Notification of Truancy	Ch. 498/83	17	Reimburses districts for sending letter to alert parents that student is truant. Letter must inform parents of: (1) possible consequences of student being truant, (2) alternative education options, and (3) right to meet with school personnel.	Eliminate but preserve policy.
Mandate Reimbursement	Ch. 486/75	17	Reimburses districts for the process of filing mandate claims.	No existing recommendation.
Annual Parent Notification	Ch. 448/75	9	Requires districts to notify parents of: (1) CAHSEE requirement, (2) lack of credit for missed classes if student does not make up work, (3) definition of an excused absence, (4) availability of state funds for Advanced Placement test fees, and (5) course offerings.	No existing recommendation.

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Education Mandates

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Mandate	Legal Reference	Estimated 2009-10 Cost	Requirements	Comments/ Recommendations
Habitual Truant	Ch. 1184/75	8	Requires districts do the following before labeling a student as "habitually truant:" (1) request meeting with parents, (2) verify past truan- cies, (3) meet with parent, and (4) provide notification.	Eliminate but preserve policy. District Attorneys and School Attendance Review Boards (SARBs) already notify parents in writing if student is habitual truant.
High School Exit Exam	Ch. 1/99	7	Reimburses several test-related activities. Administration and test security are the most expensive.	Retain and standardize reimbursement.
Intradistrict Attendance	Ch. 161/93	6	Requires districts to: (1) set rules and regulations for intradistrict transfer, (2) determine school-site capacity, (3) create a random selection process for students in excess of school-site capacity, and (4) ensure that transfers do not adversely impact racial balance.	No existing recommendation.
Notification to Teachers of Expulsion	Ch. 1306/89	6	Requires districts to: (1) notify teachers of students mandatorily expelled, and (2) collect and maintain this data.	Eliminate but preserve policy.
Immunization Records—Hepatitis B	Ch. 375/78	5	Added Hepatitis B, as well as Measles, Mumps, and Rubella to previ- ous immunization mandate.	Retain and standardize re- imbursement. Consider re- moving reporting require- ments.
Comprehensive School Safety	Ch. 736/97	4	Requires districts to: (1) develop and adopt plans that meet the safety needs of each school, and (2) update those plans annually.	Eliminate annual update requirement, but retain and standardize reimbursement for certain activities.
Immunization Records	Ch. 1176/77	4	Requires districts to: (1) notify par- ent that child will be kept out of school without immunizations, (2) refer parents to doctor to obtain immunization, and (3) report to health department on immuniza- tions.	Eliminate reporting require- ment. Retain and standard- ize reimbursement for re- maining activities.
Pupil Suspension, Expulsions, Expulsion Appeals	Ch. 498/83	3	Requires districts to: (1) expel stu- dents for having firearm, commit- ting robbery, other offenses, and (2) adhere to due process such as by providing written notice to par- ents and explaining appeal options.	No existing recommendation.

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Education Mandates

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Mandate	Legal Reference	Estimated 2009-10 Cost	Requirements	Comments/ Recommendations
Scoliosis Screening	Ch. 1347/80	3	Requires scoliosis screenings in 7th and 8th grade.	No existing recommendation.
Pupil Promotion & Retention	Ch. 100/81	3	Requires districts to provide summer school and other interventions as part of new supplemental instruction law.	No existing recommendation.
School District Fiscal Accountability and Employee Benefits Disclosure	Ch. 100/81	2	Requires districts and counties to: (1) certify fiscal condition each year, (2) provide timeline for approving local budgets and submitting to public, and (3) participate in county office oversight activities.	No existing recommendation.
Physical Performance Tests	Ch. 975/95	2	Requires that districts administer physical fitness tests in grades 5, 7, and 9.	Eliminate.
Charter Schools II	Ch. 34/98	2	Requires certain districts to: (1) review petitions for charter renewal, (2) notify charter school of reasons for charter revocation, and (3) administer facility rentals.	No existing recommendation.
Law Enforcement Notifications	Ch. 117/89	2	Requires districts to notify law enforcement when students involved in illegal activity during school.	Eliminate. Most districts do this already. Costs \$95 per notification.
AIDS Prevention I & II	Ch. 818/91	1	Requires districts to notify parents of guest speakers on AIDS prevention or organizations providing instruction.	Eliminate but preserve policy.
Pupil Health Screenings	Ch. 1208/76	1	Requires districts to: (1) notify parents of health screening requirement, (2) follow up if no screening recorded within 90 days of start of school, and (3) report health screening results to state health department.	Eliminate requirement that districts report to health department. Retain and standardize reimbursement for other activities.

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Education Mandates

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Mandate	Legal Reference	Estimated 2009-10 Cost	Requirements	Comments/ Recommendations
Juvenile Court Notices	Ch. 1423/84	1	Requires schools to inform teachers when student convicted of misdemeanor or felony.	No existing recommendation.
Criminal Background Checks	Ch. 588/97	1	Requires districts to do: (1) background checks for certain certificated and non-certificated personnel, (2) related fingerprinting activities, and (3) development of relevant district policies.	No existing recommendation.
Removal of Chemicals	Ch. 1007/84	1	Requires districts to remove chemicals with outdated shelf life from science classrooms.	Eliminate. Districts already have strong legal incentives to remove hazardous materials.
Caregiver Affidavits	Ch. 98/94	1	Requires district to conduct certain activities if student lives with grandparent/caregiver. Activities include: (1) processing annual affidavits, (2) tracking residential status, and (3) developing related district policies and procedures.	Eliminate but preserve policy.