

ITEM 5

INCORRECT REDUCTION CLAIMS STAFF ANALYSIS

Education Code Section 35160.5

Statutes 1983, Chapter 498

Claimants:

Elk Grove Unified School District (01-4136-I-41),
Santa Maria-Bonita School District (01-4136-I-42),
Milpitas Unified School District (01-4136-I-43),
Del Mar Union School District (01-4136-I-44),
Saratoga Union Elementary School District (01-4136-I-45),
Merced City Elementary School District (01-4136-I-46),
Davis Joint Unified School District (01-4136-I-47)

Certification of Teacher Evaluator's Demonstrated Competence

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State of California
COMMISSION ON STATE MANDATES
980 Ninth Street, Suite 300
SACRAMENTO, CA 95814
(916) 323-3562
CSM 2 (2/91)

EXHIBIT A,
TAB 1

RECEIVED Fiscal Code County
NOV 09 2001 COMMISSION ON STATE MANDATES
Claim No. 01-4136-I-41

INCORRECT REDUCTION CLAIM FORM

Local Agency or School District Submitting Claim

ELK GROVE UNIFIED SCHOOL DISTRICT, CLAIMANT ID# S34020

Contact Person
Steve Smith, Mandated Cost Systems, Inc.

Telephone No.
(916) 487-4435

Address

**9510 ELK GROVE-FLORIN ROAD
ELK GROVE, CA 95624**

Representative Organization to be Notified
**Mandated Cost Systems, Inc.
2275 Watt Avenue Suite C
Sacramento, CA 95825
(916) 487-4435**

This claim alleges an incorrect reduction of a reimbursement claim filed with the State Controller's Office pursuant to section 17561 of the Government Code. This incorrect reduction claim is filed pursuant to section 17551(b) of the Government Code.

CLAIM IDENTIFICATION: Specify Statute or Executive Order

Certification of Teacher Evaluator's Demonstrated Competence Chapter 498, Statutes of 1983, Education Code Section 35160.5

<u>Fiscal Year*</u>	<u>Amount of the Incorrect Reduction</u>
1995/96	\$169,520

*More than one fiscal year may be claimed.

IMPORTANT: PLEASE SEE INSTRUCTION AND FILING REQUIREMENTS FOR COMPLETING AN INCORRECT REDUCTION CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative
Steve Smith, Mandated Cost Systems, Inc.

Telephone No.

(916) 487-4435

Signature of Authorized Representative

SK Smith

Date

11/9/01

Incorrect Reduction Claim

Elk Grove Unified School District, Claimant ID# S34020
Certification of Teacher Evaluators' Demonstrated Competence
Chapter 498, Statutes of 1983
COSM No. SB90-4136
1995/96 Fiscal Year

I. Brief Description of the Disallowed Costs:

The Elk Grove Unified School District (hereinafter "District" or "Claimant") filed a claim for reimbursement under the Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program (Chapter 498, Statutes of 1983; COSM No. SB90-4136) for fiscal year 1995/96. By letter dated October 16, 2001, the State Controller (SCO) disallowed \$169,520 of costs for training probationary teachers and associated indirect costs claimed under the Probationary Certificated Policies component of this program. The State Controller has taken the position that the parameters and guidelines "do not provide reimbursement for probationary teacher training costs." Claimant argues, as further outlined below, that the Controller incorrectly reduced its claim because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

II. The Mandate:

Chapter 498, Statutes of 1983 added section 35160.5 to the Education Code (See Exhibit "A"). Section 35160.5 required school districts, as a condition for receipt of school apportionments, to adopt rules and regulations establishing policies regarding:

- a. The certification of the demonstrated competence of administrators who would be conducting teacher evaluations;
- b. Assurances that probationary teachers will have their needs for training, assistance, and evaluations recognized and met by the district; and
- c. Filing of parent complaints regarding district employees.

On September 20, 1984, the San Jose Unified School District filed a test claim with the Board of Control alleging that Chapter 498/83 imposed reimbursable state mandated costs. On September 26, 1985, the Commission on State Mandates approved the test claim and on October 24, 1985, adopted its Statement of Decision (See Exhibit "B"). Parameters and guidelines for this program were originally adopted on April 24, 1986 (See Exhibit "C"). These parameters and guidelines were subsequently amended on January 24, 1991 (See Exhibit "D"). The Education Trailer Bill to the Budget Act of 1996, effective July 22, 1996 (Chapter 204, Statutes of 1996) repealed this mandate effective with the 1996/97 fiscal year. The State Controller's Office Claiming Instructions in effect for the 1995/96 claim year are attached (See Exhibit "E").

III. The District's Claim, State Controller's Review and Reconsideration

The filing deadline with the State Controller's Office for 1995/96 Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program was November 30, 1996. The late filing deadline (with requisite 10% penalty not to exceed \$1,000) was December 1, 1997. The District submitted its 1995/96 claim within the annual filing period. The District claimed costs under the three reimbursable components plus associated indirect costs of totaling \$312,168.

In a letter dated August 5, 1998, SCO denied \$261,351 in claimed costs (See Exhibit "F"). The reasons cited for the adjustments were:

Indirect Costs Overstated	\$ 14,564
No Supporting Documentation	\$ 1,344
Non-Reimbursable Item	\$ 245,443

Due to the lack of specificity in this letter, a copy of the SCO claim review working papers was obtained in order to determine the specific claim line items that were disallowed (See Exhibit "G").

On October 26, 1998, Mandated Cost Systems, Inc., representing the District submitted a letter to SCO requesting reconsideration and reinstatement of all disallowed costs (See Exhibit "H").

On December 18, 1998, SCO completed its reconsideration of its claim adjustments and issued an adjustment letter which reinstated \$82,735 for incorrectly disallowed competence in instructional methodology, teacher trainers, parental complaint policies, printing & supply costs and contracted services. SCO did not reinstate any costs for probationary teacher's time when receiving training (See Exhibit "I"). Mandated Cost Systems, Inc., discovered a \$9,096 calculation error on behalf of SCO in their December 18, 1998, adjustment letter. On October 11, 2001, Mandated Cost Systems, Inc., addressed this error in a letter to the SCO and requested an additional \$9,096 in non-probationary teacher costs be reinstated that were originally requested in our October 26, 1998, letter (See Exhibit "J"). On October 16, 2001, SCO completed its reconsideration of the October 11, 2001, letter and issued a final adjustment letter which reinstated an additional \$9,096 for incorrectly disallowed competence in instructional methodology, teacher trainers, parental complaint policies, printing & supply costs and contracted services (See Exhibit "K").

IV. The Issue in Dispute:

The specific issue being disputed deals with the following question:

Is the cost of probationary teachers receiving the mandated additional training a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program?

V. Claimant's Position

Claimant argues, as further outlined below, the cost of probationary teachers receiving the mandated additional training is a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

It should be noted that the SCO disallowed probationary teacher training costs claiming the "parameters and guidelines do not provide for reimbursement" of these costs. The SCO is not claiming that these costs are excessive or unreasonable under Government Code section 17561(d). Therefore, the only issue before the COSM is whether the parameter and guidelines "provide for reimbursement" for the cost of probationary teacher training costs.

VI. The State Controller's Position

By letter dated December 18, 1998, the Controller has disallowed the cost of probationary teachers receiving the mandated additional training stating that:

"The amount of \$168,676 for salaries and benefits of probationary teachers in training is disallowed. Parameters and guidelines do not provide for reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities."

As previously noted in "Section III", paragraph five, of this Incorrect Reduction claim, a final adjustment letter was issued by the Controller dated October 16, 2001, indicating the correct calculation adjustment at \$169,520.

VII. Parameters and Guidelines and Claiming Instructions

A. The Parameters and Guidelines

Section V (Reimbursable Costs) of the parameters and guidelines for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education.

* * *

Registration fees and travel costs of probationary teachers attending training activities.

* * *

Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teacher's classrooms to observe teaching techniques (limited to three such visitations per semester).

B. The Claiming Instructions

Section 5 (Reimbursable Components) of the claiming instructions for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist and evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available with the school district or county office, is reimbursable. Registration fees, travel costs, and the cost of substitute teachers provided so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester."

VIII. Claimant's Analysis

The District's claim for costs attributable to probationary teacher training can be broken down into two types of costs. "Category A" costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. "Category B" costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83.

A. Argument for Reimbursing Category A Probationary Teacher Costs

In its October 26, 1998, reconsideration letter to SCO, Mandated Cost Systems, Inc., argued on behalf of the District that disallowed probationary teacher costs under Category A totaling \$118,313 should be reinstated. In its October 11, 2001, reconsideration letter to SCO, Mandated Cost Systems, Inc., informed SCO that there was a \$1,483 increase in probationary teacher time. This would then bring the costs under Category A to total \$119,796.

Category A costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. The parameters and guidelines clearly and explicitly allow for these costs when they provide as reimbursable costs those "costs of training probationary teachers, over and above that provided to permanent teachers, are reimbursable." The COSM should be guided by the common rule of interpretation which provides that where express provisions of a rule are clear and unambiguous the explicit meaning of those provisions, interpreted in their ordinary and popular sense, controls the interpretation. (See, *Borg v. Transamerica Ins. Co.*, 47 Cal.App.4th 448, 455, 54 Cal.Rptr.2d 811).

B. Argument for Reimbursing Category B Probationary Teacher Costs

In its October 26, 1998, reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category B totaling \$49,724 should be reinstated.

Category B costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83. Specifically, as a requirement of the mandate, all first year probationary teachers work a 186 day year (two extra 7.5 hour days each year for teacher training) while permanent teachers work a 184 day year. In addition, first year probationary teachers are required to attend ten

after-hours training sessions that last ninety minutes each. The first year probationary teachers were paid for working the extra two days and working the extra hours while in attendance at the after-hours training sessions.

In the case of category B costs, there is a clearly identifiable increased cost incurred by the District related to compensating probationary teachers for the additional time receiving the mandated training. The Commission on State Mandates has recently reaffirmed that these types of costs are reimbursable.

In the *Physical Performance Testing* program the Commission explicitly recognized that mandates that befall teachers create reimbursable costs if the District increases the teacher's workday or work year. In addressing this issue the Commission's Statement of Decision states in pertinent part as follows:

"The manual (State Administrative Manual) defines costs as ".....all additional expenses for which either supplemental financing or the redirection of existing staff or resources ...is required." Because the school days or school year is not extended to accommodate the time required to administer physical performance tests, there are no additional costs as defined by the manual."

"Further, the Commission found that neither the school day or the school year is extended to accommodate the time required to administer and score the physical performance tests, school districts incur no increased reimbursable costs when classroom teachers administer the physical fitness tests."

Although the Commission concluded that teacher time during the school day implementing the *Physical Performance* mandate was not reimbursable, the Commission did recognize that teacher time attending training after the regular school day is reimbursable. In support of Claimant's argument the Commission concluded that:

"Increased costs for substitute teacher time during the school day or for teacher stipends to attend training sessions outside the regular school day (after school or on Saturday) are eligible for reimbursement. However, the labor time of the teacher spent in attending training sessions during that teachers' normal classroom hours is not reimbursable." (Emphasis added).¹

By way of further support for Claimant's position, the Commission has stated in its parameters and guidelines for *American Government Course Document Requirements* that:

"Either the cost of providing a substitute teacher for each teacher who attends a training session during the teacher's normal classroom periods or the additional payments made to each teacher who attends a training session outside the teacher's normal classroom period (after school or on Saturday) is reimbursable." (Emphasis added).

¹ See page 6 of the Physical Performance Testing Program parameters and guidelines adopted by the Commission on State Mandates on September 24, 1998.

The above-cited sections of Commission parameters and guidelines fully support Claimant's claim for reimbursement for those "additional payments made to each teacher who attends a training session outside the teacher's normal classroom period (after school or on Saturday)." These two programs illustrate the fact that if a district has incurred some type of identifiable increased cost related to a fixed environment employee (i.e., teachers) then that identifiable increased cost shall be considered a reimbursable mandated cost pursuant to Article XIII B, section 6 of the State Constitution whether it is substitute costs, overtime pay, stipends, or as in this case, an expanded work year specifically due to the mandate of additional training for probationary teachers.

The Claimant's argument is further bolstered by the erroneous conclusion made by the Controller that reimbursement of substitute teacher time is made "in lieu" of reimbursement for probationary teacher time attending the training. Here, the Claimant is making a claim for probationary teacher time attending training that occurred after the regular work day or after the end of the regular work year when a substitute teacher is not needed. With no substitute costs the Claimant is not provided any reimbursement "in lieu" of reimbursement of probationary teacher time attending the trainings. Moreover, and as outlined above, the Commission has explicitly recognized that Districts are entitled to reimbursement for **both** substitute teacher time (for costs incurred during the fixed environment) and other identifiable costs for teachers that occur outside the regular work day (e.g. nights, weekends, and at the end of the school year).

IX. Conclusion

Based upon the foregoing, Claimant respectfully requests that the COSM find:

1. Claimant submitted its Certification of Teacher Evaluators' Demonstrated Competence claims for reimbursement in compliance with the State Controller's claiming instructions.
2. Claimant submitted the requisite documentation in support of its claim for reimbursement.
3. That the State Controller incorrectly reduced claimant's reimbursement claim when it disallowed costs for training probationary teachers claimed under the Probationary Certificated Policies component of this program.

Claimant respectfully requests that the COSM determine that SCO incorrectly reduced the claimant's Teacher Evaluator claim and direct Commission Staff, in accordance with COSM's regulations, to submit a letter to the Controller requesting that the costs of the claim be reinstated.

CERTIFICATION

I certify by my signature below that the statements made in this document are true and correct of my own knowledge, or as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on November 9, 2001, at Sacramento, CA.

SSM 11/9/01

Steve Smith, Mandated Cost Systems, Inc.

Exhibit A

Code, to read:

35160.5. On or before December 1, 1984, the governing board of each school district shall, as a condition for the receipt of school apportionments from the State School Fund, adopt rules and regulations establishing school district policies as they relate to the following:

(a) Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(b) The establishment of district policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district.

(c) The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district. These policies and procedures shall provide for appropriate mechanisms to respond to and where possible to resolve, the complaints. These policies and procedures shall be established in consultation with employee organizations.

1 Code, to read:

2 35160.5. On or before December 1, 1984, the
3 governing board of each school district shall, as a
4 condition for the receipt of school apportionments from
5 the State School Fund, adopt rules and regulations
6 establishing school district policies as they relate to the
7 following:

8 (a) Certification that personnel assigned to evaluate
9 teachers have demonstrated competence in instructional
10 methodologies and evaluation for teachers they are
11 assigned to evaluate. The determination of whether
12 school personnel meet the district's adopted policies shall
13 be made by the governing board.

