

**COMMISSION ON STATE MANDATES**

980 NINTH STREET, SUITE 300  
SACRAMENTO, CA 95814  
PHONE: (916) 323-3562  
FAX: (916) 445-0278  
E-mail: csminfo@csm.ca.gov



October 3, 2005

Mr. Keith B. Petersen  
SixTen and Associates  
5252 Balboa Avenue, Suite 807  
San Diego, CA 92117

Ms. Jesse McGuinn  
Department of Finance  
915 L Street, 8th Floor  
Sacramento, CA 95814

Ms. Ginny Brummels  
State Controller's Office  
Division of Accounting & Reporting  
3301 C Street, Suite 500  
Sacramento, CA 95816

Mr. Gerald Shelton  
California Department of Education  
Fiscal and Administrative Services Division  
1430 N Street, Suite 2213  
Sacramento, CA 95814

Ms. Luisa M. Park  
State Allocation Board  
Office of Public School Construction  
1130 K Street, Suite 400  
Sacramento, CA 95814

And: Interested Parties  
(see enclosed mailing list)

Re: **Notice of Complete Test Claim Filing and Schedule for Comments**  
*Williams Case Implementation, 05-TC-04*

On August 21, 2005, a test claim was filed on the above named program by the San Diego County Office of Education and the Sweetwater Union High School District, Co-Claimants. Following initial review, the Commission staff found the test claim to be complete. The Commission is now requesting state agencies and interested parties to comment on the test claim as specified in the enclosed notice.

Please contact Nancy Patton at (916) 323-8217 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Paula Higashi".

PAULA HIGASHI  
Executive Director

Enclosures:

Notice of Complete Test Claim Filing and Schedule for Comments  
Copy of Test Claim (state agencies only)  
Mailing List

MAILED:  FILED:  DATE: 10/23/05 INITIAL:  FAXED:  WORKING BINDER:

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Sections 88, 1240, 14501, 17002, 17014, 17032.5, 17070.15, 17070.75, 17087, 17089, 17592.70, 17592.71, 17592.72, 17592.73, 32228.6, 33126, 33126.1, 35186, 41020, 41207.5, 41344.4, 41500, 41501, 41572, 42127.6, 44258.9, 44274, 44275.3, 44325, 44453, 44511, 48642, 49436, 52055.625, 52055.640, 52055.662, 52055.640, 52059, 52295.35, 56836.165, 60119, 60240, 60252, 62000.4;

Statutes 2004, Chapter 899 (SB 6); Statutes of 2004, Chapter 900; Statutes 2004, Chapter 902 (AB 3001); Statutes 2004, Chapter 903 (AB 2727); Statutes 2005, Chapter 118 (AB 831);

California Code of Regulations, Title 5, Sections 4600-4671; California Code of Regulations, Title 2, Sections 1859.300-1859.329;

Executive Orders: Office of Public School Construction/State Allocation Board; Certification of Eligibility; Interim Evaluation Instrument; Needs Assessment Report, SAB 61-01; Needs Assessment Report Worksheet; Expenditure Report, SAB 61-02; Application for Reimbursement and Expenditure Report, SAB 61-03; Web-Based Progress Report Survey; Web-Based Needs Assessment;

Filed on September 21, 2005;

By the San Diego County Office of Education and the Sweetwater Union High School District, Co-Claimants.

No. 05-TC-04

*Williams Case Implementation*

NOTICE OF COMPLETE TEST CLAIM FILING AND SCHEDULE FOR COMMENTS (Gov. Code, § 17500 et seq.; Cal. Code Regs., Tit. 2, §§ 1183, subd.(g), & 1183.02)

**TO: San Diego County Office of Education  
Sweetwater Union High School District  
California Department of Education  
Department of Finance  
State Controller's Office  
Interested Parties**

On August 21, 2005, the San Diego County Office of Education and the Sweetwater Union High School District, Co-Claimants, filed a test claim on the above-described statutes and/or executive orders alleging a reimbursable state-mandated program pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514. The test claim is complete. The test claim will be heard and determined by the Commission on State Mandates pursuant to article XIII B, section 6, Government Code section 17500 et seq., and case law. The procedures for hearing and determining this claim are prescribed in the Commission's regulations, California Code of Regulations, title 2, chapter 2.5, section 1181.

#### **COMMENT PERIOD**

The key issues before the Commission are:

- Do the provisions listed above impose a new program or higher level of service within an existing program upon local entities within the meaning of article XIII B, section 6 of the California Constitution and costs mandated by the state pursuant to Government Code section 17514 of the Government Code?
- Does Government Code section 17556 preclude the Commission from finding that any of the test claim provisions impose costs mandated by the state?
- Have funds been appropriated for this program (e.g., state budget) or are there any other sources of funding available? If so, what is the source?

State Agency Review of Test Claim - State agencies are requested to analyze the test claim merits and to file written comments within 30 days, or no later than **November 2, 2005**. Requests for extensions of time may be filed in accordance with sections 1183.01, subdivision (c), and 1181.1, subdivision (g) of the regulations.

Claimant Rebuttal - The claimant and interested parties may file rebuttals to state agencies' comments under section 1183.03 of the regulations. The rebuttal is due 30 days from the actual service date of written comments from any state agencies.

Mailing Lists - Under section 1181.2 of the regulations, the Commission will promulgate a mailing list of parties, interested parties, and interested persons for each test claim and provide the list to those included on the list, and to anyone who requests a copy. Any written material filed with the Commission on this claim shall be simultaneously served on the other parties listed on the mailing list provided by the Commission.

