

AB 1522 Business Questions/Discussion to be Answered for FMS Programming

- Accrual is required to be retroactive to first day of work once employee works 30 days in the calendar year.
CBO response – we should allow accrual of sick leave hours from July 1, 2015, rather than having to retroactively accrue sick leave after 30th day of work.
- Accrual would be calculated each month with payroll processing on a pro-rata basis, daily rate for certificated subs would be determined as the number of hours in a certificated day as reported for STRS by the districts. All hours worked would be divided by 30 to determine sick leave accrual, example, 45 hours paid for the month equals 1.5 hours of sick leave.
CBO response – we agree with this methodology of accruing hours
- Employer can limit total accrual to 48 hours, but we currently do not limit sick leave accrual in the FMS system. Would this be good practice since sick leave converts to service credit for PERS/STRS?
CBO response – do not limit accrual limit to 48 hours
- Eligible to use sick leave on 90th day of employment
CBO response – all employees allowed to use sick leave as soon as it is accrued in order to avoid the administrative burden of tracking the 90th day of employment.
- Notice should be given to employees now and posters revised from Labor Commissioner.
CBO response – KCOE will work on letter to subs to be given in substitute new hire packet regarding the requirements of AB1522 and notification to current subs. KCOE will also work on a Board Policy specific to the requirements of AB1522 that may differ from districts current sick leave policy, both of these documents to be reviewed by districts prior to distribution.

Districts should review that the posting AB1522 requirements has been completed and prepare letter to give to employees at time of hire (sample two page letter to employees prepared by Labor Commissioner attached). The posting information may be included on the new posters displayed as of January 1, 2015, districts to ensure the posting has been done.

- Employer can limit the use of sick leave to 24 hours or 3 days per year? This is not used for current employees, is it worth the time to program?
CBO response – No limit of use of accrued sick leave in order to lessen the administrative burden of tracking and limiting usage.
- Employer can require a reasonable minimum increment of usage at a time, up to two hours.
CBO response – Minimum use of sick leave in two hour increments to be added to policy being prepared by KCOE.

- If employee terminates and returns to employer within one year, accrued sick leave is restored and employee can begin accruing additional sick leave.
CBO response – According to IT, the accrual information stays in the FMS system after termination, so a district would be able to restore any unused sick leave accrual if employee is re-hired within one year.
- Update to board policies to include the use of sick leave for domestic violence, sexual assault and stalking, in addition to confirming the definition of family as prescribed in AB1522 are in current policy.
CBO response – Districts to review their current sick leave policy to ensure the definition of family members and use of sick leave for domestic violence, sexual assault and stalking are included or revisions made to meet the requirements of AB 1522.
- Employer must keep record of hours worked, sick leave accrued and used by employee and shall be able to provide report to Labor Commissioner.
CBO response – Sick leave accrual information as part of FMS will be available as necessary for reporting to the Labor Commissioner.

NOTICE TO EMPLOYEE
Labor Code section 2810.5

EMPLOYEE

Employee Name: _____

Start Date: _____

EMPLOYER

Legal Name of Hiring Employer: _____

Is hiring employer a staffing agency/business (e.g., Temporary Services Agency; Employee Leasing Company; or Professional Employer Organization [PEO])? Yes No

Other Names Hiring Employer is "doing business as" (if applicable):

Physical Address of Hiring Employer's Main Office:

Hiring Employer's Mailing Address (if different than above):

Hiring Employer's Telephone Number: _____

If the hiring employer is a staffing agency/business (above box checked "Yes"), the following is the other entity for whom this employee will perform work:

Name: _____

Physical Address of Main Office: _____

Mailing Address: _____

Telephone Number: _____

WAGE INFORMATION

Rate(s) of Pay: _____ Overtime Rate(s) of Pay: _____

Rate by (check box): Hour Shift Day Week Salary Piece rate Commission

Other (provide specifics): _____

Does a written agreement exist providing the rate(s) of pay? (check box) Yes No

If yes, are all rate(s) of pay and bases thereof contained in that written agreement? Yes No

Allowances, if any, claimed as part of minimum wage (including meal or lodging allowances):

(If the employee has signed the acknowledgment of receipt below, it does not constitute a "voluntary written agreement" as required under the law between the employer and employee in order to credit any meals or lodging against the minimum wage. Any such voluntary written agreement must be evidenced by a separate document.)