14 (b) The establishment of district policies ensuring that
15 each probationary certificated employee is assigned to a
16 school within the district with assurances that his or her
17 status as a new teacher and his or her potential needs for
18 training, assistance, and evaluations will be recognized by
19 the district.

20 (c) The establishment of policies and procedures
21 which parents or guardians of pupils enrolled in the
22 district may use to present complaints regarding
23 employees of the district. These policies and procedures
24 shall provide for appropriate mechanisms to respond to
25 and where possible to resolve, the complaints. These
26 policies and procedures shall be established in
27 consultation with employee organizations.

28 The governing board of each school district shall
29 annually review the school district policies adopted
30 pursuant to the requirements of this section.

31 SEC. 13. Section 39363 of the Education Code, as
32 amended to read:

33 39363. The funds derived from the sale of surplus
34 property shall be used for capital outlay or for costs of
35 maintenance of school district property that the
36 governing board of the school district determines will not
37 recur within a five-year period. Proceeds from a lease of
38 school district property with an option to purchase may
39 be deposited into a restricted fund for the routine repair
40 and maintenance of district facilities, as defined by the

State Allocation Board, for up to a five-year period. In
addition, the proceeds may be deposited in the general
fund of the district for any general fund purpose if the
school district governing board and the State Allocation
Board have determined that the district has no
anticipated need for additional sites or building
construction for the five-year period following such sale
or lease, and the district has no major deferred
maintenance requirements.

SEC. 14. Section 42238 of the Education Code is
repealed.

SEC. 15. Section 42238 is added to the Education
Code, to read:

(a) For the 1983-84 fiscal year, the county
superintendent of schools shall determine a revenue limit
for each school district in the county pursuant to this
section.

(b) The base revenue limit for the 1983-84 fiscal year
shall be determined by adding the following amounts:

(1) The revenue limit per unit of average daily
attendance for the 1982-83 fiscal year determined
pursuant to Item 6100-101-001 of the Budget Act of 1982.

(2) The inflation adjustment specified in Section
42238.1.

(3) The equalization adjustment specified in Section
42238.4.

(c) The base revenue limit for each district
determined in subdivision (b) shall be multiplied by the
district average daily attendance computed as specified
in Section 42238.5.

(d) The amount determined in subdivision (c) shall
be increased by the minimum revenue guarantee
adjustment specified in Section 42238.2.

(e) The Superintendent of Public Instruction shall
apportion to each school district the amount determined
in this section less the sum of:

(1) The district's property tax revenue received
pursuant to Chapter 6 (commencing with Section 95) of
Part 0.5 of the Revenue and Taxation Code.

(2) The amount, if any, received pursuant to Part 18.5

Exhibit B

Hearing: 10/24/85
Date Filed: 09/20/84
Staff: Rose Mary Swart
WP 0592A

Proposed Statement of Decision
Adopted Mandate
(Chapter 498, Statutes of 1983)
Teacher Evaluator's Demonstrated Competence

The Commission on State Mandates, at its September 26, 1985 hearing, determined that a reimbursable mandate exists in Chapter 498, Statutes of 1983, Education Code Section 35160.5.

Member Creighton moved to find a mandate. Members Aceituno, Carlyle and Creighton voted aye, Chairman Huff voted no. The motion carried.

BEFORE THE
COMMISSION ON STATE MANDATES

CLAIM OF:

SAN JOSE UNIFIED SCHOOL DISTRICT

Claimant

SB 90-4136

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on September 26, 1985, in Sacramento, California, during a regularly scheduled meeting of the commission. William A. Doyle appeared on behalf of the San Jose Unified School District.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

FINDINGS OF FACT

1. The test claim was filed with the Board of Control on September 20, 1984, by the San Jose Unified School District.

2. The subject of the claim is Statutes of 1983, Chapter 498 (Education Code section 35160.5).

3. Chapter 498, Statutes of 1983, added Education Code section 35160.5 which requires the following actions in order for districts to receive school apportionments. On or before December 1, 1984, each school district shall adopt rules and regulations establishing district policy regarding:

(a) certification that teacher evaluators have demonstrated competence in methodologies needed to evaluate teachers.

(b) district policies ensuring that all new, probationary teachers are assigned to schools where their potential special needs for training, assistance and evaluations will be met.

(c) policies which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Section 35160.5 also requires the governing board of each school district to annually review the policies adopted pursuant to the section.

4. The claimant incurred costs as a result of training teacher evaluators to meet the newly adopted standards as specified in Finding 3.

5. None of the requisites for denying a claim, as specified in Government Code section 17556, subdivision (a), were established.

DETERMINATION OF ISSUES

1. The commission has jurisdiction to decide the claim under authority of Government Code section 17630.

2. The commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore the commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

3. The commission determined that only the higher level of service required by section 35160.5 in each school district is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

4. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

Exhibit C

Hearing: 4/24/86
SB 90-4136
Staff: Rose Mary Swart
WP 1029A

PROPOSED PARAMETERS AND GUIDELINES
Chapter 498, Statutes of 1983
Education Code Section 35160.5
Certification of Teacher Evaluators' Demonstrated Competence

EXECUTIVE SUMMARY

Chapter 498, Statutes of 1983 created a state mandate in Education Code Section 35160.5 by requiring that in order to receive apportionments, school districts adopt rules establishing district policy regarding: certification of teacher evaluators' demonstrated competence, probationary teachers, and a complaint process which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Commission staff has suggested amendments to the claimant's proposed parameters and guidelines, and recommends that the commission adopt the parameters and guidelines as amended. The claimant agrees with staff's proposed parameters and guidelines.

The Department of Finance (DOF) has suggested changes to staff's proposed parameters and guidelines.

Claimant

San Jose Unified School District

Chronology

- 9/20/84 Claim filed with Board of Control.
- 10/12/84 Claim continued pending Board of Control decision regarding multiple filings issue for Chapter 498/83; and, due to transition to Commission on State Mandates.
- 3/21/85 Claim continued due to lack of input from State Department of Education (SDE).
- 5/25/85 Claim continued due to lack of input from SDE.
- 7/25/85 Commission on State Mandates hearing cancelled.

- 8/22/85 Claim held-over to 9/26/85 hearing due to tie-vote.
- 9/26/85 Mandate approved by Commission on State Mandates.
- 10/24/85 Statement of Decision adopted (Attachment E).
- 12/2/85 Proposed parameters and guidelines submitted by San Jose Unified School District.
- 1/13/86 Conference to discuss proposed parameters and guidelines.
- 1/31/86 Amended proposed parameters and guidelines submitted by San Jose Unified School District (Attachment C).
- 3/27/86 Claim continued by the commission due to late filing of recommendation by DOF (Attachment F).

Statement of Claim

Chapter 498, Statutes of 1983 (Attachment B) required school districts to adopt rules and regulations to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers. School districts must also adopt rules to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible, resolve the complaints.

Staff Analysis

Staff is recommending several changes to the claimant's proposed parameters and guidelines (Attachment C).

A complete set of staff's proposed parameters and guidelines are attached (Attachment A).

Following is a summary and analysis of staff's suggested changes and DOF's suggested changes to the claimant's proposal. Additions are shown by underlining, deletions by strikeout. Staff agrees with and has added the claimant's suggested language in Sections V., B., I, and IX., of this proposal. The claimant submitted this proposed language (Attachment G) in its rebuttal to the DOF recommendation.

Section III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code Section 2208.5, that incurred mandated costs as a result of implementing Chapter 498/83, Education Code Section 35160.5.

Since Chapter 498/83 affected numerous code sections, it is important for accuracy and clarity to include the affected code section(s) in any description or discussion of the impact of Chapter 498/83. This is a nonsubstantive change.

* * *

Section V. Reimbursable Costs

A., 2., a. Time of district administrators spent in certification training excluding classroom observation ~~(including classroom observation when it is paid by the training package).~~

Staff proposes: 1) deletion of language from this section which would reimburse for "classroom observation" and; 2) a specific exclusion statement precluding such payment. Staff is making this proposal because classroom observation is part of the administrator's usual responsibility and a basic function of the job. It is important for administrators to practice the skills they have acquired in training, but according to staff of SDE, administrators typically practice this, and other skills, on the job. School administrators are actually performing two functions by incorporating the practice into their usual work. Since the administrator is continuing the same work routine which took place prior to the certification training, it seems unreasonable to expect this time to be recognized as a function mandated by Chapter 498/83. At this point the administrators are back at work and providing the services for which they are paid. The claimant agrees with this change.

However, DOF asserts in its recommendation that Chapter 498/83, Education Code Section 35160.5 does not require that administrators participate in any training (Attachment F). Staff would point out that this issue was addressed by the commission during the test claim phase of this mandate. The commission decided that Chapter 498/83 does require that training be provided for administrators functioning as teacher evaluators. See the commission's Statement of Decision, Attachment E, Part I, 3., (b), which addresses this issue. Therefore, since the matter has previously been resolved by the commission, staff will not address it in this analysis.

* * *

V. B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. The cost of services or activities provided to probationary teachers and which are funded by the Mentor Teacher Program can not be claimed as a reimbursement cost.

This change is being proposed by the claimant in response to a concern expressed by DOF. The DOF recommendation makes the following statement regarding this section:

Chapter 498, Statutes of 1983 only requires that a school district establish policies ensuring that a new teacher's training, assistance and evaluation needs will be recognized. It does not demand that those policies exceed whatever currently is provided by school districts to new teachers. Claims that propose reimbursement for activities beyond those required by a school district prior to adoption of "expanded" policies are essentially claims for discretionary acts. As such, these activity costs should not be reimbursable.

The DOF concern here is about the level of training that will be reimbursed. Again, this is an issue which has been decided by the commission as part of the test claim. The commission, in its statement of decision on the test claim determined that training costs are reimbursable. In addition, it is established that any claim for reimbursement of activities beyond those mandated is not acceptable and will not be reimbursed. Nor are activities which are already being reimbursed going to be doubly reimbursed. However, in response to the DOF concern and to provide clarification the claimant has suggested the new language regarding the Mentor Teacher Program. Any activities already funded through that or any other programs may not be reimbursed through these parameters and guidelines. The proposed parameters and guidelines, in Section V.B.1. clearly prohibit double funding of activities by allowing reimbursement only for "Training, assisting and evaluating probationary teachers over and above that usually provided ...". Emphasis added. Additionally, Education Code Section 44496(a)(3) prohibits a mentor teacher from participating in any evaluation of other teachers.

* * *

- B. 1. c. One third of the time spent by site administrators training, assisting or evaluating probationary teachers.

The DOF recommendation states that the proposed parameters and guidelines, in Section B.1., would provide reimbursement for an activity which is now clearly a responsibility of administrative school personnel. This activity is the evaluation of probationary teachers. The proposed parameters and guidelines indicate that one third of the time spent by site administrators training, assisting or evaluating probationary teachers is reimbursable.

According to the claimant this is not an arbitrary number because "the additional one third of the time spent by administrators during the two year probationary period performing the mandated activities (training, assistance and evaluation) is caused by performing all the mandated activities within a two year period [Section 44882(b)] rather than in the pre-Chapter 498/83 three year period of time."

Education Code Section 44882(b), in pertinent part, referred to above, shortened the probationary period for teachers as follows:

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year be classified as and become a permanent employee of the district.

Staff does not find it necessary to change this portion of the proposal. The proposed parameters and guidelines will provide reimbursement only for activities required by Chapter 498/83.

* * *

- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.
 1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code Section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

Regarding above Section V.C.1 of the proposed parameters and guidelines, DOF suggested the following language:

"These costs may be reimbursed if prior policies did not provide a procedure for parents and pupils to present complaints regarding employees or mechanisms for response or resolution to the complaints."

Prior practice has not been a determining factor in past decisions of the commission or its predecessor Board of Control. The commission has determined that a stated policy and process for complaints regarding employees of the district is, in this case, a state-mandated activity. The proposed parameters and guidelines articulate that which is required and that which is reimbursable, in accordance with the commission's fundings. There is an exclusion in this portion of the proposed parameters and guidelines for any

activities or meetings previously required by other laws. Staff asserts that the proposed language will facilitate identification and reimbursement of the mandated activities of Chapter 498/83 but will preclude payment of other functions not required by Chapter 498/83.

* * *

VII. Professional and Consultant Services.

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is ~~\$95~~ \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

Staff is suggesting the \$65 per hour limit because, according to SDE staff, teacher evaluator training of administrators has been offered at no cost through educational associations which are funded by SDE, and the training is available through commercial providers at a maximum \$500 per day rate. Therefore, it was felt that the claimant's allowance of up to \$95 per hour for contracted services was too high. The \$65 per hour maximum has been verified by staff through a telephone survey to be well within the industry average required by the State Administrative Manual for state contracts. Staff's proposal therefore, includes replacement language establishing a \$65 per hour ceiling, as indicated above. The claimant agrees with this change.

* * *

Staff has also added a Section VIII, Offsetting Savings. This is standard language for parameters and guidelines and merely guarantees that any savings the claimant realizes as a result of fulfilling the mandate will be identified and used to offset costs of the program. The claimant concurs.

* * *

Section IX, Required Certification, which was also added by staff is standard, "boilerplate" language which is needed in all parameters and guidelines to insure the validity of future claims. The claimant concurs.

Staff Recommendation

Staff recommends the adoption of staff's proposed parameters and guidelines. Staff's proposed parameters and guidelines incorporate an editorial change and language which would:

1. preclude paying teacher evaluator's salaries while they perform classroom observation;
2. limit consultant's fees to a maximum of \$65 per hour;
3. add a standard Section VIII Offsetting Savings;
4. Add a Section IX Supporting Data for Claims requiring documentation that a claimant has attempted to secure "no cost consultant services", and;
5. add a Section X Required Certification.

Exhibit D

PARAMETERS AND GUIDELINES
Education Code Section 35160.5
Chapter 498, Statutes of 1983
Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as a result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200.00 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.00.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.

a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three year period.

a. Time of district administrators spent in certification training excluding classroom observation.

b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.

c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.

d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.

B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.

a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.

b. Training materials and clerical services for probationary teachers.

c. Registration fees and travel costs of probationary teachers attending training activities.

d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to

other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty (20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

Education Code Section 44882(b), in pertinent part, referred to above, shortened the probationary period for teachers as follows:

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year be classified as and become a permanent employee of the district.

Staff does not find it necessary to change this portion of the proposal. The proposed parameters and guidelines will provide reimbursement only for activities required by Chapter 498/83.

* * *

- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

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"These costs may be reimbursed if prior policies did not provide a procedure for parents and pupils to present complaints regarding employees or mechanisms for response or resolution to the complaints."

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activities or meetings previously required by other laws. Staff asserts that the proposed language will facilitate identification and reimbursement of the mandated activities of Chapter 498/83 but will preclude payment of other functions not required by Chapter 498/83.

* * *

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Staff is suggesting the \$65 per hour limit because, according to SDE staff, teacher evaluator training of administrators has been offered at no cost through educational associations which are funded by SDE, and the training is available through commercial providers at a maximum \$500 per day rate. Therefore, it was felt that the claimant's allowance of up to \$95 per hour for contracted services was too high. The \$65 per hour maximum has been verified by staff through a telephone survey to be well within the industry average required by the State Administrative Manual for state contracts. Staff's proposal therefore, includes replacement language establishing a \$65 per hour ceiling, as indicated above. The claimant agrees with this change.

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Staff has also added a Section VIII, Offsetting Savings. This is standard language for parameters and guidelines and merely guarantees that any savings the claimant realizes as a result of fulfilling the mandate will be identified and used to offset costs of the program. The claimant concurs.

* * *

Section IX, Required Certification, which was also added by staff is standard, "boilerplate" language which is needed in all parameters and guidelines to insure the validity of future claims. The claimant concurs.

Staff Recommendation

Staff recommends the adoption of staff's proposed parameters and guidelines. Staff's proposed parameters and guidelines incorporate an editorial change and language which would:

1. preclude paying teacher evaluator's salaries while they perform classroom observation;
2. limit consultant's fees to a maximum of \$65 per hour;
3. add a standard Section VIII Offsetting Savings;
4. Add a Section IX Supporting Data for Claims requiring documentation that a claimant has attempted to secure "no cost consultant services", and;
5. add a Section X Required Certification.

Exhibit E

Certification Teacher Evaluators' Demonstrated Competence

1. Summary of Chapter 498/83

This Chapter, which added Section 35160.5 to the Education Code, required the governing board of each school district, on or before December 1, 1984, to adopt rules and regulations establishing school district policies regarding teacher evaluation, training and complaints regarding employees.

On September 26, 1985, the Commission on State Mandates determined that Chapter 498/83 imposed a new program and costs on school districts and that these costs are reimbursable pursuant to Section 17561 of the Government Code.

2. Eligible Claimants

Any school district or county office of education which incurs increased costs as a result of this mandate is eligible to claim reimbursement for those costs.

3. Appropriations

Claims may only be filed with the State Controller's Office for programs that have been funded by the State Budget Act or by special legislation. To determine funding availability for the current fiscal year, refer to the schedule "Appropriation for State Mandated Cost Programs" in the "Annual Claiming Instructions for State Mandated Costs" issued in mid-September of each year to superintendents of schools.

4. Types of Claims

A. Reimbursement and Estimated Claims

An eligible claimant may file a reimbursement claim or an estimated claim as specified below. A reimbursement claim details the costs actually incurred for the previous fiscal year. An estimated claim shows the costs to be incurred for the current fiscal year.

- A claim for reimbursement or an estimate must exceed \$200 per fiscal year. However, a county superintendent of schools, as fiscal agent for the school district, may submit a combined claim in excess of \$200 on behalf of school districts within the county even if the individual district's claim does not exceed \$200. The combined claim must show the individual claim costs for each school district. Once a combined claim is filed, all subsequent claims for the same mandate must be filed in a combined form. A school district may withdraw from the combined claim form by providing a written notice to the county superintendent of schools and the Controller, at least 180 days prior to the deadline for filing the claim, of its intent to file a separate claim.

B. Filing Deadline

Refer to item 3 "Appropriations" to determine if the program is funded for the current fiscal year. If funding is available, an estimated claim may be filed as follows:

- An estimated claim must be filed with the State Controller's Office and postmarked by **November 30** of the fiscal year in which costs are to be incurred. Timely filed estimated claims will be paid before late claims.

After having received payment for the estimated claim, the claimant must file a reimbursement claim by November 30 of the following fiscal year. If the district fails to file a reimbursement claim by November 30 of the following fiscal year, monies received must be returned to the State. If no estimated claim was filed, the district may file a reimbursement claim detailing the actual costs incurred for the fiscal year, provided there was an appropriation for the program for that fiscal year. See item 3 above.

- A reimbursement claim must be filed with the State Controller's Office and postmarked by **November 30** following the fiscal year in which costs were incurred. If a claim is filed after the deadline, but by November 30 of the succeeding fiscal year, the approved claim will be reduced by 10% but not to exceed \$1,000. If the claim is filed more than one year after the deadline, the claim can not be accepted.

5. Reimbursable Components

The governing board of each school district was required, as a condition of receiving apportionments from the State School Fund, to adopt rules and regulations regarding teacher evaluation training and complaints regarding employees.

A. Competence in Instructional Methodology

Education Code Section 35160.5(a)(1) requires certification of personnel assigned to evaluate teachers that have demonstrated competence in instructional methodology and evaluation of teachers.

(1) Adoption of Rules and Regulations.

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies, and the annual revision of these policies are reimbursable. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(2) Teacher Evaluator Certification Training Programs

The costs of training programs provided to administrators for the purpose of meeting certification requirements adopted by the governing board are reimbursable. Eligible costs include: salaries and benefits paid to administrators during certification training; mileage, meals and materials for attending locally provided training sessions; transportation, meals and lodging for attending training not available locally; contracts for administrators to be trained locally (consultant fees, materials, travel, meals and lodging for trainers); and salaries and benefits for preparation and presentation, plus mileage, meals, clerical support and material used in training by district employees used as trainers.

Training expenses for an administrator are allowed a maximum of ten days (80 hours) in any three year period. The reimbursable travel costs of attending a local training session shall be the same as provided by the district for other district activities. The reimbursement for non-local training shall be the same as provided for business travel by employees of the State of California.

B. Probationary Certificated Employee Policies

Education Code Section 35160.5(a)(2) requires the establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance and evaluations will be recognized.

(1) Adoption of Rules and Regulations

The cost of preparation, discussion and distribution of the proposed rules and regulations, the adoption of rules and regulations establishing education policies and the annual review of these policies are reimbursable. Copies of the approved previous policy and the subsequent policy must be included with claims for reimbursement.

(2) Training, Assisting and Evaluating Probationary Teachers

The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist or evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available within the school district or county office of education, is reimbursable. Registration fees, travel costs and the cost of substitute teachers provided for probationary teachers so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester.

C. Parental Complaint Policies

Education Code Section 35160.5(a)(3) requires policies and procedures for enrolled pupils' parents or guardians to present employee complaints. The policies and procedures provide response mechanisms and, where possible, resolve the complaint.

(1) Adoption and Review of Rules and Regulations

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies and the annual policy review are reimbursable.

(2) Resolution of Complaints

The cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the claimant in compliance with Education Code Section 35160.5 are reimbursable.

These costs shall include:

- ▣ notification costs of parent and pupil complaint procedures
- ▣ claimant costs of time, mileage, supplies and specialized training to respond to parent and pupil complaints.

Meeting and activity costs required by categorical programs and/or special education rules and regulations are not eligible for this program.

6. Reimbursement Limitations

Any offsetting savings or reimbursement the claimant received from any source, as a result of this mandate, must be deducted from the amount claimed.

7. Cost Elements of a Claim

Contracted services for training evaluators are not reimbursable, unless the claimant can document that the State Department of Education was unable to provide the consultant services or the Department failed to respond to the claimant's request within the following time period. The claimant must request consultant services from the State Department of Education at least thirty calendar days prior to the need for the consultant services and the district must have been notified by the Department that the requested consultant services were not available at the time of the request. If the claimant did not receive a response to their request within twenty calendar days after the request was received by the Department, contracted service expenses are reimbursable.

The maximum reimbursable fee for contracted services in 1983/84 was \$ 65 per hour, to be adjusted annually by the GNP Deflator through the claim year. The current rate is shown on Form TE-1, Claim Summary. Claimants will receive a revised claim form each year with a revised rate. Claims which are based on annual retainer must contain a certification that the fee is no greater than the allowable maximum fee per hour.

8. Claiming Forms and Instructions

The diagram "Illustration of Claim Forms", provides a graphical presentation of forms required to be filed with a claim. A claimant may submit a computer generated report in substitution for Form TE-1 and Form TE-2, provided the format of the report and data fields contained within the report are identical to the claim forms included with these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file an estimated or reimbursement claim. The State Controller's Office will revise the manual and claim forms as necessary.

A. Form TE-2, Component/Activity Cost Detail

This form is used to segregate the detailed costs by claim component. In some mandates, specific reimbursable activities have been identified for each component. The expenses reported on this form must be supported by cost and time records. Copies of supporting documentation specified in the claiming instructions must be submitted with

the claims.

For audit purposes, all supporting documents must be retained for a period of two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

B. Form TE-1, Claim Summary

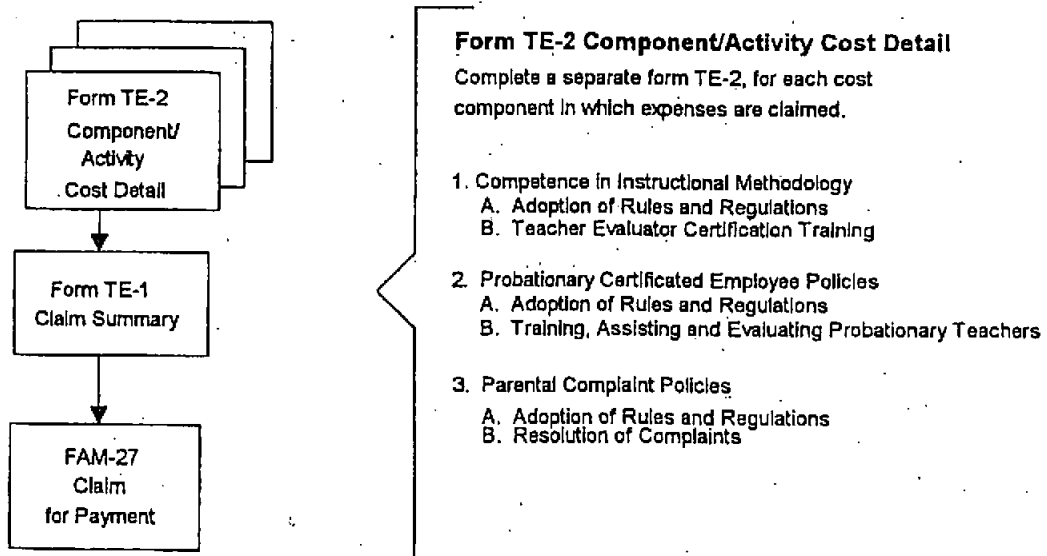
This form is used to summarize direct costs by claim component and compute allowable indirect costs for the mandate. Claim statistics shall identify the work performed for costs claimed.

School districts and local offices of education may compute the amount of indirect costs utilizing the State Department of Education's Annual Program Cost Data Report J-380 or J-580 rate, as applicable. The cost data on this form are carried forward to form FAM-27.

C. Form FAM-27, Claim for Payment

Form FAM-27 contains a certification that must be signed by an authorized representative of the district. All applicable information from form TE-1 must be carried forward to this form for the State Controller's Office to process the claim for payment.

Illustration of Claim Forms



CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM FOR PAYMENT**

For State Controller Use only

(19) Program Number 00009

(20) Date Filed _____/_____/_____

(21) Signature Present

L
A
B
E
L

H
E
R
E

(01) Claimant Identification Number: _____

(02) Mailing Address _____

Claimant Name _____

County of Location _____

Street Address or P. O. Box _____

City _____ State _____ Zip Code _____

Reimbursement Claim Data

(22) TE-1, (04)(1)(d) _____

(23) TE-1, (04)(2)(d) _____

(24) TE-1, (04)(3)(d) _____

(25) TE-1, (05)(d) _____

(26) TE-1, (06) _____

(27) TE-1, (11) _____

(28) _____

(29) _____

(30) _____

(31) _____

(32) _____

(33) _____

(34) _____

(35) _____

(36) _____

(37) _____

Type of Claim	Estimated Claim	Reimbursement Claim
(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>	(27) TE-1, (11)
(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(28)
(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(29)
(06) Fiscal Year of Cost 19____/____	(12) Fiscal Year of Cost 19____/____	(30)
(07) Total Claimed Amount	(13)	(31)
Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)	(14)	(32)
Less: Estimate Payment Received	(15)	(33)
Net Claimed Amount	(16)	(34)
Due from State (08)	(17)	(35)
Due to State	(18)	(36)

(38) CERTIFICATION OF CLAIM:

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 through 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimant, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative _____

Date _____

Type or Print Name _____

Title _____

(39) Name of Contact Person for Claim _____

Telephone Number _____

() _____ Ext. _____

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE Certification Claim Form Pursuant to Government Code Section 17561	FORM FAM-27
--	----------------------------------

- (01) Leave blank
- (02) A set of mailing labels with the claimant's I.D. number and address have been enclosed with the claiming instructions. The mailing labels are designed to speed processing and prevent common errors that delay payment. Affix the label provided at the place indicated on form FAM-27. Cross out any errors and print the correct information on the label. Add any missing address items, except county of location and a person's name. If you didn't receive labels, print or type your agency's mailing address.
- (03) If filing an original estimated Claim, enter an "X" in the box on line (03) Estimated.
- (04) If filing an original estimated Claim on behalf of districts within the county, enter an "X" in the box on line (04) Combined.
- (05) If filing an amended claim to an original estimated or combined claim, enter an "X" in the box on line (05) Amended. Leave boxes (03) and (04) blank.
- (06) Enter the current fiscal year in which costs are to be incurred.
- (07) Enter the amount of estimated claim from form TE-1, line (11).
- (08) Enter the same amount as shown on line (07).
- (09) If filing an original reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) If filing an original reimbursement claim on behalf of districts within the county, enter an "X" in the box on line (10) combined.
- (11) If filing an amended claim to an original reimbursement or combined claim on behalf of districts within the county, enter an "X" in the box on line (11) combined.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim from form TE-1, line (11).
- (14) If a reimbursement claim is filed after November 30 following the fiscal year in which costs were incurred, the claim must be reduced by a late penalty. Enter either the product of multiplying line (13) by the factor 0.10 [10% penalty] or \$1,000, whichever is less.
- (15) If filing a reimbursement claim and have previously filed an estimated claim for the same fiscal year, enter the amount received for the estimated claim, otherwise enter a zero.
- (16) Enter the result of subtracting the sum of line (14) and line (15) from line (13).
- (17) If line (16) Net Claimed Amount is positive, enter that amount on line (17) Due from State.
- (18) If line (16) Net Claimed Amount is negative, enter that amount on line (18) Due to State.
- (22) through (37) for the Reimbursement claim

Bring forward cost information as specified in the left-hand column of lines (22) through (37) for the reimbursement claim [e.g., TE-1, (04)(1)(d), means the information is located on form TE-1, line (04)(1)(d)]. Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, (i.e., no cents). Indirect costs percentage should be shown as a whole number and without the percent symbol (i.e., 7.548% should be shown as 8). The claim cannot be processed for payment unless this data block is correct and complete.

- (38) Read the statement "Certification of Claim". If the statement is true, the claim must be dated, signed by the agency's authorized representative and must include the person's name and title, typed or printed. Claims cannot be paid unless accompanied by a signed certification.
- (39) Enter the name of the person and telephone number that this office should contact if additional information is required.

SUBMIT A SIGNED ORIGINAL AND A COPY OF FORM FAM-27 AND A COPY OF ALL OTHER FORMS AND SUPPORTING DOCUMENTS TO:

*Address, if delivery is by:
U.S. Postal Service*

KATHLEEN CONNELL
Controller of California
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250-5875

*Address, if delivery is by:
Other delivery service*

KATHLEEN CONNELL
Controller of California
Division of Accounting and Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE CLAIM SUMMARY Instructions	FORM TE-1
--	----------------------------

- (01) Enter the name of the claimant.
- (02) Type of Claim. Check a box, Reimbursement or Estimated, to identify the type of claim being filed. Enter the fiscal year of costs.
- Form TE-1 must filed for a reimbursement claim. Do not complete form TE-1 if you are filing an estimated claim and the estimate does not exceed the previous fiscal year's actual costs by more than 10%. Simply enter the amount of the estimated claim on form FAM-27, line (07). However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, form TE-1 must be completed and a statement attached explaining the increased costs. Without this information the high estimated claim will automatically be reduced to 110% of the previous fiscal year's actual costs.
- (03) (a) Answer yes or no.
(b) If yes, explain contract terms or annual retainer.
- (04) Reimbursable Components. For each reimbursable component, enter the totals from form TE-2, line (05) columns (d) and (e) and (f). Total each row.
- (05) Total Direct Costs. Total block (05) columns (a) through (d).
- (06) Indirect Cost Rate. Enter the indirect cost rate from the Department of Education form J-380 or J-580, as applicable, for the fiscal year of the costs.
- (07) Total Indirect Costs. Enter the result of multiplying the difference of Total Direct Costs, line (05)(d) and Contracted Services, line (05)(c) by the Indirect Cost Rate, line (06).
- (08) Total Direct and Indirect Costs. Enter the sum of Total Direct Costs, line (05)(d) and Total Indirect Costs, line (07).
- (09) Less: Offsetting Savings, if applicable. Enter the total savings experienced by the claimant as a direct result of this mandate. Submit a detailed schedule of savings with the claim.
- (10) Less: Other Reimbursements, if applicable. Enter the amount of other reimbursements received from any source (i.e., service fees collected, federal funds, other state funds, etc.) which reimbursed any portion of the mandated cost program. Submit a detailed schedule of the reimbursement sources and amounts.
- (11) Total Claimed Amount. Subtract the sum of Offsetting Savings, line (09), and Other Reimbursements, line (10), from Total Direct and Indirect Costs, line (08). Enter the remainder of this line and carry the amount forward to form FAM-27, line (13) for the Reimbursement Claim.

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE		FORM TE-1	
CLAIM SUMMARY			
Instructions			
(01) Claimant	(02) Type of Claim Reimbursement <input type="checkbox"/> Estimated <input type="checkbox"/>		Fiscal Year 19__/__
Claim Statistics			
(03) Professional and Consultant Services Certification (a) Is the fee claimed for contracted services, including claims based on annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year? (b) If yes, explain.			Yes
			No
Direct Costs		Object Accounts	
(04) Reimbursable Components:	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contracted Services
1. Competence in Instructional Methodology			(d) Total
2. Probationary Certified Employee Policies			
3. Parental Complaint Policies			
(05) Total Direct Costs			
Indirect Costs			
(06) Indirect Cost Rate	[From J-380 or J-580]		%
(07) Total Indirect Costs	[Line (06) x (line (05)(d) - line (05)(c))]		
(08) Total Direct and Indirect Costs	[Line (05)(d) + line (07)]		
Cost Reduction			
(09) Less: Offsetting Savings, if applicable			
(10) Less: Other Reimbursements, if applicable			
(11) Total Claimed Amount	[Line (08) - (Line (09) + Line (10))]		

MANDATED COSTS CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL	FORM TE-2
---	----------------------------

(01) Claimant	(02) Fiscal Year Costs Were Incurred
---------------	--------------------------------------

(03) Reimbursable Component: Check only one box per form to identify the component being claimed.

1. Competence in Instructional Methodology

2. Probationary Certificated Employee Policies

3. Parental Complaint Policies

(04) Description of Expenses: Complete columns (a) through (f). **Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services

(05) Total	<input type="checkbox"/>	Subtotal	<input type="checkbox"/>	Page: _____ of _____			
------------	--------------------------	----------	--------------------------	----------------------	--	--	--

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL Instructions	FORM TE-2
---	----------------------------

- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Reimbursable Components. Check the box which indicates the cost component being claimed. Check only one box per form. A separate form TE-2 shall be prepared for each component which applies.
- (04) Description of Expenses. The following table identifies the type of information required to support reimbursable costs. To detail costs for the component activity box "checked" in block (03), enter the employee names, position titles, a brief description of their activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, etc. Maximum reimbursable fee for contracted services is \$98.27 per hour for 1995/96 f.y. For audit purposes, all supporting documents must be retained by the claimant for a period of not less than two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

Object/ Subobject Accounts	Columns						Submit these supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	
Salaries	Employee Name	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked			
Benefits	Title Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries			
Materials and Supplies	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Consumed		
Contracted Services	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Itemized Cost of Services Performed	Invoice

- (05) Total line (04), columns (d), (e) and (f) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed for the component/activity, number each page. Enter totals from line (05), columns (d), (e) and (f) to form TE-1, block (04) columns (a), (b) and (c) in the appropriate row.

Exhibit F



534020

KATHLEEN CONNELL
CONTROLLER OF THE STATE OF CALIFORNIA
DIVISION OF ACCOUNTING AND REPORTING

AUGUST 5, 1998

BOARD OF TRUSTEES
ELK GROVE UNIFIED
SACRAMENTO COUNTY
9510 ELK GROVE FLORIN RD
ELK GROVE CA 95624-1801

DEAR CLAIMANT:

RE: CERT TEACHERS EVAL CH 498/E3

WE HAVE REVIEWED YOUR 1995/1996 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED	312,168.00
LESS: TOTAL ADJUSTMENTS (DETAIL ON PAGE 2)	- 261,351.00
CLAIM AMOUNT APPROVED	50,817.00
LESS: TOTAL PRIOR PAYMENTS (DETAIL ON PAGE 2)	140,844.00
AMOUNT DUE STATE	\$ 90,027.00

PLEASE REMIT A WARRANT IN THE AMOUNT OF \$ 90,027.00 WITHIN 30 DAYS FROM THE DATE OF THIS LETTER, PAYABLE TO THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875 WITH A COPY OF THIS LETTER. FAILURE TO REMIT THE AMOUNT DUE WILL RESULT IN OUR OFFICE PROCEEDING TO OFFSET THE AMOUNT FROM THE NEXT PAYMENTS DUE TO YOUR AGENCY FOR STATE MANDATED COST PROGRAMS.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT EDUARDO ANTONIO AT (916) 323-0755 OR IN WRITING AT THE ABOVE ADDRESS.

SINCERELY,

Jeff Yee
JEFF YEE,
MANAGER

RECEIVED
AUG 17 1998

ACCOUNTING DEPARTMENT
Elk Grove Unified School District

ADJUSTMENT TO CLAIM:		
INDIRECT COSTS OVERSTATED	-	14,564.00
NO SUPPORTING DOCUMENTATION	-	1,344.00
NON-REIMBURSABLE ITEM	-	245,443.00
LESS: TOTAL ADJUSTMENTS	-	261,351.00
PRIOR PAYMENTS:		
SCHEDULE NO. MA60717A PAID 05-15-1997		139,126.00
SCHEDULE NO. MA50716E PAID 01-26-1996		1,718.00
LESS: TOTAL PRIOR PAYMENTS		140,844.00

Exhibit G

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number: S34020	Reimbursement Claim Data	
(02) Mailing Address	(22) TE-1,(04)(1)(d)	12,513
Claimant Name ELK GROVE UNIFIED SD	(23) TE-2,(04)(2)(d)	229,390
County Of Location SACRAMENTO	(24) TE-1,(04)(3)(d)	52,861
Street Address or P.O. Box 9510 ELK GROVE-FLORIN ROAD	(25) TE-1,(05)(d)	294,754
City State Zip Code ELK GROVE CA 95624	(26) TE-1,(06)	5,9200


Type of Claim <i>260/351</i>	Estimated Claim	Reimbursement Claim	(27) TE-1,(11)	312,168
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(28)	
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(29)	
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(30)	
	Fiscal Year of Cost	(06) 19 ___ / ___	(12) 19 95 / 96	(31)
Total Claimed Amount	(07)	(13) \$ 312,168 ²⁰⁸⁷	(32) <i>JK</i>	
Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable)	(14)	(15) \$ 310,450 ⁷⁷¹⁰	(34)	
Net Claimed Amount	(16)	(17) \$ 310,450 ⁹⁰⁰²⁷	(35)	
Due From State	(08)	(18) \$ 310,450	(36)	
Due to State		<i>90027</i>	(37)	

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative


 JAMES W. KNAPP
 Type or Print Name

Date
11-26-96

 DIRECTOR OF FINANCE
 Title

(39) Name of Contact Person For Claim Telephone Number
 Steve Smith, Mandated Cost Systems 916-487-4435 Ext. _____

MANDATED COSTS

**FORM
TE-1**

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY**

(01) Claimant:

S34020

ELK GROVE UNIFIED SD

(02) Type of Claim:

Reimbursement

Estimated

Fiscal Year:

19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:

a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?

Yes No

X

b. If yes, explain.

Direct Costs

Cost Elements

(04) Reimbursable Components:

1. Certification of Teacher Evaluators

2. Probationary Certified Employee Policies

3. Parental Complaint Policies

(a)	(b)	(c)	(d)
Salaries and Benefits	Supplies	Contracted Services	Total
9200			9200
12,228	0	785	12,513
4563			4563
228,431	459	-500	229,390
52,761	100	0	52,861
34164			34164
293,420	559	785	294,764
			47977

(05) Total Direct Costs

2978
223868

Indirect Costs

18597
9894 = 245443

(06) Indirect Cost Rate

J-380 or J-580, as applicable

5.9200 %

(07) Indirect Costs

{[Line (05)(d) - line (05)(c)] x line (06)}

5920 - 14564

12,484
2840

(08) Total Costs:

[Line (05)(d) + line (07)]

312,168

9911 - 1344

50817

Cost Reduction

(09) Less: Offsetting Savings, if applicable

(10) Less: Other Reimbursements, if applicable

50817

(11) Total Claimed Amount:

{Line(08) - [Line(09) + line(10)]}

312,168

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: **ELK GROVE UNIFIED SD** (02) Fiscal Year costs were incurred: **95 - 96**

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f). Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING					
BANCROFT, J/PRINCIPAL	41.42	9.00	373		
BENOIT, M/PRINCIPAL	33.89	9.00	305		
BOONE, L/PRINCIPAL	47.24	11.00	519		
BUCKMASTER, A/ANALYST	31.91	9.00	287		
CARROLL, R/PRINCIPAL	44.64	9.00	402		
CARTIN, C/TEACHER	43.85	9.00	395		
CAVANAUGH, M/DIR. PUPIL SERV.	48.08	9.00	433		
CHAPMAN, W/PRINCIPAL	47.80	9.00	430		
DOUGLAS, O/PRINCIPAL	50.21	9.00	452		
DRUMM-KIDD, B/PRINCIPAL	43.44	9.00	391		
EVANS, B/TEACHER	27.88	9.00	251		
HAUDER, P/RESOURCE TEACHER	38.53	9.00	347		
HAYASHI, K/TEACHER	47.79	9.00	430		
HUYETT, W/ASST SUPT	48.81	9.00	439		
JONES, M/VICE PRINCIPAL	44.55	11.00	490		
KRAMER, L/CONSULTING FEES	95.00	3.00			285
MASONHEIMER, P/SUPERVISOR	48.04	9.00	4337		
SCOTT, M/TEACHER	36.83	9.00	331		
STICKEL, S/DIRECTOR	46.48	18.00	836		
STONE, C/VICE PRINCIPAL	37.75	11.00	416		
STOVALL, L/VICE PRINCIPAL	43.15	11.00	474		

*MAX 80 HRS
FOR 3 YRS
OR 26 HRS/YEAR*

*1249 -
~~4337~~*

9250

(05) Total Subtotal P: 63: 1 of 1 \$ 22,228 0 285

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **ELK GROVE UNIFIED SD**

(02) Fiscal Year costs were incurred: **95-96**

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
ADAMS, T/TEACHER	30.66	22.50	690		
ALLEN, JA/TEACHER	27.00	22.50	608		
ALVES, M/TEACHER	32.60	48.75	1589		
ALVES, S/TEACHER	30.47	62.33	1898		
ANDERSON, L/TEACHER	26.04	48.75	1269		
ARMSTRONG, L/TEACHER	35.65	22.50	802		
ASHBACHER, D/TEACHER	36.85	48.75	1796		
ASHCRAFT, L/TEACHER	32.60	48.75	1589		
ASHWORTH, K/TEACHER	20.58	48.75	1003		
ATER, C/TEACHER	35.65	71.75	2558		
BALDWIN, H/TEACHER	33.25	22.50	748		
BECKNER, K/TEACHER	33.38	48.75	1627		
BEEDIE/P/TEACHER	25.94	9.50	246		
BEER, J/TEACHER	27.00	62.75	1694		
BEMIS, K/TEACHER	24.76	90.50	2241		
BESSENT, F/TEACHER	55.46	1.00	55		
BETTENCOURT, S/TEACHER	26.80	48.75	1307		
BLACK, M/TEACHER	24.88	22.50	560		
BLACKWOOD, M/TEACHER	31.25	22.50	703		
BOISA, M/TEACHER	26.75	22.50	602		
BOTTJER, A/TEACHER	27.17	27.50	747		
BROWN, D/TEACHER	24.48	22.50	551		
BROWNLEE, S/TEACHER	34.82	24.00	836		
CANDINI, T/TEACHER	32.32	102.00	3297		
CARO, L/TEACHER	24.76	22.50	557		
CARPENTER, A/TEACHER	26.41	22.50	594		
CARTER, D/TEACHER	24.76	22.50	557		
CARTIN, C/TEACHER	43.85	2.00	88		
CHAMPION, L/TEACHER	22.16	28.00	621		
CIMINO, V/TEACHER	21.71	22.50	488		
CLARK, J/TEACHER	47.09	22.50	1060		
CLEMONS, J/TEACHER	42.46	22.50	955		

