

**Education Audit Appeals Panel
State of California**

Appeal of 2011-12 Audit Finding 12-01 by:

Island Union School District,
Appellant.

EAAP Case No. 13-21
OAH No. 2014010030

Decision

The Education Audit Appeals Panel has adopted the attached Stipulated Agreement of the parties as its Decision in the above-entitled matter.

Effective date: April 28, 2014

IT IS SO ORDERED.

April 28, 2014

Date

Original Signed

David Botelho, Chairperson
for Education Audit Appeals Panel

1 KAMALA D. HARRIS
Attorney General of California
2 NIROMI W. PFEIFFER
Supervising Deputy Attorney General
3 KARLI EISENBERG
Deputy Attorney General
4 State Bar No. 281923
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5360
Fax: (916) 324-5567
7 E-mail: Karli.Eisenberg@doj.ca.gov
Attorneys for Department of Finance

8
9 BEFORE THE EDUCATION AUDIT APPEALS PANEL
10 STATE OF CALIFORNIA, SACRAMENTO
11

12 **In the Matter of Audit Appeal of Fiscal Year**
13 **2011-2012 Audit Finding 2012-01 by**
ISLAND UNION SCHOOL DISTRICT,
14 Appellant,
15 v.
16 **CALIFORNIA STATE CONTROLLER,**
17 Respondent,
18 **DEPARTMENT OF FINANCE,**
19 Intervener.
20

OAH Case No. 2014010030
EAAP Case No. 13-21
Stipulated Agreement

21 Appellant Island Union School District (School) and intervener California Department of
22 Finance (DOF) agree to a complete resolution of this appeal of audit finding 2012-01 for fiscal
23 year 2011-12 as follows:

24 **RECITALS**

- 25 A. Appellant Island Union School District was audited for the 2011-12 fiscal year and
26 the auditor issued an audit report, dated June 30, 2012.
27 B. Audit Finding 2012-01 concluded that the School was not in compliance with
28

1 section 6070, subdivision (f) of the California Code of Regulations, which requires that school
2 districts record each student's Tdap dose immunization on the supplemental sticker form (PM 286
3 S (01/11)) and affix the sticker to the front of the student's California School Immunization
4 Record (PM 286 (01/02)). Audit Finding 2012-01 stated:

5 District staff obtained immunization records in accordance with
6 Title 17, Section 6070, except staff did not record the date that they
7 received and verified each pupil's immunization on the California
8 School Immunizations record PM 286.

9 C. The Auditor concluded that the effect of Audit Finding 12-01 was that: "Each
10 student file had a record of immunization dated prior to the first day of school on August 15,
11 2011. However, the district has no record to document that the evidence was on file in accordance
12 with the required time frame." (Audit Report, at p. 46.) The Auditor determined the cause to be
13 that "District staff and the contracted nurse were not aware that a Tdap sticker needed to be added
14 to the medical file to record the date that the immunization record was evidenced." (*Ibid.*)

15 D. The Auditor determined that the failure of compliance resulted in questioned costs
16 of \$5,558.

17 E. The School disputed the determination set forth in Audit Finding 12-01 and
18 requested a summary review with the Education Audit Appeals Panel (EAAP) on approximately
19 December 10, 2013. Following EAAP's completion of the summary review process, the School
20 timely filed a formal appeal on approximately December 31, 2013.

21 F. The School represents that it substantially complied with all legal requirements
22 relating to the audit findings.

23 G. On or about January 22, 2014, DOF intervened in the above-captioned matter by
24 notice of motion and motion to intervene pursuant to section 41344.1, subdivision (b), of the
25 Education Code. The motion was granted on January 31, 2014.

26 H. In a letter, dated February 6, 2014, SCO stated that it had "no objections to the
27 [School]'s claim that it should not be penalized for its inadvertent oversight" and, as a result, the
28 "[SCO] will no longer actively participate in any further proceedings regarding this appeal."

I. To avoid the time and expense of ongoing litigation, the Parties have agreed to

1 enter into this Agreement.

2 **AGREEMENT**

3 For the purpose of completely settling and resolving the audit findings between the School
4 and DOF, the Parties agree as set forth:

5 1. This stipulated agreement fully and completely resolves all claims, demands,
6 appeals, obligations, or causes of actions relating to Audit Finding 2012-01 of the Audit of the
7 School for the 2011-12 year. Accordingly, DOF expressly waives any right or claim or right to
8 assert or pursue thereafter any claim, demand, obligation, and/or cause of action relating to Audit
9 Finding 2012-01.

10 2. The questioned costs determined in Audit Finding 12-01 shall be reduced from
11 \$5,558 to \$0.00.

12 3. Commencing with the 2014-15 school year, the District shall ensure their Tdap
13 immunization verification procedures include documentation of the date that the verification is
14 completed for each applicable student.

15 4. This stipulated agreement is subject to and conditioned upon approval and
16 adoption by EAAP, pursuant to section 41344.1, subdivision (b), of the Education Code.

17 5. This stipulated agreement may be executed in counterparts, each of which shall
18 constitute an original. Facsimile and pdf signatures transmitted to other parties to this Agreement
19 are deemed to be the equivalent of original signatures or counterparts.

20 6. The parties shall be responsible for their own attorneys' fees and costs.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Parties ratify the preceding terms and conditions through the signatures of their respective representatives, as follows:

DATED: March 14, 2014

ISLAND UNIFIED SCHOOL DISTRICT

Original Signed

By:

Charlotte Hines
Superintendent
Island Unified School District

DATED: Mar 14, 2014

DEPARTMENT OF FINANCE

Original Signed

By:

NICK SCHWEIZER
Program Budge Manager,
Department of Finance

DATED: March 15, 2014

KAMALA D. HARRIS
Attorney General of California
NIROMI PFEIFFER
Supervising Deputy Attorney General

Original Signed

By:

KARL EISENBERG
Deputy Attorney General
Attorneys for Intervener Department of Finance

SA2014114204
11298762.doc