Regular Payday: _____

WORKER'S COMPENSATION

Insurance Carrier's Name: _____

Address: _____

Telephone Number: _____

Policy No.: _____

Self-Insured (Labor Code 3700) and Certificate Number for Consent to Self-Insure: _____

PAID SICK LEAVE

Unless exempt, the employee identified on this notice is entitled to minimum requirements for paid sick leave under state law which provides that an employee:

- a. May accrue paid sick leave and may request and use up to 3 days or 24 hours of accrued paid sick leave per year;
- b. May not be terminated or retaliated against for using or requesting the use of accrued paid sick leave; and,
- c. Has the right to file a complaint against an employer who retaliates or discriminates against an employee for
 - 1. requesting or using accrued sick days;
 - 2. attempting to exercise the right to use accrued paid sick days;
 - 3. filing a complaint or alleging a violation of Article 1.5 section 245 et seq. of the California Labor Code;
 - 4. cooperating in an investigation or prosecution of an alleged violation of this Article or opposing any policy or practice or act that is prohibited by Article 1.5 section 245 et seq. of the California Labor Code.

The following applies to the employee identified on this notice: (Check one box)

- 1. Accrues paid sick leave only pursuant to the minimum requirements stated in Labor Code §245 et seq. with no other employer policy providing additional or different terms for accrual and use of paid sick leave.
- 2. Accrues paid sick leave pursuant to the employer's policy which satisfies or exceeds the accrual, carryover, and use requirements of Labor Code §246.
- 3. Employer provides no less than 24 hours (or 3 days) of paid sick leave at the beginning of each 12-month period.
- 4. The employee is exempt from paid sick leave protection by Labor Code §245.5. (State exemption and specific subsection for exemption): _____

ACKNOWLEDGEMENT OF RECEIPT

(Optional)

(PRINT NAME of Employer representative)

(PRINT NAME of Employee)

(SIGNATURE of Employer Representative)

(SIGNATURE of Employee)

(Date)

(Date)

The employee's signature on this notice merely constitutes acknowledgement of receipt.

Labor Code section 2810.5(b) requires that the employer notify you in writing of any changes to the information set forth in this Notice within seven calendar days after the time of the changes, unless one of the following applies: (a) All changes are reflected on a timely wage statement furnished in accordance with Labor Code section 226; (b) Notice of all changes is provided in another writing required by law within seven days of the changes.

**Principal Apportionment Data Collection Software
2014-15 P-2 Data Observations**

The following are observations from data reported by local education agencies (LEAs) at 2014-15 P2. This information is provided by the California Department of Education (CDE) School Fiscal Services Division (SFSD) to ESSCO to support its communication to local educational agencies (LEAs) regarding correct data reporting for the Principal Apportionment. Detailed reporting instructions can be found in the Data Reporting Instruction Manual (DRIM) available at <http://www.cde.ca.gov/fg/sf/pa/padcsww1415.asp>. For questions, please see the SFSD contacts list at <http://www.cde.ca.gov/fg/sf/pa/padcccontacts.asp>.

Data Entry Screen	Common Reporting Issue	Correct Reporting Procedure
Class Size Penalties (CSP)	District reports one record per grade level, such as, one record for kindergarten or one record for grade span 1-3. For example, a district may report a single class size average of 25 for all classes within grades 1-3.	Districts should report the number of classes in each grade level that have the same average number of students when the months of the reporting period are averaged. For example, for all classes in grade span 1-3, a district might report one class of 25, three classes of 26, and four classes of 28.
	District does not report grade 4-8 class sizes.	Districts should continue to report data for grades 4-8. The Local Control Funding Formula did not change the requirement for reporting K-8 class size data for CSP.
	Districts report less grade 4-8 class size than their district average daily attendance (ADA) because they do not report middle school classes that include 6 th graders.	If a district has a middle school that includes 6 th grade students, the district should report class sizes for all grade 4-8 classes including those at the middle school. If the district has a middle school that does not include 6 th grade students, the district may exclude class size data for that middle school with grades 7 and above.
Charter School ADA	Classroom-based ADA is not reported on line A-2.	A charter school that reports regular ADA on line A-1 must determine the amount of classroom-based ADA included in A-1 and report that on line A-2. Nonclassroom-based ADA should not be reported on line A-2.
	Nonclassroom-based ADA is erroneously reported on line A-2.	
	Inconsistent grade span reporting, e.g., ADA reported in TK/K-3 column at P1 but then total reported in the Grades 4-6 column at P2.	Grade span reported ADA should be double-checked for accuracy. It may be helpful to check prior period data for consistency. If the information was incorrectly reported in the prior period,

Data Entry Screen	Common Reporting Issue	Correct Reporting Procedure
		insert a note into the current period report clarifying the error.
School District ADA - Prior Year ADA Adjustment Tab	A district that has a district sponsored charter school does not report prior year ADA changes for pupils transferring to or from the charter school.	All districts that have a district sponsored charter school must report prior year ADA changes (transferring to or from the charter school) on lines C-1 through C-9 in the Prior Year ADA Adjustment tab of the current year School District ADA entry screen. The changes should be reported for the grade span that the students were enrolled in during the prior year.
Necessary Small School (NSS)	A district does not complete section B (prior year data) for a school that is NSS in the current year, but was not NSS in the prior year.	Prior to completing Necessary Small Elementary School and/or Necessary Small High School entry screen, verify whether the school was funded as NSS in the prior year and, if not, complete section B of each screen with ADA and staffing data.
	School districts with all regular ADA funded as NSS have "unused ADA."	This issue occurs when there is a positive difference between regular school district ADA (Attendance School District, lines A-1 and A-2) and NSS ADA. For districts with all regular grades 9-12 ADA funded as NSS, the district should also ensure that necessary small high school ADA does not include any continuation high school ADA (Attendance School District, line B-4)
Necessary Small School Certification Selection	A county office of education reports an incorrect <i>Education Code (EC)</i> for NSS eligibility. For example, an NSS elementary school is reported with an <i>EC</i> applicable to an NSS high school, or vice versa.	Schools may have changes in eligibility from year to year and so the <i>EC</i> will change as well. The school district and county office of education should verify each school's NSS eligibility for every fiscal year for which NSS funding is requested.
Taxes	A county office of education does not report cross-county taxes.	At P-1 and P-2 counties should report estimated taxes for LEAs in their county and any taxes being disbursed to LEAs in other counties. At Annual, report all tax receipts and receipts from other counties.



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

June 5, 2015

Dear County and District Superintendents and Charter School Administrators:

SCHOOL ATTENDANCE DATA COLLECTION

At the January 2015 meeting, the State Board of Education (SBE) approved the use of an attendance rate as the additional indicator in the 2015 Adequate Yearly Progress (AYP) determinations for elementary and middle grades. Traditionally, the Academic Performance Index (API) has been used as the additional indicator in AYP determinations. At the May 2015 SBE meeting, the California Department of Education (CDE) proposed a school attendance rate target of 90 percent. The SBE requested to review the school-level attendance rate data before establishing a target.

Since school-level attendance data are only collected by the state for charter schools, the CDE will need to collect school-level data for transitional kindergarten through grade eight from local educational agencies (LEAs). (Note: LEAs are defined as school districts and county offices of education.) LEAs will upload the attendance data for each of their schools onto a protected Web site in either Microsoft Excel or tab-delimited text file format to the CDE by _____ (date to be determined based on feedback). Charter schools may elect to submit data or the CDE will use data already submitted to the state; see page two of this letter for more information.

Data Collection

As you may know, districts are required to report attendance data in their Local Control Accountability Plans. The CDE will be collecting the 2014–15 attendance data by each school site as of the second period (P-2), which is from July 1 through the last school month that ends on or before April 15. In an effort to reduce the data collection burden on LEAs, the Academic Accountability Unit (AAU) is providing LEAs with two options for submitting data.

For Option 1, LEAs will submit the total number of days that students attended school and the number of school days that students were enrolled during the school year for each school site.

Example Option 1:

A school enrolled three students during its 170-day calendar school year. In the table below, Student 1 enrolled on the first day of school, and Students 2 and 3 enrolled after the first day of school. As a result, each student has a different number of enrollment days at the school. Therefore, for this option, the LEA is required to report the total number of attendance and total enrollment days for each school. The submitted data will be used to calculate an attendance rate (i.e., total number of days attended divided by total number of days enrolled).

Student	Transitional Kindergarten through Grade Eight (TK–8) Number of Days Attended	TK–8 Number of Days Enrolled
Student 1	165	170
Student 2	137	140
Student 3	79	90
School Totals	381	400

However, LEAs may not have student-level enrollment data readily available. Thus, Option 2 allows LEAs to submit their 2014–15 average daily attendance (ADA) by each school site as of the second period (P-2), which represents ADA from July 1 through the last school month that ends on or before April 15th. Note that these data do not need to be reconciled with the P-2 ADA reported to the state for funding purposes through the Principal Apportionment Data Collection Software for the 2014–15 Second Principal Apportionment. This option allows LEAs to extract existing data from their system used to report ADA.

Example Option 2:

Under this option, LEAs would be required to report their P-2 ADA for each school site in the LEA. The CDE would use the enrollment data from Fall Census day to calculate an attendance-to-enrollment ratio by school site (i.e., P-2 ADA divided by enrollment on Fall Census day).

Student	TK–8 2014–15 P-2 ADA
School A	890
School B	1020
School C	780
School D	810

It is important to note that attendance data submitted pursuant to Option 1 or 2 will not be used by the CDE for any funding calculations and does not take the place of ADA that is required to be submitted to the CDE.

Charter Schools

Because the CDE collects ADA for charter schools, the CDE will use ADA data for any charter school that decides not to submit data under Option 1. If an LEA decides to submit data using Option 1, and chooses to also submit the data for their locally-funded charter school, the CDE will use the data submitted under Option 1 to make AYP determinations for those charter schools.

For charters schools that may not have staff working during the summer months to submit data under Option 1, direct-funded and locally-funded charters will have an opportunity to submit Option 1 data during the data correction window in October 2015.

Missing Data

If attendance data are not reported or available for a school with TK–8 enrollment, that school will not meet the attendance rate criteria and will not make AYP. As a result, the school may be identified or advance in Program Improvement (PI). While there will be an opportunity to correct the attendance data, the amendment window will not open until the fall, and schools and LEAs will be required to implement the requirements of the PI status reflected in the initial release of the 2015 AYP reports until revised AYP reports are posted to the CDE Web site (up to six months).

File Formats

As stated earlier, LEAs may submit data in an Excel file format or a tab-delimited text file format (see Attachments 1 and 2). All files submitted should contain nine fields. Each format allows LEAs to report for Option 1 or Option 2. LEAs are **only required to report data for one option**. For example, if an LEA chooses to submit Option 1 data, the field required for Option 2 would be left blank. In addition, the file format allows LEAs to report the county-district-school (CDS) code in one of two ways:

1. Insert the full 14-digit CDS code in one field, or
2. Insert the two-digit county code, five-digit district code, and seven-digit school code in three separate fields

A URL and password will be provided to your secure accountability coordinator to allow them to upload the attendance data to a secure Web site. To sign up as a secure

June 5, 2015
Page 4

accountability coordinator, please go to the Accountability Listserv Web page at <http://www.accountabilityinfo.org/>. (If you have questions about the sign-up process, please e-mail the AAU at aau@cde.ca.gov.)

We encourage you to work with your fiscal staff to provide the requested data. If you have any questions regarding this letter, please contact Justin Lane, Education Research and Evaluation Assistant, by phone at 916-323-1341 or by e-mail at jlane@cde.ca.gov.

Sincerely,

Jenny Singh, Acting Interim Director
Analysis, Measurement, and Accountability Reporting Division

cc: Accountability Coordinators
County Office of Education External and Internal Fiscal Coordinators
(ESSCO/COFS)

Attachments

JS:so