Consolidating Test Claims - Pursuant to Commission regulations, the executive director may consolidate part or all of any test claim with another test claim. See sections 1183.05 and 1183.06 of the regulations.

### **INFORMAL/PREHEARING CONFERENCE**

An informal conference or prehearing conference may be scheduled if requested by any party. See sections 1183.04 and 1187.4 of the regulations.

### **HEARING AND STAFF ANALYSIS**

A tentative hearing date for the test claim will be set when the draft staff analysis of the claim is being prepared. At least eight weeks before a hearing is conducted, the draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due at least five weeks prior to the hearing or on the date set by the Executive Director, pursuant to section 1183.07 of the regulations. Before the hearing, a final staff analysis will be issued.

Dismissal of Test Claims - Under section 1183.09 of the regulations, test claims may be dismissed when postponed or placed on inactive status by the claimant for more than one year. Before dismissing a test claim, the Commission will provide 60 days notice and opportunity for other parties to take over the claim.

Parameters and Guidelines - If the Commission determines that a reimbursable state mandate exists, the claimant is responsible for submitting proposed parameters and guidelines for reimbursing all eligible local entities. See section 1183.1 of the regulations. All interested parties and affected state agencies will be given an opportunity to comment on the claimant's proposal before consideration and adoption by the Commission.

Reasonable Reimbursement Methodology - Government Code section 17557 requires the Commission, when adopting parameters and guidelines, to consult with claimants, Department of Finance, the State Controller, and the Legislature to consider a reasonable reimbursement methodology that balances accuracy with simplicity. Government Code section 17518.5 authorizes the claimant or any affected state agency or interested party to propose a reasonable reimbursement methodology.

Statewide Cost Estimate - The Commission is required to adopt a statewide cost estimate of the reimbursable state-mandated program within 12 months of receipt of a test claim. This deadline may be extended for up to six months upon the request of either the claimant or the Commission.

Dated:

October 3, 2005



PAULA HIGASHI, Executive Director

# Commission on State Mandates

Original List Date: 9/28/2005

Mailing Information: Completeness Determination

Last Updated:

List Print Date: 10/03/2005

## Mailing List

Claim Number: 05-TC-04

Issue: Williams Case Implementation

### 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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Mr. Keith B. Petersen

**Claimant Representative**

SixTen & Associates

Tel: (858) 514-8605

5252 Balboa Avenue, Suite 807

Fax: (858) 514-8645

San Diego, CA 92117

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Ms. Lora Duzyk

**Claimant**

San Diego County Office of Education

Tel: (858) 292-3537

6401 Linda Vista Road

Fax: (858) 541-0697

San Diego, CA 92111-7309

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Ms. Dianne L. Russo

**Claimant**

Sweetwater Union High School District

Tel: (619) 691-5550

1130 Fifth Ave.

Fax: (619) 425-3394

Chula Vista, CA 91911-2896

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Mr. Arthur Palkowitz

Tel: (619) 725-7565

San Diego Unified School District

4100 Normal Street, Room 3159

Fax: (619) 725-7569

San Diego, CA 92103-8363

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Ms. Jesse McGuinn

Tel: (916) 445-8913

Department of Finance (A-15)

915 L Street, 8th Floor

Fax: (916) 327-0225

Sacramento, CA 95814

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Ms. Ginny Brummels

Tel: (916) 324-0256

State Controller's Office (B-08)

Division of Accounting & Reporting

3301 C Street, Suite 500

Fax: (916) 323-6527

Sacramento, CA 95816

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Ms. Sandy Reynolds  
Reynolds Consulting Group, Inc.  
P.O. Box 894059  
Temecula, CA 92589

Tel: (951) 303-3034

Fax:

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Ms. Harmeet Barkschat  
Mandate Resource Services  
5325 Elkhorn Blvd. #307  
Sacramento, CA 95842

Tel: (916) 727-1350

Fax: (916) 727-1734

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Mr. Steve Smith  
Steve Smith Enterprises, Inc.  
4633 Whitney Avenue, Suite A  
Sacramento, CA 95821

Tel: (916) 483-4231

Fax: (916) 483-1403

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Mr. Steve Shields  
Shields Consulting Group, Inc.  
1536 36th Street  
Sacramento, CA 95816

Tel: (916) 454-7310

Fax: (916) 454-7312

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Ms. Annette Chinn  
Cost Recovery Systems, Inc.  
705-2 East Bidwell Street, #294  
Folsom, CA 95630

Tel: (916) 939-7901

Fax: (916) 939-7801

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Ms. Beth Hunter  
Centration, Inc.  
8316 Red Oak Street, Suite 101  
Rancho Cucamonga, CA 91730

Tel: (866) 481-2642

Fax: (866) 481-5383

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Mr. Gerald Shelton  
California Department of Education (E-08)  
Fiscal and Administrative Services Division  
1430 N Street, Suite 2213  
Sacramento, CA 95814

Tel: (916) 445-0541

Fax: (916) 327-8306

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Mr. David E. Scribner  
Scribner Consulting Group, Inc.  
3840 Rosin Court, Suite 190  
Sacramento, CA 95834

Tel: (916) 922-2636

Fax: (916) 922-2719

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Mr. Robert Miyashiro  
School Services of California, Inc.  
1121 L Street, Suite 1060  
Sacramento, CA 95814

Tel: (916) 446-7517

Fax: (916) 446-2011

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Ms. Luisa M. Park  
State Allocation Board  
Office of Public School Construction

Tel:

Fax:

