

COMMISSION ON STATE MANDATES

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November 15, 2011

Mr. Keith B. Petersen
SixTen and Associates
P.O. Box 340430
Sacramento, CA 95834-0430

Ms. Jill Kanemasu
State Controller's Office
Division of Accounting and Reporting
3301 C Street, Suite 700
Sacramento, CA 95833

And Interested Parties and Affected State Agencies (See Mailing List)

RE: Revised Final Staff Analysis, Proposed Statement of Decision, and Hearing Date

Request for Review of Claiming Instructions

Request to Add Boilerplate Language, 09-RCI-01 (05-PGA-17)

Castro Valley Unified School District, Grossmont Union High School District, San Jose

Unified School District, San Diego County Office of Education, Gavilan Joint

Community College District; San Mateo County Community College District, State

Center Community College District, Requestors

Dear Mr. Petersen and Ms. Kanemasu:

The revised final staff analysis for the above-entitled matter is enclosed.

Hearing

This test claim is set for hearing on **Thursday, December 1, 2011**, at 9:30 a.m., Room 447, State Capitol, Sacramento, CA. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1183.01(c)(2) of the Commission's regulations. (Cal. Code Regs., tit. 2, § 1183.01(c)(2).)

Special Accommodations

For any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five to seven *working* days prior to the meeting.

Please contact Camille Shelton at (916) 323-3562 if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Patton".

Nancy Patton
Acting Executive Director

ITEM 6

REQUEST TO REVIEW CLAIMING INSTRUCTIONS REVISED FINAL STAFF ANALYSIS AND PROPOSED STATEMENT OF DECISION

Five Amended Parameters and Guidelines Adopted January 29, 2010

Collective Bargaining, 05-PGA-48
Habitual Truant, 05-PGA-51
Intradistrict Attendance, 05-PGA-53
Juvenile Court Notices, 05-PGA-54
Health Fee Elimination, 05-PGA-69

AND

Twelve Amended Parameters and Guidelines Adopted March 26, 2010

Caregiver Affidavits, 05-PGA-46
County Office of Education, Fiscal Accountability, 05-PGA-47
Financial Compliance Audits, 05-PGA-49
Graduation Requirements, 05-PGA-50
Law Enforcement Agency Notices, 05-PGA-55
Physical Education Reports, 05-PGA-60
Physical Performance Tests, 05-PGA-61
Pupil Health Screenings, 05-PGA-63
Pupil Residency Verification and Appeal, 05-PGA-64
Removal of Chemicals, 05-PGA-66
School District Fiscal Accountability Reporting, 05-PGA-67
Law Enforcement Jurisdiction Agreements, 05-PGA-70

AND

Three Amended Parameters and Guidelines Adopted May 27, 2010

Notification of Truancy, 05-PGA-56
Notification to Teachers: Pupils Subject to Suspension or Expulsion, 05-PGA-57
Pupil Suspensions, Expulsions, and Expulsion Appeals, 05-PGA-65

Castro Valley Unified School District, Grossmont Union High School District, San Jose Unified School District, San Diego County Office of Education, Gavilan Joint Community College District, San Mateo County Community College District, State Center Community College District, Requestors

Attached is the proposed statement of decision for this matter. The executive summary and the proposed statement of decision also function as the final staff analysis, as required by section 1183.07 of the Commission's regulations.

EXECUTIVE SUMMARY

This is a request to review claiming instructions for 20 sets of parameters and guidelines that were amended by the Commission on State Mandates (Commission) in 2010. Government Code section 17558 requires the State Controller's Office to issue claiming instructions within 60 days after parameters and guidelines are amended. This 60-day limit has expired for each of the 20 sets of parameters and guidelines at issue here. To date, the Controller has not issued revised claiming instructions. On June 28, 2010, requestors filed a request for the Commission to review the existing claiming instructions.

A draft staff analysis was issued on July 19, 2011. The Commission received no comments on the draft staff analysis. A final staff analysis was issued on October 12, 2011. Thereafter, the State Controller's Office correctly pointed out that the Commission only amended 14 of the 20 sets of parameters and guidelines named in this claim. Six of the requests to amend parameters and guidelines amendments discussed here were denied by the Commission, and therefore, for those six sets, no revised claiming instructions are required.

Staff Recommendation

Staff recommends that the Commission exercise its authority pursuant to Government Code section 17571 to direct the State Controller's Office to issue revised claiming instructions for the following 14 programs, as required by law:

1. *Collective Bargaining*, 05-PGA-48;
 2. *Habitual Truant*, 05-PGA-51;
 3. *Intradistrict Attendance*, 05-PGA-53;
 4. *Juvenile Court Notices*, 05-PGA-54;
 5. *Health Fee Elimination*, 05-PGA-69;
 6. *County Office of Education, Fiscal Accountability*, 05-PGA-47;
 7. *Financial Compliance Audits*, 05-PGA-49;
 8. *Physical Education Reports*, 05-PGA-60;
 9. *Physical Performance Tests*, 05-PGA-61;
 10. *Pupil Residency Verification and Appeal*, 05-PGA-64;
 11. *Law Enforcement Jurisdiction Agreements*, 05-PGA-70;
 12. *Notification of Truancy*, 05-PGA-56;
 13. *Notification to Teachers: Pupils Subject to Suspension or Expulsion*, 05-PGA-57;
 14. *Pupil Suspensions, Expulsions, and Expulsion Appeals*, 05-PGA-65
-

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE REQUEST TO REVIEW CLAIMING
INSTRUCTIONS:

Five Amended Parameters and Guidelines
Adopted January 29, 2010:

Collective Bargaining, 05-PGA-48;
Habitual Truant, 05-PGA-51;
Intradistrict Attendance, 05-PGA-53;
Juvenile Court Notices, 05-PGA-54;
Health Fee Elimination, 05-PGA-69;

Twelve Amended Parameters and Guidelines
Adopted March 26, 2010:

Caregiver Affidavits, 05-PGA-46;
*County Office of Education, Fiscal
Accountability*, 05-PGA-47;
Financial Compliance Audits, 05-PGA-49;
Graduation Requirements, 05-PGA-50;
Law Enforcement Agency Notices,
05-PGA-55; *Physical Education Reports*,
05-PGA-60; *Physical Performance Tests*,
05-PGA-61; *Pupil Health Screenings*,
05-PGA-63; *Pupil Residency Verification
and Appeal*, 05-PGA-64; *Removal of
Chemicals*, 05-PGA-66; *School District
Fiscal Accountability Reporting*, 05-PGA-67;
Law Enforcement Jurisdiction Agreements,
05-PGA-70; and

Three Amended Parameters and Guidelines
Adopted May 27, 2010:

Notification of Truancy, 05-PGA-56;
*Notification to Teachers: Pupils Subject to
Suspension or Expulsion*, 05-PGA-57;
*Pupil Suspensions, Expulsions, and
Expulsion Appeals*, 05-PGA-65.

Filed on June 28, 2010 by

Castro Valley Unified School District,
Grossmont Union High School District, San Jose
Unified School District, San Diego County
Office of Education, Gavilan Joint Community
College District, San Mateo County Community
College District, State Center Community
College, Requestors.

Case No.: 09-RCI-01

*Request to Review Claiming Instructions for
Amendments to Boilerplate Language*

STATEMENT OF DECISION
PURSUANT TO GOVERNMENT CODE
SECTION 17571; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLES 6 and 7,
SECTIONS 1186, 1187, 1188.1, 1188.2

(Proposed for Adoption: December 1, 2011)

STATEMENT OF DECISION

The Commission on State Mandates (Commission) heard and decided this request to review claiming instructions during a regularly scheduled hearing on December 1, 2011. [Witness list will be included in the final statement of decision.]

This request to review claiming instructions is filed pursuant to Government Code section 17571, which gives the Commission jurisdiction to hear a request filed by a local agency or school district to review claiming instructions issued by the State Controller's Office to determine if the claiming instructions conform to the parameters and guidelines.

The law applicable to the determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., and related case law.

The Commission [adopted/modified] the staff analysis to [approve/deny] the request to review the claiming instructions for the above-captioned programs at the hearing by a vote of [vote count will be included in the final statement of decision].

Summary of the Findings

This is a request to review claiming instructions for parameters and guidelines that were amended by the Commission in 2010 to update boilerplate language. Government Code section 17558¹ requires the State Controller's Office to issue claiming instructions within 60 days after parameters and guidelines are amended. This 60-day limit has expired for the parameters and guidelines that were amended. To date, the Controller has not issued revised claiming instructions.

On June 28, 2010, requestors filed a request for the Commission to review the existing claiming instructions. A draft staff analysis was issued on July 19, 2011. The Commission received no comments on the draft staff analysis. A final staff analysis was issued on October 12, 2011. At that point the State Controller's Office correctly pointed out that the Commission only amended 14 of the 20 sets of parameters and guidelines named in this request. Six of the requests to amend parameters and guidelines discussed here were denied by the Commission, and therefore, for those six sets, no revised claiming instructions are required. Pursuant to Government Code section 17571, the Commission directs the State Controller's Office to issue revised claiming instructions for the following 14 of the 20 sets of amended parameters and guidelines:

1. *Collective Bargaining*, 05-PGA-48;
2. *Habitual Truant*, 05-PGA-51;
3. *Intradistrict Attendance*, 05-PGA-53;
4. *Juvenile Court Notices*, 05-PGA-54;
5. *Health Fee Elimination*, 05-PGA-69;
6. *County Office of Education, Fiscal Accountability*, 05-PGA-47;
7. *Financial Compliance Audits*, 05-PGA-49;
8. *Physical Education Reports*, 05-PGA-60;
9. *Physical Performance Tests*, 05-PGA-61;
10. *Pupil Residency Verification and Appeal*, 05-PGA-64;
11. *Law Enforcement Jurisdiction Agreements*, 05-PGA-70;

¹ All statutory references are to the Government Code.

12. *Notification of Truancy*, 05-PGA-56;
13. *Notification to Teachers: Pupils Subject to Suspension or Expulsion*, 05-PGA-57;
14. *Pupil Suspensions, Expulsions, and Expulsion Appeals*, 05-PGA-65.

COMMISSION FINDINGS

Chronology

- | | |
|------------|---|
| 04/07/2006 | State Controller’s Office files request that the Commission amend parameters and guidelines for 49 different programs |
| 01/29/2010 | Commission adopts amended parameters and guidelines for the programs listed on the title page |
| 03/16/2010 | Commission adopts amended parameters and guidelines for the programs listed on the title page |
| 05/27/2010 | Commission adopts amended parameters and guidelines for the programs listed on the title page |
| 06/28/2010 | Requestors file request that the Commission review the claiming instructions |
| 07/30/2010 | State Controller’s Office files comments on request for review of claiming instructions |
| 07/19/2011 | Commission issues draft staff analysis |
| 10/12/2011 | Commission issues final staff analysis |
| 10/13/2011 | State Controller’s Office informs Commission that no revised claiming instructions are required for six of the 20 sets of parameters and guidelines |
| 10/25/2011 | Commission issues revised final staff analysis for October 27, 2011 hearing |
| 10/27/2011 | Item continued to December hearing by Commission staff |

I. Background

This is a request to review the claiming instructions for the 20 school district and community college district programs listed above. Claiming instructions are prepared by the State Controller’s Office (Controller) after the Commission adopts parameters and guidelines. The purpose of claiming instructions is “to assist local agencies and school districts in claiming costs to be reimbursed.”² Pursuant to section 17571, a local agency or school district may request that the Commission review the claiming instructions to determine if they conform to the parameters and guidelines.

This request to amend claiming instructions has a long history. In 2002, based on a recommendation from the Bureau of State Audits, the Legislature enacted AB 2781 (Stats 2002, chapter 1167), which directed the Commission to amend the parameters and guidelines for the *School Bus Safety II* program to describe in detail the documentation necessary to support reimbursement claims. Commission staff conducted a series of workshops with stakeholders to discuss this documentation language. At one of the workshops, the Controller proposed that source documentation language be added to the “boilerplate language” that is in all parameters and guidelines. “Boilerplate language” refers to the language in parameters and guidelines that

² Government Code section 17558(b).

describes the basic procedural elements claimants are required to follow. The amendments discussed at the workshops focused on the source documentation claimants are required to retain to support their mandate reimbursement claims and to assist the Controller in performing audits.

In 2003, the Commission adopted amendments to the parameters and guidelines for the *School Bus Safety II* program. These parameters and guidelines incorporated for the first time the new version of the boilerplate language that included the contemporaneous source documentation language proposed by the Controller. Thereafter, Commission staff has included this boilerplate language, occasionally with some minor modifications, in all subsequent parameters and guidelines.

However, no changes were made to the boilerplate language in all of the old sets of parameters and guidelines that were adopted before the new language was developed. On April 7, 2006, the Controller filed requests with the Commission to amend 49 older sets of parameters and guidelines – including the 20 that are the subject of this dispute – to add the revised boilerplate language. In 2010, the Commission adopted 14 of the 20 sets of amended parameters and guidelines at issue here for costs incurred beginning July 1, 2005. The remaining 6 sets were denied because the boilerplate language had previously been amended into those parameters and guidelines.

Section 17558 requires the Controller, within 60 days after receiving amended parameters and guidelines adopted by the Commission, to prepare and issue revised claiming instructions for mandates that require state reimbursement. Section 17558 also requires that the claiming instructions be derived from the adopted parameters and guidelines.

To date, the Controller has not issued revised claiming instructions for any of the 14 amended parameters and guidelines. The requestors asked the Controller, as required by section 1186(b)(2) of the Commission's regulations, to issue revised claiming instructions, but the Controller did not do so. Therefore, on June 28, 2010, the requestors filed this request that the Commission review the existing claiming instructions.

The requestors allege that the existing claiming instructions are inaccurate as a matter of law for the annual reimbursement claims beginning in fiscal year 2005-2006, because they have not been revised to conform to the amended parameters and guidelines.

II. Commission Responsibilities

Pursuant to section 17571, the Commission must review the Controller's claiming instructions upon request of a local agency or school district. If the Commission determines that the Controller's claiming instructions do not conform to the parameters and guidelines adopted by the Commission, the Commission "shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission."

III. Commission's Findings

As noted above, the Commission adopted 14 of the 20 sets of amended parameters and guidelines at issue here on three dates in 2010. Requestors attempted to persuade the State

Controller's Office to issue revised claiming instructions, but those efforts failed. On June 28, 2010, requestors filed this request to review the existing claiming instructions.³

The requestors and the Controller expressly agree that the law requires the Controller to issue revised claiming instructions "within 60 days after receiving amended parameters and guidelines."⁴ However, revised claiming instructions have not been issued. The Controller does not indicate why it has not issued them.

Instead, the Controller raises an issue regarding when the period of reimbursement should begin for costs identified in any reimbursement claims that may be filed under the amended parameters and guidelines adopted by the Commission in 2010. The Controller argues that the period of reimbursement should begin with the 2009-2010 fiscal year because the requestors filed their request to review the claiming instructions on June 29, 2010, and that long-closed reimbursement eligibility windows are not reopened.

Requestors argue that their "request is timely as to the periods of eligibility established by each of the amended parameters and guidelines." Because the request to amend 14 sets of parameters and guidelines was filed on April 7, 2006, requestors urge the Commission to find that the period of reimbursement for all of the amended parameters and guidelines begins with fiscal year 2005-2006.⁵

The following analysis is broken into two parts. The first part examines the black-letter law that governs this request. The second part looks at the specific arguments advanced by the Controller.

A. Amendments to the parameters and guidelines trigger the requirement that the State Controller's Office issue revised claiming instructions.

On April 7, 2006, the Controller filed its request with the Commission to amend 49 sets of parameters and guidelines, including the 20 at issue here. Section 17557(d)(1) sets forth the basic rule regarding the period of reimbursement applicable to claims for reimbursement filed under amended parameters and guidelines:

A parameters and guidelines amendment filed more than 90 days after the claiming deadline for initial claims, as specified in the claiming instructions pursuant to Section 17561, and on or before the claiming deadline following a fiscal year, shall establish reimbursement eligibility *for that fiscal year*.
(Emphasis added.)

The Controller's April 7, 2006 request was filed more than 90 days after the claiming deadline for initial claims for each of the 20 test claims at issue here. Accordingly, based on section 17557(d)(1), the Controller's April 7, 2006 request to amend the parameters and guidelines established reimbursement eligibility *for that fiscal year*, namely fiscal year 2005-2006.

In 2010, the Commission granted the Controller's request to amend the parameters and guidelines for 14 of the 20 test claims at issue here at three separate Commission meetings. The

³ Exhibit A, Request for Review of the Controller's Claiming Instructions (Request), filed June 28, 2010.

⁴ Government Code section 17558(c); Exhibit B, letter dated July 30, 2010 from the State Controller's Office.

⁵ The Commission denied amendment for six of the parameters and guidelines.

Commission denied the Controller's request to amend six sets of the parameters and guidelines. In accordance with section 17557(d)(1), each set of amended parameters and guidelines adopted by the Commission states that the amendment is effective for costs incurred under the mandated program beginning July 1, 2005. The parameters and guidelines amendments have not been challenged by any party.

Following the adoption of the amended parameters and guidelines, the Commission submitted the amended parameters and guidelines to the State Controller's Office pursuant to section 17558. That section provides that claiming instructions shall be issued for each mandate that requires state reimbursement to assist local agencies and school districts in claiming costs to be reimbursed. Section 17558(b) further states that "the claiming instructions shall be derived from the test claim decision and the adopted parameters and guidelines" Section 17558(c) then states in relevant part the following:

The Controller, shall, within 60 days after receiving amended parameters and guidelines, . . . prepare and issue revised claiming instructions for mandates that require state reimbursement that have been established by commission action pursuant to Section 17557. . . .

The Commission's decision to amend the parameters and guidelines triggered the requirement in Section 17558 that the Controller issue revised claiming instructions within 60 days of the date of the Commission's decision. Therefore, by law, the State Controller's Office is required to issue revised claiming instructions that are "derived" from the amended parameters and guidelines to put school districts on notice of the requirement to maintain contemporaneous source documentation when filing reimbursement claims for these programs.

B. The comments filed by the State Controller's Office regarding what happens after revised claiming instructions are issued is not properly before the Commission and cannot be determined in this request.

In response to this request, the State Controller's Office filed the comments agreeing that it needs to issue claiming instructions. However, the Controller's Office states a concern that eligible claimants are attempting to reopen "long closed reimbursement eligibility windows" to file reimbursement claims. The Controller's Office states the following:

This office agrees that Government Code section 17558(c) requires the revision of the Claiming Instructions any time the Parameters & Guidelines are amended. We will begin issuing Claiming Instructions for the identified programs in the near future.

However, we disagree with the claimant's conclusions concerning the effective date of the request for review of claiming instructions. The regulations are clear on this point. Title 2 CCR section 1186, subdivision (j)(2) states that, "[a] request for review filed after the initial claiming deadline must be submitted on or before January 15 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year." Since this request was filed on June 29, 2010, the request is only effective for the 2009-2010 fiscal year and thereafter.

From the correspondence included in the package, it appears that the claimants are attempting to reopen long closed reimbursement eligibility windows. Pursuant to Section 17560, the window for eligibility to file a claim for

reimbursement is based upon the fiscal year for which costs are claimed. That deadline is the February 15th following the fiscal year for which the reimbursement is sought. Section 17568 states that “[i]n no case shall a reimbursement claim be paid that is submitted more than one year after the deadline specified in Section 17560.” (Emphasis added.) Claimants cite no authority that would allow this office, or the Commission, to alter that limitation.⁶

The Controller’s discussion of what happens after revised claiming instructions are issued for these programs is not properly before the Commission and not necessary for the determination of whether revised claiming instructions have to be issued. If, after the claiming instructions are issued, there continues to be a disagreement about language included in the claiming instructions issued by the Controller’s Office, a request to review the claiming instructions pursuant to Government Code section 17571 may be filed. In addition, if a reimbursement claim is returned or reduced by the State Controller’s Office, the claimant can file an incorrect reduction claim and raise the issue. Accordingly, the Commission takes no position on those arguments.

IV. Conclusion

The State Controller’s Office is required by law to prepare claiming instructions that conform to the amended parameters and guidelines. Pursuant to Government Code section 17571, the Commission exercises its authority to “direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the amended parameters and guidelines as directed by the Commission” for the following fourteen programs:

1. *Collective Bargaining*, 05-PGA-48;
2. *Habitual Truant*, 05-PGA-51;
3. *Intradistrict Attendance*, 05-PGA-53;
4. *Juvenile Court Notices*, 05-PGA-54;
5. *Health Fee Elimination*, 05-PGA-69;
6. *County Office of Education, Fiscal Accountability*, 05-PGA-47;
7. *Financial Compliance Audits*, 05-PGA-49;
8. *Physical Education Reports*, 05-PGA-60;
9. *Physical Performance Tests*, 05-PGA-61;
10. *Pupil Residency Verification and Appeal*, 05-PGA-64;
11. *Law Enforcement Jurisdiction Agreements*, 05-PGA-70;
12. *Notification of Truancy*, 05-PGA-56;
13. *Notification to Teachers: Pupils Subject to Suspension or Expulsion*, 05-PGA-57;
14. *Pupil Suspensions, Expulsions, and Expulsion Appeals*, 05-PGA-65.

⁶ Exhibit B, pp. 1–2.

SixTen and Associates

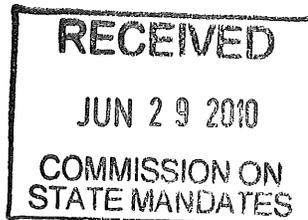
Mandate Reimbursement Services

Exhibit A

KEITH B. PETERSEN, President

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June 28, 2010

Paula Higashi, Executive Director
Commission on State Mandates
U.S. Bank Plaza Building
980 Ninth Street, Suite 300
Sacramento, California 95814

RE: Request for Review of the Controller's Claiming Instructions
Castro Valley Unified School District
Grossmont Union High School
San Jose Unified School District
San Diego County Office of Education
Gavilan Joint Community College District
San Mateo County Community College District
State Center Community College District
20 Parameters and Guidelines Amended in 2010 for "Boilerplate Language"

Enclosed is the original and three copies of the above referenced Request for Review of the Controller's Claiming Instructions for 20 mandate programs for which amended parameters and guidelines were adopted by the Commission in 2010.

The seven requesting local education agencies have designated me as their representative. Written communication regarding this Request should be sent to me with a copy to the contact person for each requesting agency.

Please let me know if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "KB Petersen".

Keith B. Petersen

Enclosure

Paula Higashi, Executive Director

2

June 28, 2010

c: w/enclosure

Michael Bush, Assistant Superintendent, Business
Castro Valley Unified School District

Scott H. Patterson, Deputy Superintendent, Business Services
Grossmont Union High School District

Ann Jones, Chief Business Official
San Jose Unified School District

Lora Duzyk, Assistant Superintendent, Business Services
San Diego County Office of Education

Joseph D. Keeler, Vice President Administrative Services
Gavilan Joint Community College District

James W. Keller, Executive Vice Chancellor
San Mateo County Community College District

Douglas Brinkley, Vice Chancellor, Finance and Administration
State Center Community College District

1 Request Prepared by:
 2 Keith B. Petersen
 3 SixTen and Associates
 4 3270 Arena Blvd., Suite 400-363
 5 Sacramento, CA 95834
 6 Voice: (916) 419-7093
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 9

10 BEFORE THE

11 COMMISSION ON STATE MANDATES

12 STATE OF CALIFORNIA

13	REQUEST OF:)	
14		)	No. CSM ____ -RCI- ____
15	Castro Valley Unified)	
16	School District	)	20 Parameters and Guidelines Amended
17		)	in 2010 for "Boilerplate Language"
18	Grossmont Union)	
19	High School District	)	<u>5 PGA Adopted January 29, 2010:</u>
20)	
21	San Jose Unified	)	05-PGA-48 K-14 Collective Bargaining
22	School District	)	05-PGA-51 K-12 Habitual Truant
23		)	05-PGA-53 K-12 Intradistrict Attendance
24	San Diego County Office	)	05-PGA-54 K-12 Juvenile Court Notices 2
25	of Education	)	05-PGA-69 CCD Health Fee Elimination
26)	
27	Gavilan Joint Community	)	<u>12 PGA Adopted March 26, 2010</u>
28	College District)	
29		)	05-PGA-46 K-12 Caregiver Affidavits
30	San Mateo County Community	)	05-PGA-47 COE County Office of
31	College District	)	Education; Fiscal Accountability
32		)	05-PGA-49 K-12 Financial Compliance
33	State Center Community	)	Audits
34	College District	)	05-PGA-50 9-12 Graduation Requirements
35		)	05-PGA-55 K-12 Law Enforcement Agency
36		)	Notices
37		)	05-PGA-60 K-12 Physical Education
38		)	Reports
39		)	05-PGA-61 K-12 Physical Performance
40		)	Tests
41		)	05-PGA-63 K-12 Pupil Health Screenings
42		)	05-PGA-64 K-12 Pupil Residency
43		)	Verification and Appeal

Request for Review of the Claiming Instructions
 20 Parameters and Guidelines Amended in 2010 for Boilerplate Language
 Castro Valley Unified School District, et al.

1	)	05-PGA-66	K-12	Removal of Chemicals
2	)	05-PGA-67	K-12	School District Fiscal
3	)			Accountability Reporting
4	)	05-PGA-70	CCD	Law Enforcement
5	)			Jurisdiction Agreements
6)			
7	)	<u>3 PGA Adopted May 27, 2010</u>		
8)			
9	)	05-PGA-56	K-12	Notification of Truancy
10	)	05-PGA-57	K-12	Notification to Teachers:
11	)			Pupils Subject to Suspension or Expulsion
12	)	05-PGA-65	K-12	Pupil Suspensions,
13	)			Expulsions, and Expulsion Appeals
14)			
15	)	REQUEST FOR REVIEW OF THE		
16	)	CONTROLLER'S CLAIMING INSTRUCTIONS		
17)			

PART I. AUTHORITY FOR THE REQUEST

Pursuant to Government Code Section 17571, “[t]he commission, upon request of a local agency or school district, shall review the claiming instructions issued by the Controller or any other authorized state agency for reimbursement of mandated costs.” The requesting school districts, community college districts, and county office of education are all “school districts” as defined by Government Code Section 17519.

PART II. REQUIREMENT FOR REVISED CLAIMING INSTRUCTIONS

On April 7, 2006, the Controller filed requests to amend the parameters and guidelines for 49 school, college, and local agency mandate programs for the purpose of including specific “boilerplate language” regarding claim documentation standards. On the three dates indicated above for the programs listed above, the Commission adopted

Request for Review of the Claiming Instructions
20 Parameters and Guidelines Amended in 2010 for Boilerplate Language
Castro Valley Unified School District, et al.

1 the referenced amended parameters and guidelines incorporating the boilerplate
2 documentation standards and record retention boilerplate language.

3 Government Code Section 17558, as last amended by Statutes of 2007, Chapter
4 329, at subdivision (c) states: “[t]he Controller shall, within 60 days after receiving
5 amended parameters and guidelines . . . , prepare and issue revised claiming
6 instructions for mandates that require state reimbursement that have been established
7 by commission action pursuant to Section 17557. . . .” The Controller has not
8 complied with this statutory requirement.

9 As a result of the adoption of amended parameters and guidelines, the existing
10 Controller claiming instructions for each of the above listed programs are inaccurate as
11 a matter of law for the annual reimbursement claims for FY 2005-06 and generally
12 thereafter, or as more specifically determined by the eligible periods of reimbursement
13 stated in each of the amended parameters and guidelines. Government Code Section
14 17558, as last amended by Statutes of 2007, Chapter 329, at subdivision (b), states:
15 “[t]he claiming instructions shall be derived from . . . the adopted parameters and
16 guidelines” The existing claiming instructions no longer entirely derive from, or
17 conform to, the amended parameters and guidelines.

18 PART III. DISPUTED CLAIMING INSTRUCTIONS

19 Title 2, California Administrative Code, Section 1186, subsection (b) (1), requires
20 this request to include a copy of the disputed claiming instructions. The current claiming

Request for Review of the Claiming Instructions
20 Parameters and Guidelines Amended in 2010 for Boilerplate Language
Castro Valley Unified School District, et al.

1 instructions for the 20 programs listed above are available to the public at the
2 Controller's web site: www.sco.ca.gov/ard_mancost.html. Since this request does not
3 require editing existing language, but incorporation of the amended parameters and
4 guidelines in revised claiming instructions for the eligible fiscal periods, paper copies of
5 existing claiming Instructions for the 20 programs are not included here in favor of
6 readily available electronic access to the public. Similarly, although not required for this
7 request, the amended parameters and guidelines are available at the Commission
8 website as links in the agendas for the specified hearing dates.

9 PART IV. ATTEMPTS TO RESOLVE DISPUTE WITH THE CONTROLLER

10 Title 2, California Administrative Code, Section 1186, subsection (b) (2), requires
11 this request to include copies of correspondence or other documentation that verifies the
12 attempt to resolve the dispute through the Office of State Controller. The dispute is
13 whether the Controller will issue revised claiming instructions that conform to the
14 amended parameters and guidelines.

15 The representative of the local education agencies requesting this review of the
16 claiming instructions has communicated with Controller staff on this issue. Mr.
17 Petersen's e-mail of March 26, 2010, recounts a face-to-face conversation between Mr.
18 Petersen and Ginny Brummels (Manager, Local Reimbursements Section) on that date.
19 That e-mail was sent at Ms. Brummels' request in order to inform Ms. Brummels'
20 supervisor, Jill Kanemasu (Chief, Bureau of Payments), of the issue in dispute. This e-

Request for Review of the Claiming Instructions
20 Parameters and Guidelines Amended in 2010 for Boilerplate Language
Castro Valley Unified School District, et al.

1 mail indicates that Ms. Brummels stated that the issue of preparing revised claiming
2 instructions was still not decided.

3 By e-mail dated April 6, 2010, to Ms. Brummels, Mr. Petersen asked Ms.
4 Brummels if there had been a decision on the issue. Ms. Brummels replied the same
5 day that she anticipated a decision within a week.

6 By e-mail dated April 21, 2010, to the Commission (Nancy Patton, Assistant
7 Executive Director), and copied to Controller staff Jill Kanemasu, Jim Spano, and Ginny
8 Brummels, Mr. Petersen notified Commission staff that no reply on the issue had been
9 received from Controller staff. In an April 23, 2010, response to the April 21, 2010,
10 Petersen e-mail, Ms. Brummels stated that there would be no decision until May 14,
11 2010.

12 By e-mail dated May 14, 2010, to Nancy Patton, Mr. Petersen notified
13 Commission staff that no reply on the issue had been received from Controller staff.
14 These e-mails are included as an attachment to this request.

15 PART V. NARRATIVE OF SUGGESTED CHANGES

16 Title 2, California Administrative Code, Section 1186, subsection (b) (3), requires
17 this request to include a narrative of the suggested changes and reasons why the
18 requesting agencies find the claiming instructions need to be modified. The Controller
19 has not published revised claiming instructions for the amended parameters and
20 guidelines as required by Government Code Section 17558. As a result of the adoption

Request for Review of the Claiming Instructions
20 Parameters and Guidelines Amended in 2010 for Boilerplate Language
Castro Valley Unified School District, et al.

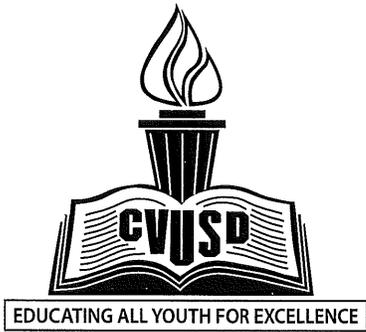
1 of amended parameters and guidelines, the existing Controller claiming instructions for
2 each of the above listed programs are inaccurate as a matter of law. The modification
3 needed is to publish revised claiming instructions for the relevant fiscal year annual
4 reimbursement claims which incorporate the eligible reimbursement periods stated in the
5 amended parameters and guidelines.

6 **PART VI. AGENCY CONTACT INFORMATION**

7 Title 2, California Administrative Code, Section 1186, subsection (b) (4), requires
8 this request to include the contact information of the requesting agency. The contact
9 information is listed on the representative appointment page for each of the requesting
10 agencies located at the end of this request.

11 **PART VII. EFFECTIVE DATE OF THE REQUEST**

12 Title 2, California Code of Regulations Section 1186, subsection (j) (1), states:
13 “[a] request for review filed before the deadline for initial claims as specified in the
14 claiming instructions shall apply to all years eligible for reimbursement as defined in the
15 original parameters and guidelines.” Subsection (j) (2) states: “[a] request for review
16 filed after the initial claiming deadline must be submitted on or before January 15
17 following a fiscal year in order to establish eligibility for reimbursement for that fiscal
18 year.” Inasmuch as revised claiming instructions have not been published, the request
19 is timely as to the periods of eligibility established by each of the amended parameters
20 and guidelines.



Castro Valley Unified School District

BOARD OF EDUCATION

John J. Barbieri
Janice Friesen
George Granger
Jo A.S. Loss
Kunio Okui

SUPERINTENDENT

Jim Negri

P.O. BOX 2146 • CASTRO VALLEY, CALIFORNIA 94546 • (510) 537-3000 • Fax (510) 886-8962

CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.

Executed on June 9, 2010, at Castro Valley, California, by

Michael Bush, Assistant Superintendent, Business
Castro Valley Unified School District
4400 Alma Ave
Castro Valley, California 94546
Voice: **510-537-3000 ext. 1230**
Fax: **510-886-7529**
E-mail: **mbush@cv.k12.ca.us**

APPOINTMENT OF REPRESENTATIVE

Castro Valley Unified School District appoints Keith B. Petersen, SixTen and Associates, as its representative for this Request for Review of the Claiming Instructions.

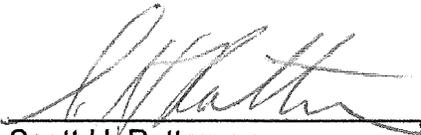

Michael Bush, Assistant Superintendent, Business
Castro Valley Unified School District

06-09-10
(date)

CERTIFICATION

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Executed on June 7, 2010, at El Cajon, California, by

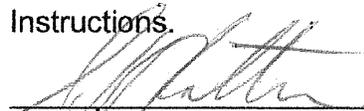


Scott H. Patterson,
Deputy Superintendent, Business Services
Grossmont Union High School District
P.O. Box 1043
La Mesa, CA 91944-1043
Voice: 619.644.8010
Fax: 619.465.6251
Email: spatterson@quhsd.net

APPOINTMENT OF REPRESENTATIVE

Grossmont Union High School District appoints Keith B. Petersen, SixTen and Associates, as its representative for this Request for Review of the Claiming

Instructions.



Scott H. Patterson,
Deputy Superintendent, Business Services
Grossmont Union High School District

June 7, 2010

CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.

Executed on June 10, 2010, at San José, California, by



Ann Jones, Chief Business Official
San José Unified School District
855 Lenzen Avenue
San José, CA, 95126

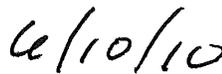
Voice: (408) 535-6053
Fax: (408) 535-2300
E-mail: Ann_Jones@sjusd.org

APPOINTMENT OF REPRESENTATIVE

San José Unified School District appoints Keith B. Petersen, SixTen and Associates, as its representative for this Request for Review of the Claiming Instructions.



Ann Jones, Chief Business Official
San José Unified School District



June 10, 2010

CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.

Executed on June 10, 2010, at San Diego, California, by

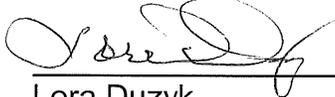


Lora Duzyk, Assistant Superintendent, Business Services
San Diego County Office of Education
6401 Linda Vista Road, Room 609
San Diego, CA 92111
Voice: (858) 292-3618
Fax: (858) 541-0697
E-mail: lorad@sdcoe.net

APPOINTMENT OF REPRESENTATIVE

The San Diego County Office of Education appoints Keith B. Petersen, SixTen and Associates, as its representative for this Request for Review of the Claiming

Instructions.



Lora Duzyk
Assistant Superintendent , Business Services
San Diego County Office of Education

June 10, 2010

CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.

Executed on June 15, 2010, at Gilroy, California, by

Joseph D Keeler
Joseph D. Keeler, Vice President of Administrative Services
Gavilan Joint Community College District
5055 Santa Teresa Boulevard
Gilroy, California 95020
Voice: 408-848-4715
Fax: 408-846-4994
E-mail: jkeeler@gavilan.edu

APPOINTMENT OF REPRESENTATIVE

Gavilan Joint Community College District appoints Keith B. Petersen, SixTen and Associates, as its representative for this Request for Review of the Claiming Instructions.

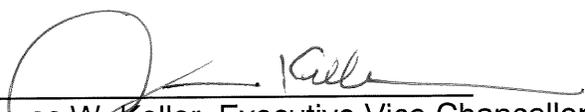
Joseph D Keeler
Joseph D. Keeler
Vice President of Administrative Services
Gavilan Joint Community College District

6-15-10
date

CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.

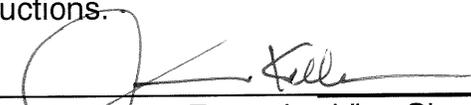
Executed on June 10, 2010 at San Mateo, California, by


James W. Keller, Executive Vice Chancellor
San Mateo County Community College District
3401 CSM Drive
San Mateo, CA 94402
Voice: (650) 358-6790
Fax: (650) 574-6574
E-mail: kellerj@smccd.edu

APPOINTMENT OF REPRESENTATIVE

San Mateo County Community College District appoints Keith B. Petersen, SixTen and Associates, as its representative for this Request for Review of the Claiming

Instructions.

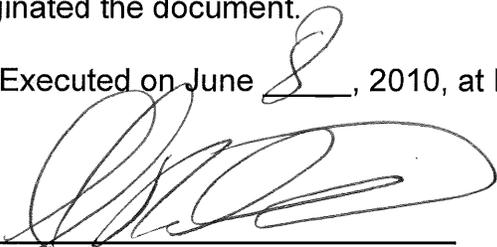

James W. Keller, Executive Vice Chancellor
San Mateo County Community College District

6/10/10
Date

CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.

Executed on June 8, 2010, at Fresno, California, by

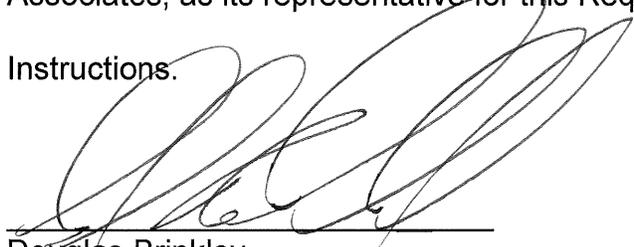


Douglas Brinkley
Vice Chancellor, Finance and Administration
State Center Community College District
1525 E. Weldon Avenue
Fresno, California 93704
Voice: 559-244-5901
Fax: 559-243-1949
E-mail: doug.brinkley@scccd.edu

APPOINTMENT OF REPRESENTATIVE

State Center Community College District appoints Keith B. Petersen, SixTen and Associates, as its representative for this Request for Review of the Claiming

Instructions.



Douglas Brinkley
Vice Chancellor, Finance and Administration
State Center Community College District



(date)

Subj: **Boilerplate P and G amendments, new claiming instructions.**
Date: 3/26/2010 1:18:12 P.M. Pacific Daylight Time
From: Kbpsixten@aol.com
To: gibrummels@sco.ca.gov
CC: ikanemasu@sco.ca.gov, jspano@sco.ca.gov, paula.higashi@csm.ca.gov, nancy.patton@csm.ca.gov, robertm@SSCal.com, patrick_day@siusd.org, doug.brinkley@scccd.edu

Ginny

RE: "Boilerplate" P and G amendments

When we spoke briefly today, you asked me to provide you an e-mail on the issue.

I have been told that at a meeting yesterday with the SB-90 group, SCO staff stated that they were not planning to issue new claiming instructions for the recently adopted P and G amendments to incorporate the boilerplate language requested by the SCO. I was not at the meeting, but I believe it was asserted that the amendment was merely "technical" and no new claiming instructions were needed. You said today that your office is still working the issue and that I should let you know my concerns.

I do not believe the Government Code allows the SCO any choice other than to issue "new" claiming instructions following parameters and guidelines adoptions by the Commission. I understand the number of mandates and documents involved is onerous. Perhaps the solution is to mail to all claimants a letter stating that they can re-file claims retroactive to 2005-06 using *existing* forms last issued in the 2009 SCO manual release. You could post the new parameters and guidelines to your web page with a repeat of the old forms.

However, this "retro to 2005-06" is a good general rule, but there will be some problems with the following programs:

-LEAN was replaced by LEAN/Missing Children in FY 2007-8

-School District Fiscal Accountability was replaced by S DFA/Employee Benefits Disclosure prior to 2005-06.

-Notification to Teachers Suspensions/Expulsions was merged with Pupil Discipline Rules effective 2008-09.

-The version of Pupil Expulsions in the SCO 2005 request was modified by Pupil Expulsion Hearing Costs incremental P and G s after 2005-06

-Pupil Classroom Visits and Pupil Suspensions Counseling was made optional by Chapter 895/2004, so there are no claims to file after December 31, 2004.

-Annual Parent Notification was amended effective FY 2006-07, and is different from the version in the 2005 SCO request.

This also begs the question regarding the amended parameters and guidelines adopted today for the original Mandate Reimbursement Process program. The amendments do not change claimable activities, so will you consider these merely technical and not issue new claiming instructions?

Hope this was helpful. We have a lot of confused claimants that need an answer.

Please provide a definitive written answer to these questions when you can. I will need something in writing in order to proceed with any further dispute.

Keith B. Petersen, President
SixTen and Associates
www.sixtenandassociates.com

Subj: **RE: boilerplate claims**
Date: 4/6/2010 6:46:18 P.M. Pacific Daylight Time
From: gibrummels@sco.ca.gov
To: Kbpsixten@aol.com
Keith:

We are working on this issue but do not have final resolution of action that will be taken. I anticipate we will know next week. We have had a lot of staff out of the office.

Thanks for your patience.

Ginny

From: Kbpsixten@aol.com [mailto:Kbpsixten@aol.com]
Sent: Tuesday, April 06, 2010 12:37 PM
To: Brummels, Ginny
Subject: boilerplate claims

Ginny

Any decision there yet whether you will be releasing new claiming instructions for the "boilerplate" amended programs?

Keith

Exhibit A

Subj: **RE: Boilerplate Parameters and Guidelines**
 Date: 4/23/2010 11:16:14 A.M. Pacific Daylight Time
 From: gibrummels@sco.ca.gov
 To: Kbpsixten@aol.com, nancy.patton@csm.ca.gov
 CC: patrick_day@sjusd.org, CPatterson@fjuhsd.k12.ca.us, doug.brinkley@scccd.edu,
robertm@SSCal.com, jkanemasu@sco.ca.gov, ispano@sco.ca.gov, allanburdick@maximus.com

Keith and Nancy:

Due to conflicting priorities our request for resolution of the Boilerplate Parameters and Guidelines has been moved back in priority and we will probably not have a decision until May 14th.

Thanks

Ginny

From: Kbpsixten@aol.com [mailto:Kbpsixten@aol.com]
Sent: Wednesday, April 21, 2010 11:46 AM
To: nancy.patton@csm.ca.gov
Cc: patrick_day@sjusd.org; CPatterson@fjuhsd.k12.ca.us; doug.brinkley@scccd.edu;
robertm@SSCal.com; Brummels, Ginny; Kanemasu, Jill; Spano, Jim; allanburdick@maximus.com
Subject: Boilerplate Parameters and Guidelines

Nancy

RE: K-14 Boilerplate Parameters and Guidelines

The Commission has adopted (January 29 and March 26, 2010) boilerplate parameters and guidelines for about twenty K-14 programs, and four more are pending at the May 27, 2010 hearing. The Controller has not issued new claiming instructions for the January 29, 2010 adoptions.

At the March 26 hearing I discussed with Ginny a statement made the previous day to the city and county SB-90 people that the Controller staff had decided no new instructions were needed because the amendments are only "technical." Ginny said that was not a final policy decision and that I should write to J. Kanemasu with any comments I may have and to allow some time for response. I sent the email the same day and have not heard anything from the SCO staff. Nor is there any evidence on the SCO website at the usual locations that new instructions or other correspondence has been issued to the claimants on this matter.

As I stated in my email to Kanemasu, I do not believe the Government Code makes any distinctions as to the content of amended parameters and guidelines with respect to the automatic requirement for the Controller to issue new claiming instructions. Therefore, absent some action by the Controller, I wish to take this issue up with the Commission.

My question is if the "Request for Review of Claiming Instructions" is the appropriate form of action? Obviously, there are no new instructions extant to discuss, but I can assert that the existing claiming instructions are effectively voided by Commission action adopting the amended parameters and guidelines and request the Commission to direct the Controller to issue new claiming instructions.

However, for all I know, the SCO may already be taking action. SCO staff are

Exhibit A

notorious for not responding to emails from consultants, or perhaps just my emails. I hope there is some action there so we can avoid the need to file the Request for Review, we all have better things to do with our time. Meanwhile, please let me know the appropriate form of Commission action for me to follow.

Here is my March 26, 2010 to Ginny and Kanemasu:

Ginny

RE: "Boilerplate" P and G amendments

When we spoke briefly today, you asked me to provide you an e-mail on the issue.

I have been told that at a meeting yesterday with the SB-90 group, SCO staff stated that they were not planning to issue new claiming instructions for the recently adopted P and G amendments to incorporate the boilerplate language requested by the SCO. I was not at the meeting, but I believe it was asserted that the amendment was merely "technical" and no new claiming instructions were needed. You said today that your office is still working the issue and that I should let you know my concerns.

I do not believe the Government Code allows the SCO any choice other than to issue "new" claiming instructions following parameters and guidelines adoptions by the Commission. I understand the number of mandates and documents involved is onerous. Perhaps the solution is to mail to all claimants a letter stating that they can re-file claims retroactive to 2005-06 using existing forms last issued in the 2009 SCO manual release. You could post the new parameters and guidelines to your web page with a repeat of the old forms.

However, this "retro to 2005-06" is a good general rule, but there will be some problems with the following programs:

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-The version of Pupil Expulsions in the SCO 2005 request was modified by Pupil Expulsion Hearing Costs incremental P and G s after 2005-06

-Pupil Classroom Visits and Pupil Suspensions Counseling was made optional by Chapter 895/2004, so there are no claims to file after December 31, 2004.

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This also begs the question regarding the amended parameters and guidelines adopted today for the original Mandate Reimbursement Process program. The amendments do not change claimable activities, so will you consider these merely technical and not issue new claiming

instructions?

Hope this was helpful. We have a lot of confused claimants that need an answer.

Please provide a definitive written answer to these questions when you can. I will need something in writing in order to proceed with any further dispute.

Keith B. Petersen, President
SixTen and Associates
www.sixtenandassociates.com

SAN DIEGO OFFICE:
5252 Balboa Avenue, Suite 900
San Diego, CA 92117
Voice: 858-514-8605
Fax: 858-514-8645

SACRAMENTO OFFICE:
3270 Arena Blvd., Suite 400-363
Sacramento, CA 95834
Voice: 916-419-7093
Fax: 916-263-9701

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Exhibit A

Subj: **Fwd: Boilerplate Parameters and Guidelines**
 Date: 5/14/2010 10:33:53 A.M. Pacific Daylight Time
 From: Kbpsixten@aol.com
 To: nancy.patton@csm.ca.gov

Nancy

I am forwarding my 4/21 email on this subject. No response or apparent action from SCO.

For now, can you answer if the Request for Review is the correct form of action for this issue.

Keith B. Petersen, President
 SixTen and Associates
www.sixtenandassociates.com

SAN DIEGO OFFICE:
 5252 Balboa Avenue, Suite 900
 San Diego, CA 92117
 Voice: 858-514-8605
 Fax: 858-514-8645

SACRAMENTO OFFICE:
 3270 Arena Blvd., Suite 400-363
 Sacramento, CA 95834
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-----Original Message-----

From: Kbpsixten@aol.com
 Date: Wed, 21 Apr 2010 14:46:23 EDT
 Subject: Boilerplate Parameters and Guidelines
 To: nancy.patton@csm.ca.gov
 CC: patrick_day@sjusd.org, CPatterson@fjuhsd.k12.ca.us,
doug.brinkley@scccd.edu,
robertm@SSCal.com, gibrummels@sco.ca.gov, jkanemasu@sco.ca.gov,
jspano@sco.ca.gov, allanburdick@maximus.com

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Exhibit A

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Keith B. Petersen, President
SixTen and Associates
www.sixtenandassociates.com

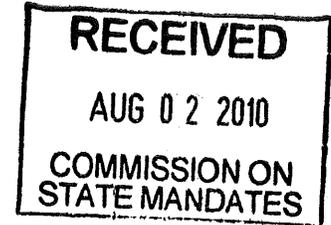
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Fax: 858-514-8645

SACRAMENTO OFFICE:
3270 Arena Blvd., Suite 400-363
Sacramento, CA 95834
Voice: 916-419-7093
Fax: 916-263-9701

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JOHN CHIANG
California State Controller



July 30, 2010

Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Keith Petersen
SixTen and Associates
3841 North Freeway Boulevard, Suite 170
Sacramento, CA 95834

And Interested Parties and Affected State Agencies (See Enclosed Mailing List)

Re: Request for Review of Claiming Instructions

Request to Add Boilerplate Language, 09-RCI-01 (05-PGA-17)

Castro Valley Unified School District, Grossmont Union High School District,
San Jose Unified School District, San Diego County Office of Education, Gavilan
Joint Community College District, San Mateo County Community College
District, State Center Community College District, Requestors

Dear Ms. Higashi and Mr. Petersen:

The Controller's Office submits the following response to the above-entitled action. This office agrees that Government Code¹ section 17558(c) requires the revision of the Claiming Instructions any time the Parameters & Guidelines are amended. We will begin issuing revised Claiming Instructions for the identified programs in the near future.

However, we disagree with the claimant's conclusions concerning the effective date of the request for review of claiming instructions. The regulations are clear on this point. Title 2 CCR section 1186, subdivision (j)(2) states that, "[a] request for review filed after the initial claiming deadline must be submitted on or before January 15 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year." Since this request was filed on June 29, 2010, the request is only effective for the 2009-10 fiscal year and thereafter.

From the correspondence included in the package, it appears that the claimants are attempting to reopen long closed reimbursement eligibility windows. Pursuant to Section

¹ All further statutory references shall be to the Government Code unless otherwise indicated.

July 30, 2010

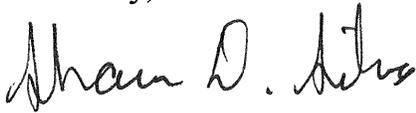
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17560, the window for eligibility to file a claim for reimbursement is based upon the fiscal year for which costs are claimed. That deadline is the February 15th following the fiscal year for which the reimbursement is sought. Section 17568 states that, "*[i]n no case* shall a reimbursement claim be paid that is submitted more than one year after the deadline specified in Section 17560." (Emphasis added.) Claimants cite no authority that would allow this office, or the Commission, to alter that limitation.

In conclusion, this office agrees that any amendment to the parameters and guidelines requires a revision to the claiming instructions, but the effectiveness of such revision is limited as set forth in 2 CCR § 1186(j)(2).

If there are any questions or concerns, please feel free to call me at (916) 445-1073.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn D. Silva". The signature is fluid and cursive, with the first name being the most prominent.

SHAWN D. SILVA
Senior Staff Counsel

SDS/ac

Enclosure

Original List Date: 7/2/2010 Mailing Information: Draft Staff Analysis
 Last Updated:
 List Print Date: 07/30/2010 **Mailing List**
 Claim Number: 09-RCI-01
 Issue: Request to Add Boilerplate Language

TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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Commission on State Mandates

Original List Date: 7/2/2010
Last Updated: 11/7/2011
List Print Date: 11/14/2011
Claim Number: 09-RCI-01
Issue: Request to Add Boilerplate Language

Mailing List

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