*Salaries
Probationary
Teachers
not
included*

(05) Total Subtotal

MANDATED COSTS

**FORM
TE-2**

Certification of Teacher Evaluator's Demonstrated Competence

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: **ELK GROVE UNIFIED SD**

(02) Fiscal Year costs were incurred: **95-96**

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
COLE, D/TEACHER	22.48	22.50	506		
COLLIER, R/TEACHER	43.45	2.00	87		
CONNOLLY, T/TEACHER	24.67	22.50	555		
COOK, S/TEACHER	27.42	2.50	69		
COSENTINO, C/TEACHER	24.41	48.75	1190		
CROWELL, J/TEACHER	26.04	61.25	1594		
DALE, S/TEACHER	28.56	48.75	1392		
DETTNER, C/TEACHER	30.39	22.50	684		
DUBRAY, J/TEACHER	31.40	48.75	1531		
EASTON, C/TEACHER	27.00	22.50	608		
EBY, J/TEACHER	28.26	58.42	1651		
ELLIS, M/TEACHER	30.47	9.50	289		
ENOCH, A/TEACHER	28.21	22.50	635		
ESPARZA, M/TEACHER	30.66	22.50	690		
EVANS, B/TEACHER	27.88	4.00	112		
EVANS, M/TEACHER	29.20	2.00	58		
FARLEY, K/TEACHER	24.22	22.50	545		
FARLEY, L/TEACHER	24.76	53.75	1231		
FINE, M/TEACHER	24.76	24.00	594		
FISCUS, L/TEACHER	24.76	48.75	1207		
FITCH, L/TEACHER	25.43	22.50	572		
FITZPATRICK, L/TEACHER	20.55	29.30	602		
FLATLEY, B/TEACHER	24.76	48.75	1207		
FLOHR, P/TEACHER	44.77	22.50	1007		
FRASER, R/TEACHER	24.76	48.75	1207		
FREI, M/TEACHER	28.81	22.50	648		
FRIEDMAN, J/TEACHER	26.38	62.00	1636		
GALLANT, C/TEACHER	25.11	56.75	1425		
GEORGE, J/TEACHER	23.69	48.75	1155		
GIBSON-JOHNSON, F/TEACHER	36.42	62.00	2258		
GLASSER, G/TEACHER	26.41	8.00	211		
GOERING, S/TEACHER	24.58	22.50	553		
GONZALES, H/VICE PRINCIPAL	31.44	44.50	1399		

*Principals
Teacher
not reimbursed
Principals
Salary not
reimbursed
per contract*

(05) Total Subtotal

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: ELK GROVE UNIFIED SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) -Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
GOOD, D/TEACHER	45.03	48.75	2195		
GORDON, C/TEACHER	24.76	22.50	557		
GORDON, D/ASST SUPT	47.99	0.25	12		
GOULD, W/TEACHER	28.81	8.00	230		
GRATTEAU, J/TEACHER	28.63	48.75	3396		
GREENSTREET, A/TEACHER	26.41	117.75	3109		
JREULICH, D/TEACHER	24.76	22.50	557		
GRGURICH, L/TEACHER	39.34	102.00	4013		
GRIEVE, E/TEACHER	23.83	0.50	12		
GRIFFIN-ANDERSON, M/TEACHER	24.76	22.50	557		
GRIFFITH, S/TEACHER	24.76	48.75	1207		
SULDEN, M/TEACHER	34.34	48.75	1674		
HABOUGH, R/TEACHER	25.06	48.75	1222		
HAISSIG, T/TEACHER	28.81	22.50	648		
HALLER, R/TEACHER	26.96	22.50	607		
HANF, M/TEACHER	24.76	22.50	557		
HARBISON, C/TEACHER	29.90	48.75	1458		
HARMON, C/TEACHER	39.23	22.50	883		
HARRISON, C/TEACHER	22.85	57.25	1108		
HAYASHI, K/TEACHER	47.79	8.00	382		
HECHT, L/TEACHER	24.76	54.58	1352		
HELMS, G/TEACHER	40.66	48.75	1982		
HENDERSON, C/TEACHER	24.76	72.75	1801		
HERTE, V/TEACHER	26.41	22.50	594		
HILL, C/TEACHER	41.41	22.50	932		
HILL, N/TEACHER	24.76	22.50	557		
HO, JK/TEACHER	29.09	22.50	655		
HOOPER, T/TEACHER	54.06	22.50	1216		
HOOVER, S/TEACHER	25.76	22.50	580		
HUGHES, S/TEACHER	24.76	96.75	2195		
JACKSON, T/TEACHER	38.11	22.50	857		
JENSEN, D/TEACHER	24.76	48.75	1207		
JOHNSON, A/TEACHER	24.76	22.50	557		

*Probationary
to check
12.1.95*

(05) Total Subtotal

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: ELK GROVE UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
JOHNSTON, L/VICE PRINCIPAL	45.61	45.30	2066		
JONES, J/TEACHER	30.01	25.00	750		
JONES, W/TEACHER	21.83	22.50	491		
JUNDBERG, M/TEACHER	27.29	48.75	1330		
KAZIANKA, J/TEACHER	29.09	22.50	655		
KEEBLE, T/TEACHER	31.58	27.50	869		
KEITHCART, B/TEACHER	37.27	69.00	2571		
KELLAR, K/TEACHER	24.76	4.41	109		
KESKEYS, G/TEACHER	34.64	8.00	277		
KHALSA, S/TEACHER	27.34	48.75	1333		
KLEIN, A/TEACHER	40.16	22.50	904		
KNUTSON, R/TEACHER	32.78	48.75	1598		
KOERWITZ, A/TEACHER	24.76	22.50	557		
KROMPIER, J/TEACHER	24.89	28.00	697		
KRONICK, MOSKOVITZ ATTORNEYS	100.00	5.00			500
LABASS, B/TEACHER	33.25	22.50	748		
LAI, J/TEACHER	36.83	48.75	1795		
LAPP, C/TEACHER	21.97	22.50	494		
LASSETTER, L/TEACHER	26.80	22.50	603		
LEE, T/TEACHER	19.52	22.50	439		
LEVIN, R/TEACHER	31.30	22.50	704		
LONG, C/TEACHER	38.88	48.75	1895		
LOPEZ, M/TEACHER	20.65	22.50	465		
LUNDBERG, M/TEACHER	28.47	57.00	1623		
MADISON, K/TEACHER	24.76	48.75	743-1207		
MAHER, J/TEACHER	31.58	48.75	1540		
MAHOOD, C/TEACHER	35.65	60.75	2166		
MARTEN, T/TEACHER	31.06	0.50	16		
MARXSON, A/TEACHER	29.89	22.50	673		
MASONHEIMER, P/SUPERVISOR	48.04	92.00	4420		
MATTILA, S/TEACHER	24.76	48.75	1207		
MAURTUA, R/TEACHER	27.88	48.75	1359		
MAYEDA, R/TEACHER	33.98	22.50	765		

(05) Total Subtotal

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: ELK GROVE UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

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 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
MAYNARD, R/TEACHER	24.76	22.50	557		
MCCLELLAND, S/TEACHER	26.95	22.50	606		
MCCONNELL, D/TEACHER	42.61	4.00	170		
MCCREA, J/TEACHER	30.11	22.50	677		
MCDERMOTT, J/TEACHER	26.04	48.75	1269		
MCENTEE, S/TEACHER	41.01	22.50	923		
MCMURTRY, J/TEACHER	23.71	5.50	130		PT
MEEKS, A/TEACHER	29.08	48.75	1418		
MOODY, B/TEACHER	23.22	22.50	522		
MOORE, G/DIRECTOR	44.67	0.50	22		
MULLER, E/TEACHER	24.76	48.75	1207		
MURRILL, W/TEACHER	38.71	22.50	871		
NAVARRO, L/TEACHER	25.06	48.75	1222		
NELSON, D/TEACHER	27.89	9.50	265		
NELSON, R/TEACHER	24.76	48.75	1207		
NEVIS, L/TEACHER	32.78	58.25	1909		
NEW TEACHER TRAINING COSTS				374	
NGUYEN, D/TEACHER	27.42	0.50	14		
NICHOLSON, B/TEACHER	43.33	48.75	2112		
OKORO, V/TEACHER	28.90	22.50	650		PT
OLIVER, D/TEACHER	41.96	48.75	2046		
OLOVSON, D/TEACHER	43.33	48.75	2112		
ONETO, F/TEACHER	38.35	0.50	19		
OSBORNE, W/DIRECTOR	50.21	2.88	146		
PAOLI, L/VICE PRINCIPAL	45.20	14.50	656		not reimbursed
PAPAJOHNS, M/TEACHER	24.76	48.75	1207		
PARKER, C/TEACHER	42.22	22.50	950		
PATTEN, S/TEACHER	20.22	48.75	986		PT
PEDDY, L/TEACHER	42.70	2.00	85		
PEONE, C/TEACHER	24.76	22.50	557		
PERERA-ANTONUCCI, J/TEACHER	34.45	48.75	1679		
PEREZ, G/TEACHER	20.83	22.50	468		
PERRY, L/TEACHER	33.71	6.33	213		

(05) Total Subtotal

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26,876

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MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: ELK GROVE UNIFIED SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses.	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
PETERS, M/TEACHER	24.76	28.00	693		
PETERSON, C/TEACHER	24.76	8.50	210		
PETERSON, F/TEACHER	27.88	36.40	1015		
PFAU, J/TEACHER	24.76	22.50	557		
PHILIPS, M/TEACHER	24.76	22.50	557		
PHILLIPS, S/TEACHER	29.44	2.00	59		
PILKINGTON, R/TEACHER	28.01	22.50	630		
PINKERTON, C/TEACHER	42.00	48.75	2048		
PLEICH, C/TEACHER	24.76	48.75	1107		
POPPERS, K/TEACHER	35.59	22.50	801		
PRINTING COSTS				85	
RANDLE, K/TEACHER	25.43	55.50	1442		
REIS, P/TEACHER	27.29	60.00	1637		
RETFERFORD, M/TEACHER	33.30	22.50	749		
RICE, R/TEACHER	24.76	63.58	1594		
ROBERTS, J/TEACHER	32.32	22.50	727		
RODONI, F/TEACHER	27.00	48.75	1335		
ROSALES-GARCIA, M/TEACHER	29.73	22.50	669		
RUZAK, K/TEACHER	32.32	22.50	727		
SACK, Y/TEACHER	33.78	48.75	1647		
SAKAI-SANCHEZ, I/TEACHER	24.76	22.50	557		
SAMUELS, S/TEACHER	28.26	48.75	1378		
SANCHEZ, MA/TEACHER	24.58	48.75	1198		
SCHENK, J/TEACHER	26.80	22.50	603		
SCHNUER, M/TEACHER	27.14	7.10	193		
SCIDMORE, S/TEACHER	20.35	31.10	633		
SCOFIELD, /TEACHER	31.10	1.50	47		
SCOTT, M/TEACHER	36.83	48.75	1795		
SHADBOURNE, T/TEACHER	24.76	60.00	1486		
SHARP-NELSON, D/TEACHER	41.15	48.75	2006		
SMITH, J/TEACHER	32.60	22.50	734		
SMITH, M/TEACHER	22.29	22.50	502		
SOMMERS, R/TEACHER	25.94	8.00	208		

Handwritten notes: A large bracket on the right side of the table groups several rows. Next to it, "PT" is written vertically. Another "PT" is written near the bottom of the group. There are also checkmarks next to some rows.

(05) Total Subtotal

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **ELK GROVE UNIFIED SD**

(02) Fiscal Year costs were incurred: **95-96**

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
SPICKELMIER, K/TEACHER	20.63	48.75	1006		
STICKEL, S/DIRECTOR	46.48	2.75	128		
STONE, M/TEACHER	37.62	22.50	846		
STRAIN, C/TEACHER	34.35	22.50	773		
SUBSTITUTES			8631		
SULLIVAN, S/TEACHER	28.96	22.50	652		
SWANSON, D/TEACHER	38.53	9.00	347		
SWOLGAARD, C/TEACHER	24.76	22.50	557		
TAFT, C/TEACHER	28.85	10.25	296		
TAYLOR, A/TEACHER	42.19	48.75	2057		
TEUBER, J/TEACHER	36.83	48.75	1795		
THEOPHILUS, M/TEACHER	28.81	4.00	115		
THOMPSON, K/TEACHER	24.76	48.75	1207		
THORMAN, T/TEACHER	24.76	48.75	1207		
TIJAN, K/TEACHER	27.42	15.00	411		
TILLISON, J/TEACHER	25.94	8.90	231		
TRAN, M/TEACHER	27.00	22.50	608		
TURNER, S/TEACHER	24.76	53.75	1331		
TZIKAS, M/TEACHER	43.89	48.75	2140		
VAN FLEETWOOD, D/TEACHER	22.81	22.50	513		
VAN SOMERSEN, D/TEACHER	26.80	22.50	603		
VARGAS, L/TEACHER	32.39	22.50	729		
VERKUYL, R/SUPERVISOR	40.11	0.50	20		
WALKER, J/TEACHER	24.76	28.00	693		
WATKINS, D/TEACHER	23.00	22.50	518		
WATSON, B/TEACHER	27.34	22.50	615		
WELLS, K/TEACHER	22.18	22.50	499		
WERNER, T/TEACHER	29.73	28.00	833		
WHEATON, M/TEACHER	24.76	48.75	1207		
WHITLOCK, C/TEACHER	25.43	22.50	572		
WILLIAMS, DA/TEACHER	27.00	22.50	608		
WILLIAMS, M/TEACHER	26.80	22.50	603		
WINLOCK, S/DIRECTOR	49.31	2.25	111		

Handwritten notes and checkmarks:
 A large vertical checkmark runs down the right side of the table, with a 'PT' written vertically next to it.
 Several numbers in the 'Salaries and Benefits' column are circled: 773, 652, 557, 608, 693, 518, 615, 499, 572, 608, 111.
 There are also some scribbles and additional checkmarks in the right margin.

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **ELK GROVE UNIFIED SD**

(02) Fiscal Year costs were incurred: **95 - 96**

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
WISNER, L/TEACHER	27.42	28.00	768		
YODER, J/TEACHER	24.76	22.50	557		
ZALUNARDO, M/TEACHER	24.76	22.50	557		
ZIGGENHIRT, L/TEACHER	39.86	22.50	897		

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2479

(05) Total Subtotal

Page: 71 1 of 1

\$ 2479 0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: ELK GROVE UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

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Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SBB13 LEVELS					
ADREANI, A/PRINCIPAL <i>ave 15 miles/day</i>	49.12	45 80.00	2947	2210	
BENOIT, M/PRINCIPAL <i>MAY - 45 HRS</i>	33.89	14.92	506		
BLOMQUIST, L/TEACHER	37.09	20.00	742		
BOONE, L/PRINCIPAL <i>.25 x 180</i>	47.24	18.83	890		
CADWALLADER, D/TEACHER <i>no. of School Days</i>	44.43	45 150.00	6665	1999	
CHUN, V/PRINCIPAL	44.64	30.41	1357		
COSTILLA, D/TEACHER	26.02	40.00	1041		
DONA, K/PRINCIPAL	41.69	2.00	83		
DRAPER, B/PRINCIPAL	42.80	4.17	178		
DRUMM-KIDD, B/PRINCIPAL <i>ASSUMING</i>	43.44	45 105.00	4561	1955	
GIVENS, D/PRINCIPAL <i>COLLECTION</i>	45.08	7.74	349		
GONZALES, H/VICE PRINCIPAL	31.44	12.42	390		
HAYES, C/DIR. OF ELEM. ED. <i>CHARGES</i>	46.18	13.91	642		
HUNT-BROWN, J/PRINCIPAL <i>1 HR PER DAY</i>	42.99	7.58	326		
HUYETT, W/ASST SUPT	48.81	39.16	1913		
JOHNSON, G/PRINCIPAL	45.46	4.00	182		
JOHNSON, J/DEPUTY SUPT	47.18	3.75	177		
JOHNSTON, L/VICE PRINCIPAL	45.61	5.00	228		
JONES, M/VICE PRINCIPAL	44.55	5.92	263		
LUCIA, F/PRINCIPAL	50.20	10.00	502		
LUCIA, N/PRINCIPAL	44.67	3.00	134		
MILEAGE					
MOORE, G/VICE PRINCIPAL	50.26	45 80.00	4021	2262	
MURDOCK, C/SECRETARY	22.31	45 150.00	3347	1004	
OLDS, L/VICE PRINCIPAL	40.11	12.00	482		
ORRICK, M/TEACHER	44.79	150.00	6719		
PAOLI, L/VICE PRINCIPAL	45.20	3.00	136		
PRINTING COSTS					96
ROBINSON, W/VICE PRINCIPAL	45.77	6.50	298		
ROSS, J/PRINCIPAL	40.54	2.00	81		
SHELDON, L/SECRETARY	20.65	2.58	53		
STROM, L/PRINCIPAL	45.05	66.67	3004		

(05) Total Subtotal

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42,217

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MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: ELK GROVE UNIFIED SD

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Probationary Certificated Employee Policies

Parental Complaint Policies

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Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
SUMMERS, T/PRINCIPAL	46.92	6.50	305		
WAY, J/PRINCIPAL	47.10	7.00	330		
WESTERMANN, J/PRINCIPAL	44.64	33.50	1496		
WINLOCK, S/DIRECTOR	49.31	39.08	1927		
ZEMAN, A/PRINCIPAL	40.54	4160.00	5486	1824	
			34164		

(05) Total Subtotal

Exhibit H

October 26, 1998

Jeff Yee
Manager, Local Reimbursement Section
Division of Accounting and Reporting
State Controller's Office
P.O. Box 942850
Sacramento, CA 94250-5875

RE: Reconsideration Request (CTE 98-26)

Dear Mr. Yee:

The Elk Grove Unified School District, Claimant ID S34020 received a letter dated August 5, 1998 that disallowed costs on its 1995/96 Certification of Teacher Evaluator's Demonstrated Competence Chapter 498/83 claim as follows:

1)	Administrator training hours in excess of eighty	\$ 3,154
2)	Training Time for Non-probationary Teachers	\$ 59,942
3A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$118,313
3B)	2 day Training Time Disallowed for 1 st year Probationary Teachers	\$ 49,724
4)	Time in excess of 45 hours on Parental Complaint Policies	\$ 19,698
5)	Printing and Supply Costs	\$ 592
6)	Contracted Services	\$ 785
7)	Substitutes Disallowed	\$ 9,142
	Total	\$261,350

On August 31, 1998 one of my staff met with Eduardo Antonio to obtain the composition of this adjustment and to copy the work papers used in reviewing this claim.

Issue #1 - Administrator Training Time in Excess of 80 hours

The State Controller's Claiming Instructions (Revised 9/95) state that "Training expenses for an administrator are allowed a maximum of ten days (80 hours) in any three year period".

Employee	Time	Hourly Rate	Amount
Masonheimer, P	88	48.04	\$ 4,227

The district administrator, Pat Masonheimer - Supervisor, for which reimbursement was denied was the district trainer, not an administrator receiving training and therefore is not subject to 80 hour restriction listed above. The State Controller's Claiming Instructions (Revised 9/95) specifically identify the time of district employees used as trainers as being reimbursable and there is no cap that applies to them. In submitting this claim we should have indicated who the trainers were so that your office could have identified them easier.

Issue #2 - Training Time for Non-probationary Teachers (Trainers) Disallowed:

District personnel with the assigned responsibility to train and assist probationary teachers were disallowed. The State Controller's Office Claiming Instructions for this program states that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, (not including the site principal, ... used to train, assist or evaluate probationary teachers are reimbursable."

In reviewing the work papers provided by your office, it is clear that salary and benefits of employees that were used to train and assist probationary teachers were disallowed. It appears that all teachers listed on the claim were assumed to be probationary teachers. In addition, our office has no record of receiving a request for additional information on this claim.

These employees are identified on the attached claim with a "T". These costs should be reinstated.

Issue #3 A & B - Probationary Teacher Time Disallowed:

The Claiming Instructions and Parameters & Guidelines are silent on whether the time spent by probationary teachers is reimbursable. We feel strongly that these are legitimate costs of the mandate and that they are reimbursable. The State Controller's Office Claiming Instructions state that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable".

A) The time spent by probationary teachers receiving additional training and assistance would be included as a cost of training, assisting and evaluating probationary teachers.

B) In addition, the district requires its first year probationary teachers (P1) to work two extra 7.5 hour days each fiscal year for teacher training. Permanent teachers work a 184 day work year, while the probationary teachers (P1) work a 186 day work year. The district office also requires its first year probationary teachers (P1) to attend ten extra 1.5 hour training sessions each fiscal year for teacher training. These training sessions exceed what is provided to permanent teachers and there are costs incurred by the county office.

There is an identifiable increased cost to the school district for these days worked by probationary teachers and these extra days worked are specifically attributable to the mandate of probationary teacher training. Recent rulings by the Commission on State Mandates on test claims that involve teacher training costs have indicated that if the district incurs an increased cost of some kind (i.e. substitutes, stipends, overtime pay or an extended work year) then this identifiable increased cost would be reimbursable.

The probationary teachers are identified on the attached claim with a "P1" for 1st year teachers or "P2" for 2nd year teachers.

Issue #4 - Time in excess of 45 hours on Parental Complaint Policies Disallowed:

Per the review notes for this component, the following employee time was limited to a maximum of 45 hours per school year, per employee claimed.

Employee	Time	Hourly Rate	Amount
Adreani, A	60	\$ 49.12	\$ 2,947
Cadwallader, D	150	\$ 44.43	\$ 6,665
Drumm-Kidd, B	105	\$ 43.44	\$ 4,561
Moore, G	80	\$ 50.26	\$ 4,021
Murdock, C	150	\$ 150.00	\$ 3,347
Zeman, A	160	\$ 40.54	\$ 6,486

This maximum appears to have been arrived at arbitrarily based on an average of 15 minutes per day. However, below these notations on some claims is the comment "assuming 1 hour per day" which would equal 180 hours. Regardless of how your office arrived at this cap, there is no basis in the Claiming Instruction or the Parameters & Guidelines for a 45 hour per year cap.

The amount of time a school district spends on the resolution of parent complaints against employees of the district is not something they can necessarily control. If the district receives a complaint, district administrators

must deal with the complaint. In some cases the issue can be resolved relatively quickly while in other cases it requires many meetings and a lot of investigation time. Since the district can not control when a complaint is filed or how many are filed, it is not realistic or fair to place an arbitrary cap of 45 hours per administrator.

Issue #5 - Printing and Supply Costs Disallowed:

Neither the State Controller's Office Claiming Instructions or the Parameters and Guidelines state that supporting documentation for these costs be attached to the claim. They merely state to keep the supporting records on file. The costs claimed were for new teacher training and printing costs. Please advise if you would like us to send this documentation in for your review.

Issue #6 - Contracted Services Disallowed:

Our records indicate that the required invoices for contracted services were sent to your office with the claim. I also have our signed transmittal form that shows your office's receipt of the claim and attached backup documentation. Prior to sending your office any claim that requires supporting documentation, we double check to make sure that we have attached the required backup. We have resubmitted these invoices with this letter.

According to the claiming instructions for the following components:

Competence in Instructional Methodology

"The costs of training programs provided to administrators for the purpose of meeting certification requirements adopted by the governing board are reimbursable. Eligible Costs include...contracts for administrators to be trained locally (consultant fees, materials, travel, meals and lodging for trainers)..."

Probationary Certificated Employee Policies

"The cost of consultants for the purpose for training and assisting probationary teachers" as well as "the cost of substitute teachers provided for probationary teachers so that they can attend training activities" are reimbursable.

Issue #7 - Substitutes Disallowed:

According to the claiming instructions:

"Registration fees, travel costs and the cost of substitute teachers provided for probationary teachers so that they can attend training activities, ... are reimbursable."

There is no requirement in the claiming instructions to provide back up

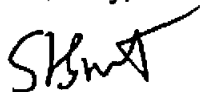
documentation for these costs with the claim, nor are claimants required to detail these costs on the claim forms. We do not understand why these costs were disallowed. They are eligible costs and should be reinstated.

Conclusion:

Based on the additional information and clarifications listed above, I request that \$261,351 in incorrectly reduced costs be reinstated. Please notify me within four weeks (November 23, 1998) of the State Controller's Office's decision on this matter. In the absence of a response within four weeks, we will assume that you intend to stand by this adjustment and not reinstate these costs.

If you have any questions or need any additional information, please contact me at (916) 487-4435.

Sincerely,



Steve Smith
President
Mandated Cost Systems, Inc.

SS/JL

Enclosures

Cc: James W. Knapp, Elk Grove Unified School District



KATHLEEN CONNELL

California State Controller

FACSIMILE COVER PAGE

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To STEVE SMITH	Fax No. (916) 487-9662	Date 11-17-98
--------------------------	----------------------------------	-------------------------

Organization

ELK GROVE UNIFIED SCHOOL DIST.

From EDUARDO	Telephone No. (916) 323-0755	No. of pages including cover 1
------------------------	--	--

Comments/Special instructions

PLEASE SUBMIT THE FOLLOWING FOR CERTIFICATION OF TEACHERS FISCAL YEAR 1995-96 FOR THE ABOVE ORGANIZATION AS SOON AS POSSIBLE

A) COPIES OF LOGSHEET /TIMESHEET FOR NON-PROBATIONARY TEACHERS

B) COPIES OF LOGSHEET /TIMESHEET FOR PERSONNEL INVOLVED UNDER PARENTAL COMPLAINT POLICIES

C) COPIES OF LOGSHEET /TIMESHEET FOR SUBSTITUTES AND ALSO LISTINGS

D) COPIES OF INVOICES FOR PRINTING AND SUPPLY COSTS

IF THERE ARE PROBLEMS WITH THE COPIES RECEIVED, PLEASE NOTIFY

TELEPHONE NO.

STATE CONTROLLER'S SACRAMENTO OFFICE FACSIMILE NUMBER: (916) 323-4807 OR (916) 323-6527

Original will not follow

Original will follow:

- Regular Mail
- Federal Express
- Hand Delivery
- Certified Mail

California State Controller's Office
3301 C Street, Suite 501
Sacramento, CA 95816
(916) 445-8717



2275 Watt Avenue,
Suite C
Sacramento, CA 95825
916-487-4435 phone
916-487-9662 fax

222 West Carmen Lane
Suite 101
Santa Maria, CA 93458
805-922-1471 phone
805-922-7143 fax

3161 Bechelli Lane,
Suite 202
Redding, CA 96002
530-224-7255 phone
530-224-9548 fax

11835 W. Olympic Blvd.,
Suite 101E
Los Angeles, CA 90064
310-474-4749 phone
310-474-5356 fax

Date: November 30, 1998
To: Eduardo Antonio, State Controller's Office
From: Steve Smith, President *SS*
CC: James W. Knapp, Shelley Clark
Elk Grove Unified School District

Claimant: Elk Grove Unified School District, S34020
Program: Certification of Teacher Evaluators, Chapters 498/83
Fiscal Year: 1995/96

Per your request dated November 17, 1998, you asked that we submit time sheets and log sheets for time spent by Non-Probationary Teachers claimed under the Probationary Certificated Employees Policies component for the Certification of Teacher Evaluators (1995/96), Chapters 498/83 Program. Please note that the Probationary Certificated Employees Policies component code is H2B. We have attached a detailed report that itemizes the source of all charges to this component and the requested documentation.

Upon further review of the log and time sheets for this component, we have found that C. Harmon, D. McConnell and D. Swanson, whom we had previously indicated as Non-Probationary Teacher Trainers, were actually Probationary Teachers. For this reason we did not submit time sheets for the above named employees.

Since your request did not specify which Non-Probationary Teacher log sheets you would need, the documentation enclosed is for the district employees whose hours were disallowed during your claim review and addressed in our October 26, Reconsideration Request.

Also per your request dated November 17, 1998, you asked that we submit time sheets and log sheets for time spent by personnel claimed under Parental Complaint Policies component of the Certification of Teacher Evaluators, Chapters 498/83 Program. Please note that the Parental Complaint component code is I3B. We have attached a detailed report that itemizes the source of all charges to this component and the requested documentation.

We have enclosed documentation for those district employees whose hours were in question on your claim review. Todd Wherry, Project Manager, left a message with you on November 16, to verify that you were not requesting documentation above these employees which were addressed in our October 26, reconsideration request letter. However, you never returned his call.

You also asked that we submit copies of invoices for Substitutes Costs for Certification of Teacher Evaluators (1995-96), Chapters 498/83 Program. We have enclosed the requested documentation. You also asked that we submit copies of invoices for Printing and Supply Costs for Certification of Teacher Evaluators (1995-96), Chapters 498/83 Program. We have enclosed the requested documentation.

If you have any further questions or need further clarification, please call Todd Wherry, Project Manager, at 916-487-4435.

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number:
S34020

(02) Mailing Address

Claimant Name

ELK GROVE UNIFIED SD

County Of Location

SACRAMENTO

Street Address or P.O. Box

9510 ELK GROVE-FLORIN ROAD

City

ELK GROVE

State

CA

Zip Code

95624

Reimbursement Claim Data

(22) TE-1,(04)(1)(d)

12,513

(23) TE-2,(04)(2)(d)

229,390

(24) TE-1,(04)(3)(d)

52,861

(25) TE-1,(05)(d)

294,764

(26) TE-1,(06)

5,9200

Type of Claim

Estimated Claim

Reimbursement Claim

(27) TE-1,(11)

312,168

(03) Estimated

(09) Reimbursement

(04) Combined

(10) Combined

(05) Amended

(11) Amended

Fiscal Year of Cost

(06) 19 /

(12) 19 95 / 96

(31)

Total Claimed Amount

(07)

(13) \$ 312,168

(32) JK

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable)

(14)

(33)

Less: Estimate Payment Received

(15) \$ 140,644

(34)

Net Claimed Amount

(16) \$ 171,524

(35)

Due From State

(08)

(17) \$ 310,450

(36)

Due to State

(18)

90027

(37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

Date

JAMES W. KNAPP

11-26-96

Type or Print Name

Title

DIRECTOR OF FINANCE

(39) Name of Contact Person For Claim

Telephone Number

Steve Smith, Mandated Cost Systems

916-487-4435

Ext.

MANDATED COSTS

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY**

**FORM
TE-1**

(01) Claimant:
S34020
BLK GROVE UNIFIED SD

(02) Type of Claim: Reimbursement
Estimated Fiscal Year: 19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:

a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?

Yes	No
	X

b. If yes, explain.

Direct Costs

Cost Elements

(04) Reimbursable Components:	(a)	(b)	(c)	(d)
	Salaries and Benefits	Supplies	Contracted Services	Total
1. Certification of Teacher Evaluators	9250			9250
	12,228	0	285	12,513
2. Probationary Certified Employee Policies	4563			4563
	228,431	459	500	229,390
3. Parental Complaint Policies	52,761			52,861
	34164	100	0	34164
(05) Total Direct Costs	2978			
	223868	559	785	224712

Indirect Costs

18597
9894 = 24543

(06) Indirect Cost Rate	J-380 or J-580, as applicable	5.9200 %
(07) Indirect Costs	[[Line (05)(d) - line (05)(c)] x line (06)]	17,404
		2840
(08) Total Costs:	[Line (05)(d) + line (07)]	312,168
		312,168

9411 - 1344

Cost Reduction

(09) Less: Offsetting Savings, if applicable		
(10) Less: Other Reimbursements, if applicable		10817
(11) Total Claimed Amount:	(Line(08) - [Line(09) + line(10)])	312,168

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: ELK GROVE UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING					
BANCROFT, J/PRINCIPAL	41.42	9.00	373		
BENOIT, M/PRINCIPAL	33.89	9.00	305		
BOONE, L/PRINCIPAL	47.24	11.00	519		
BUCKMASTER, A/ANALYST	31.91	9.00	287		
CARROLL, R/PRINCIPAL	44.64	9.00	402		
CARTIN, C/TEACHER	43.85	9.00	395		
CAVANAUGH, M/DIR. PUPIL SERV.	48.08	9.00	433		
CHAPMAN, W/PRINCIPAL	47.80	9.00	430		
DOUGLAS, O/PRINCIPAL	50.21	9.00	452		
DRUMM-KIDD, B/PRINCIPAL	43.44	9.00	391		
EVANS, B/TEACHER	27.88	9.00	251		
HAUDER, P/RESOURCE TEACHER	38.53	9.00	347		
HAYASHI, K/TEACHER	47.79	9.00	430		
HUYETT, W/ASST SUPT	48.81	9.00	439		
JONES, M/VICE PRINCIPAL	44.55	11.00	490		
KRAMER, L/CONSULTING FEES	95.00	3.00			285
MASONHEIMER, P/SUPERVISOR	48.04	9.00	433		
SCOTT, M/TEACHER	36.83	9.00	331		
STICKEL, S/DIRECTOR	46.48	18.00	836		
STONE, C/VICE PRINCIPAL	37.75	11.00	416		
STOVALL, L/VICE PRINCIPAL	43.15	11.00	474		

MAY 80 HRS
FOR 3 YRS
OR 26 HRS/YEAR

1249 -
~~4337~~

9250

(05) Total Subtotal

P87: 1 of 1

22,228

0 285

MANDATED COSTS

**FORM
TE-2**

Certification of Teacher Evaluator's Demonstrated Competence

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: **ELK GROVE UNIFIED SD** (02) Fiscal Year costs were incurred: **95 - 96**

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f). Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
P ADAMS, T/TEACHER	30.66	22.50	690		
P ALLEN, JA/TEACHER	27.00	22.50	608.600		
P ALVES, M/TEACHER	32.60	48.75	1589		
P ALVES, S/TEACHER	30.47	62.33	1898		
P ANDERSON, L/TEACHER	26.04	48.75	781.225		
P ARMSTRONG, L/TEACHER	35.65	22.50	802		
P ASHBACHER, D/TEACHER	36.85	48.75	1796		
P ASHCRAFT, L/TEACHER	32.60	48.75	1589		
P ASHWORTH, K/TEACHER	20.58	48.75	617.200		
P ZATER, C/TEACHER	35.65	71.75	2558		
P BALDWIN, H/TEACHER	33.25	22.50	748		
T BECKNER, K/TEACHER	33.38	48.75	1627		
P BEEDIE/P/TEACHER	25.94	9.50	246		
P BEER, J/TEACHER	27.00	62.75	810.100		
P BEMIS, K/TEACHER	24.76	90.50	743.221		
T BESSENT, F/TEACHER	55.46	1.00	55		
P BETTENCOURT, S/TEACHER	26.80	48.75	1307		
P BLACK, M/TEACHER	24.88	22.50	560		
T BLACKWOOD, M/TEACHER	31.25	22.50	703		
P BOISA, M/TEACHER	26.75	22.50	602.600		
P BOTTJER, A/TEACHER	27.17	27.50	747		
P BROWN, D/TEACHER	24.48	22.50	551.551		
P BROWNLEE, S/TEACHER	34.82	24.00	836		
P CANDINI, T/TEACHER	32.32	102.00	3297		
P CARO, L/TEACHER	24.76	22.50	557.557		
P CARPENTER, A/TEACHER	26.41	22.50	594		
P CARTER, D/TEACHER	24.76	22.50	<u>557</u>		
T CARTIN, C/TEACHER	43.85	2.00	88		
P CHAMPION, L/TEACHER	22.16	28.00	621		
P CIMINO, V/TEACHER	21.71	22.50	488		
T CLARK, J/TEACHER	47.09	22.50	1060		
P Z CLEMONS, J/TEACHER	42.46	22.50	955		

*Salaries
Probationary
Teachers
not
Reimbursed*

(05) Total Subtotal Page: 1 of 1 \$ 33,936 0 0

MANDATED COSTS

**FORM
TE-2**

Certification of Teacher Evaluator's Demonstrated Competence

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: **ELK GROVE UNIFIED SD**

(02) Fiscal Year costs were incurred: **95 - 96**

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
P POLE, D/TEACHER	22.48	22.50	506		
T COLLIER, R/TEACHER	43.45	2.00	87		
P CONNOLLY, T/TEACHER	24.67	22.50	555		
P COOK, S/TEACHER	27.42	2.50	69		
P ROSENTINO, C/TEACHER	24.41	48.75	732,190		
P CROWELL, J/TEACHER	26.04	61.25	1594		
P DALE, S/TEACHER	28.56	48.75	1392		
P DETTNER, C/TEACHER	30.39	22.50	684		
P DUBRAY, J/TEACHER	31.40	48.75	1531		
P EASTON, C/TEACHER	27.00	22.50	608		
P EBEL, J/TEACHER	28.26	58.42	1651		
P ELLIS, M/TEACHER	30.47	9.50	289		
P ENOCH, A/TEACHER	28.21	22.50	635		
P ESPARZA, M/TEACHER	30.66	22.50	690		
P EVANS, B/TEACHER	27.88	4.00	112		
P EVANS, M/TEACHER	29.20	2.00	58		
P FARLEY, K/TEACHER	24.22	22.50	545		
P FARLEY, L/TEACHER	24.76	53.75	743,199		
P FINE, M/TEACHER	24.76	24.00	594		
P FISCUS, L/TEACHER	24.76	48.75	743,199		
P FITCH, L/TEACHER	25.43	22.50	572		
P FITZPATRICK, L/TEACHER	20.55	29.30	602		
P FLATLEY, B/TEACHER	24.76	48.75	743,199		
P FLOHR, P/TEACHER	44.77	22.50	1007		
P FRASER, R/TEACHER	24.76	48.75	743,199		
P FREI, M/TEACHER	28.81	22.50	648		
P FRIEDMAN, J/TEACHER	26.38	62.00	1636		
P GALLANT, C/TEACHER	25.11	56.75	753,199		
P GEORGE, J/TEACHER	23.69	48.75	1155		
P GIBSON-JOHNSON, F/TEACHER	36.42	62.00	2258		
P GLASSER, G/TEACHER	26.41	8.00	211		
P GOERING, S/TEACHER	24.58	22.50	553		
P GONZALES, H/VICE PRINCIPAL	31.44	44.50	1399		

Handwritten notes:
 - *Phonics*
 - *Handwritten*
 - *not reimbursable*
 - *Phonics*
 - *Salaries not for contract services*
 - *Per contract*

(05) Total Subtotal Page: 1 of 1 \$ 29,208 0 0

MANDATED COSTS

FORM
TE-2

Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: ELK GROVE UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
T GOOD, D/TEACHER	45.03	48.75	2195		
(A) GORDON, C/TEACHER	24.76	22.50	557		
T GORDON, D/ASST SUPT	47.99	0.25	12		
(P) GOULD, W/TEACHER	28.81	8.00	230		
(P) GRATTEAU, J/TEACHER	28.63	48.75	859		
(P) GREENSTREET, A/TEACHER	26.41	117.75	3109		
(P) BREULICH, D/TEACHER	24.76	22.50	557		
T GRGURICH, L/TEACHER	39.34	102.00	4013		
T GRIEVE, E/TEACHER	23.83	0.50	12		
(A) GRIFFIN-ANDERSON, M/TEACHER	24.76	22.50	557		
(P) GRIFFITH, S/TEACHER	24.76	48.75	1207		
T GULDEN, M/TEACHER	34.34	48.75	1674		
(P) HABOUGH, R/TEACHER	25.06	48.75	1222		
(P) HAISSIG, T/TEACHER	28.81	22.50	648		
(P) HALLER, R/TEACHER	26.96	22.50	607		
(P) HANF, M/TEACHER	24.76	22.50	557		
(A) HARBISON, C/TEACHER	29.90	48.75	897		
T HARMON, C/TEACHER	39.23	22.50	883		
(P) HARRISON, C/TEACHER	22.85	57.25	686		
T HAYASHI, K/TEACHER	47.79	8.00	382		
(P) HECHT, L/TEACHER	24.76	54.58	743		
T HELMS, G/TEACHER	40.66	48.75	1982		
(P) HENDERSON, C/TEACHER	24.76	72.75	1801		
(P) HERTE, V/TEACHER	26.41	22.50	594		
T HILL, C/TEACHER	41.41	22.50	932		
(A) HILL, N/TEACHER	24.76	22.50	557		
(P) HO, JK/TEACHER	29.09	22.50	655		
(P) HOOPER, T/TEACHER	54.06	22.50	1216		
(A) HOOVER, S/TEACHER	25.76	22.50	580		
(A) HUGHES, S/TEACHER	24.76	96.75	743		
(P) JACKSON, T/TEACHER	38.11	22.50	857		
(P) JENSEN, D/TEACHER	24.76	48.75	1207		
(P) JOHNSON, A/TEACHER	24.76	22.50	557		

*Probationary
instructor
not reimbursable*

(05) Total Subtotal

Page 90 1 of 1

\$ 37,269 0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: ELK GROVE UNIFIED SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
T JOHNSTON, L/VICE PRINCIPAL	45.61	45.30	2066		
P2 JONES, J/TEACHER	30.01	25.00	750		
P2 JONES, W/TEACHER	21.83	22.50	491		
P2 JONDBERG, M/TEACHER	27.29	48.75	1330		
P2 KAZIANKA, J/TEACHER	29.09	22.50	655		
P2 KEEBLE, T/TEACHER	31.58	27.50	869		
T KEITHCART, B/TEACHER	37.27	69.00	2571		
P2 KELLAR, K/TEACHER	24.76	4.41	109		
T KESKEYS, G/TEACHER	34.64	8.00	277		
T KHALSA, S/TEACHER	27.34	48.75	1333		
T KLEIN, A/TEACHER	40.16	22.50	904		
P2 KNUTSON, R/TEACHER	32.78	48.75	1598		
P2 KOERWITZ, A/TEACHER	24.76	22.50	557		
P2 KROMPIER, J/TEACHER	24.89	28.00	697		
KRONICK, MOSKOVITZ ATTORNEYS	100.00	5.00			500
P2 LABASS, B/TEACHER	33.25	22.50	748		
T LAI, J/TEACHER	36.83	48.75	1795		
P2 LAPP, C/TEACHER	21.97	22.50	494		
P2 LASSETTER, L/TEACHER	26.80	22.50	603		
P2 LEE, T/TEACHER	19.52	22.50	439		
P2 LEVIN, R/TEACHER	31.30	22.50	704		
T LONG, C/TEACHER	38.88	48.75	1895		
P2 LOPEZ, M/TEACHER	20.65	22.50	465		
P2 LUNDBERG, M/TEACHER	28.47	57.00	1623		
P2 MADISON, K/TEACHER	24.76	48.75	743		
P2 MAHER, J/TEACHER	31.58	48.75	1540		
P2 MAHOOD, C/TEACHER	35.65	60.75	2166		
T MARTEN, T/TEACHER	31.06	0.50	16		
P2 MARXSON, A/TEACHER	29.89	22.50	673		
T MASONHEIMER, P/SUPERVISOR	48.04	92.00	4420		
P2 MATTILA, S/TEACHER	24.76	48.75	1207		
P2 MAURTUA, R/TEACHER	27.88	48.75	1359		
P2 MAYEDA, R/TEACHER	33.98	22.50	765		

(05) Total Subtotal Page: 911 of 1 \$ 36,126 0 500

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **ELK GROVE UNIFIED SD**

(02) Fiscal Year costs were incurred: **95 - 96**

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
(A) MAYNARD, R/TEACHER	24.76	22.50	557		
P MCCLELLAND, S/TEACHER	26.95	22.50	606		
T MCCONNELL, D/TEACHER	42.61	4.00	170		
T MCCREA, J/TEACHER	30.11	22.50	677		
P2 MCDERMOTT, J/TEACHER	26.04	48.75	1269		
T MCENTEE, S/TEACHER	41.01	22.50	923		
(A) MCMURTRY, J/TEACHER	23.71	5.50	130		
P2 MEEKS, A/TEACHER	29.08	48.75	1418		
P2 MOODY, B/TEACHER	23.22	22.50	522		
T MOORE, G/DIRECTOR	44.67	0.50	22		
(A) MULLER, E/TEACHER	24.76	48.75	743		
T MURRILL, W/TEACHER	38.71	22.50	871		
P2 NAVARRO, L/TEACHER	25.06	48.75	1222		
P2 NELSON, D/TEACHER	27.89	9.50	265		
(A) NELSON, R/TEACHER	24.76	48.75	743		
P2 NEVIS, L/TEACHER	32.78	58.25	1909		
NEW TEACHER TRAINING COSTS				374	
P2 NGUYEN, D/TEACHER	27.42	0.50	14		
T NICHOLSON, B/TEACHER	43.33	48.75	2112		
P2 OKORO, V/TEACHER	28.90	22.50	650		
T OLIVER, D/TEACHER	41.96	48.75	2046		
T OLOVSON, D/TEACHER	43.33	48.75	2112		
T ONETO, F/TEACHER	38.35	0.50	19		
T OSBORNE, W/DIRECTOR	50.21	2.88	146		
L PAOLI, L/VICE PRINCIPAL	45.20	14.50	656		
(A) PAPAJOHN, M/TEACHER	24.76	48.75	743		
T PARKER, C/TEACHER	42.22	22.50	950		
T PATTEN, S/TEACHER	20.22	48.75	986		
T PEDDY, L/TEACHER	42.70	2.00	85		
(A) PEONE, C/TEACHER	24.76	22.50	557		
P2 PERERA-ANTONUCCI, J/TEACHER	34.45	48.75	1679		
(A) PEREZ, G/TEACHER	20.83	22.50	469		
P2 PERRY, L/TEACHER	33.71	6.33	213		

(05) Total Subtotal

MANDATED COSTS

FORM
TE-2

Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: ELK GROVE UNIFIED SD (02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f). Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
P PETERS, M/TEACHER	24.76	28.00	693		
P PETERSON, C/TEACHER	24.76	8.50	210		
P PETERSON, F/TEACHER	27.88	36.40	1015		
P PFAU, J/TEACHER	24.76	22.50	557		
P PHILIPS, M/TEACHER	24.76	22.50	557		
P PHILLIPS, S/TEACHER	29.44	2.00	59		
P PILKINGTON, R/TEACHER	28.01	22.50	630		
T PINKERTON, C/TEACHER	42.00	48.75	2048		
P BLEICH, C/TEACHER	24.76	48.75	743		
T POPPERS, K/TEACHER	35.59	22.50	801		
PRINTING COSTS				85	
P BRANDLE, K/TEACHER	25.43	55.50	763		
P REIS, P/TEACHER	27.29	60.00	819		
T RETHERFORD, M/TEACHER	33.30	22.50	749		
P RICE, R/TEACHER	24.76	63.58	743		
P ROBERTS, J/TEACHER	32.32	22.50	727		
P RODONI, F/TEACHER	27.00	48.75	810		
P ROSALES-GARCIA, M/TEACHER	29.73	22.50	559		
P RUZAK, K/TEACHER	32.32	22.50	727		
P SACK, Y/TEACHER	33.78	48.75	1647		
P SAKAI-SANCHEZ, I/TEACHER	24.76	22.50	557		
P SAMUELS, S/TEACHER	28.26	48.75	1378		
P SANCHEZ, MA/TEACHER	24.58	48.75	1198		
P SCHENK, J/TEACHER	26.80	22.50	603		
P SCHNUER, M/TEACHER	27.14	7.10	193		
P SCIDMORE, S/TEACHER	20.35	31.10	611		
P SCOFIELD, /TEACHER	31.10	1.50	47		
T SCOTT, M/TEACHER	36.83	48.75	1795		
P SHADBOURNE, T/TEACHER	24.76	60.00	743		
P SHARP-NELSON, D/TEACHER	41.15	48.75	2006		
P SMITH, J/TEACHER	32.60	22.50	734		
P SMITH, M/TEACHER	22.29	22.50	502		
P SOMMERS, R/TEACHER	25.94	8.00	208		

(05) Total Subtotal Page 93 1 of 1 \$ 29,575 85 0

MANDATED COSTS

FORM
TE-2

Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: ELK GROVE UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
<input checked="" type="checkbox"/> SPICKELMIER, K/TEACHER	20.63	48.75	619 1000		
<input type="checkbox"/> STICKEL, S/DIRECTOR	46.48	2.75	128		
<input type="checkbox"/> STONE, M/TEACHER	37.62	22.50	846		
<input checked="" type="checkbox"/> STRAIN, C/TEACHER	34.35	22.50	773		
SUBSTITUTES			8631		
<input checked="" type="checkbox"/> SULLIVAN, S/TEACHER	28.96	22.50	652		
<input type="checkbox"/> SWANSON, D/TEACHER	38.53	9.00	347		
<input checked="" type="checkbox"/> SWOLGAARD, C/TEACHER	24.76	22.50	557		
<input checked="" type="checkbox"/> TAFT, C/TEACHER	28.85	10.25	296		
<input type="checkbox"/> TAYLOR, A/TEACHER	42.19	48.75	2057		
<input type="checkbox"/> TEUBER, J/TEACHER	36.83	48.75	1795		
<input checked="" type="checkbox"/> THEOPHILUS, M/TEACHER	28.81	4.00	115		
<input checked="" type="checkbox"/> THOMPSON, K/TEACHER	24.76	48.75	743 1207		
<input checked="" type="checkbox"/> THORMAN, T/TEACHER	24.76	48.75	743 1207		
<input checked="" type="checkbox"/> TIJAN, K/TEACHER	27.42	15.00	411		
<input checked="" type="checkbox"/> TILLISON, J/TEACHER	25.94	8.90	231		
<input checked="" type="checkbox"/> TRAN, M/TEACHER	27.00	22.50	608		
<input checked="" type="checkbox"/> TURNER, S/TEACHER	24.76	53.75	743 1394		
<input type="checkbox"/> TZIKAS, M/TEACHER	43.89	48.75	2140		
<input checked="" type="checkbox"/> VAN FLEETWOOD, D/TEACHER	22.81	22.50	513		
<input checked="" type="checkbox"/> VAN SOMERSEN, D/TEACHER	26.80	22.50	603		
<input checked="" type="checkbox"/> VARGAS, L/TEACHER	32.39	22.50	729		
<input type="checkbox"/> VERKUYL, R/SUPERVISOR	40.11	0.50	20		
<input checked="" type="checkbox"/> WALKER, J/TEACHER	24.76	28.00	693		
<input checked="" type="checkbox"/> WATKINS, D/TEACHER	23.00	22.50	518		
<input checked="" type="checkbox"/> WATSON, B/TEACHER	27.34	22.50	615		
<input checked="" type="checkbox"/> WELLS, K/TEACHER	22.18	22.50	499		
<input checked="" type="checkbox"/> WERNER, T/TEACHER	29.73	28.00	833		
<input checked="" type="checkbox"/> WHEATON, M/TEACHER	24.76	48.75	743 1207		
<input checked="" type="checkbox"/> WHITLOCK, C/TEACHER	25.43	22.50	572		
<input checked="" type="checkbox"/> WILLIAMS, DA/TEACHER	27.00	22.50	608		
<input checked="" type="checkbox"/> WILLIAMS, M/TEACHER	26.80	22.50	603		
<input checked="" type="checkbox"/> WINLOCK, S/DIRECTOR	49.31	2.25	111		

PT

PT

(05) Total Subtotal

Page 4 1 of 1

\$ 32,462 0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **ELK GROVE UNIFIED SD**

(02) Fiscal Year costs were incurred: **95 - 96**

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
WISNER, L/TEACHER	27.42	28.00	768		
KODER, J/TEACHER	24.76	22.50	557		
ALUNARDO, M/TEACHER	24.76	22.50	557		
ZIGGENHIRT, L/TEACHER	39.86	22.50	897		

4563
2779

(05) Total Subtotal

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: ELK GROVE UNIFIED SD

(02) Fiscal Year costs were incurred: 95-96

- (03) Reimbursable Component:
- Competence in Instructional Methodology
 - Probationary Certificated Employee Policies
 - Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB113 LEVELS					
ADREANI, A/PRINCIPAL <i>core 15 min/day</i>	49.12	45 60.00	2947	2210	
BENOIT, M/PRINCIPAL <i>MAY -45 HRS</i>	33.89	14.92	506		
BLOMQUIST, L/TEACHER	37.09	20.00	742		
BOONE, L/PRINCIPAL <i>.25 x 180 = 45 HRS</i>	47.24	18.83	890		
CADWALLADER, D/TEACHER	44.43	45 150.00	6665	1999	
CHUN, V/PRINCIPAL	44.64	30.41	1357		
COSTLLA, D/TEACHER	26.02	40.00	1041		
DONA, K/PRINCIPAL	41.69	2.00	83		
DRAPER, B/PRINCIPAL	42.80	4.17	178		
DRUMM-KIDD, B/PRINCIPAL	43.44	45 105.00	4561	1955	
GIVENS, D/PRINCIPAL	45.08	7.74	349		
GONZALES, H/VICE PRINCIPAL	31.44	12.42	390		
HAYES, C/DIR. OF ELEM. ED.	46.18	13.91	642		
HUNT-BROWN, J/PRINCIPAL	42.99	7.58	326		
HUYETT, W/ASST SUPT	48.81	39.16	1913		
JOHNSON, G/PRINCIPAL	45.46	4.00	182		
JOHNSON, J/DEPUTY SUPT	47.18	3.75	177		
JOHNSTON, L/VICE PRINCIPAL	45.61	5.00	228		
JONES, M/VICE PRINCIPAL	44.55	5.92	263		
LUCIA, F/PRINCIPAL	50.20	10.00	502		
LUCIA, N/PRINCIPAL	44.67	3.00	134		
MILEAGE					
MOORE, G/VICE PRINCIPAL	50.26	45 80.00	4021	2262	
MURDOCK, C/SECRETARY	22.31	45 150.00	3347	1004	
OLDS, L/VICE PRINCIPAL	40.11	12.00	482		
ORRICK, M/TEACHER	44.79	150.00	6719		
PAOLI, L/VICE PRINCIPAL	45.20	3.00	136		
PRINTING COSTS					96
ROBINSON, W/VICE PRINCIPAL	45.77	6.50	298		
ROSS, J/PRINCIPAL	40.54	2.00	81		
SHELDON, L/SECRETARY	20.65	2.58	53		
STROM, L/PRINCIPAL	45.05	66.67	3004		

no. of School Days

ASSUMING 1 HR PER DAY

(05) Total Subtotal

Page 96 1 of 1

42,217

100

0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: ELK GROVE UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
SUMMERS, T/PRINCIPAL	46.92	6.50	305		
WAY, J/PRINCIPAL	47.10	7.00	330		
WESTERMANN, J/PRINCIPAL	44.64	33.50	1496		
WINLOCK, S/DIRECTOR	49.31	39.08	1927		
ZEMAN, A/PRINCIPAL	40.54	4160.00	6486	1824	

34164

(05) Total Subtotal

Page: 1 of 1

\$ 10,544

0

0

Issue 1

T.E. Certification
Training

373. +
305. +
519. +
237. +
402. +
395. +
433. +
430. +
452. +
391. +
251. +
347. +
430. +
439. +
490. +
4,227. +
331. +
836. +
416. +
474. +
9,250. -
2,978. 0
2,978. X
5.92 %
176.2976*+
2,978. *
2,978. +
176. +
002
Total 3,154.*+

Issue 2

Trainers
Time

Approved
053

Indirect
Costs

002

Total

1,627. +
55. +
703. +
88. +
1,060. +
87. +
1,007. +
2,258. +
1,399. +
2,195. +
12. +
4,013. +
12. +
1,674. +
883. +
382. +
1,982. +
932. +
2,066. +
2,571. +
277. +
1,333. +
904. +
1,795. +
1,895. +
16. +
4,420. +
170. +
677. +
4,563. -
56,592. X
5.92 %
3,350.2464*+
-56,592. *
56,592. +
3,350. +
98
59,942.*+

Issue 3

Total A+B

P1 & P2
Training Time

690. +
608. +
1,539. +
1,898. +
1,269. +
802. +
1,796. +
1,539. +
1,003. +
2,558. +
748. +
246. +
1,694. +
2,241. +
1,307. +
560. +
602. +
747. +
551. +
836. +
3,297. +
557. +
594. +
557. +
621. +
488. +
955. +
506. +
555. +
69. +
1,190. +
1,594. +
1,392. +
684. +
1,531. +
608. +
1,651. +
239. +
635. +
390. +
112. +
58. +

Issue 3B

Additional required
training for
teacher

608. +
731. +
617. +
810. +
743. +
602. +
551. +
557. +
557. +
621. +
488. +
506. +
732. +
684. +
608. +
635. +
58. +
545. +
743. +
594. +
743. +
743. +
743. +
743. +
753. +
553. +

074

46,945. 0

Indirect
costs 46,945. X
5.92 %
2,779.144*+

46,945. *

46,945. +

2,779. +

002
Total 49,724.*+

Issue 4

Parental
complaint
time

2,947. +
506. +
742. +
890. +
6,565. +
1,357. +
1,041. +
83. +
178. +
4,561. +
349. +
390. +
642. +
326. +
1,913. +
182. +
177. +
228. +
263. +
502. +
1,496. +
1,927. +
6,486. +

035
Total
Claimed 52,761.*+

Approved 52,761. +
000 34,184. -
18,597.*+

Indirect
costs 18,597. X
5.92 %
1,100.9424*+

18,597. *

18,597. +

1,101. +

002
Total 19,698.99

Issue 5

Supplies

85. +
374. +
4. +
96. +
559. 0
559. X
Indirect
costs 5.92 %
33.0928*+

559. *
559. +
33. +

002
Total 592.*+

Issue 6

Contracted
services

25. +
150. +
225. +
50. +
50. +
285. +

006
Total
Issue 7 785.*+

8,631. X

5.92 %

Subs
Indirect
costs 510.9552*+

510.9552*+

8,631. *

8,631. +

511. +

002

Exhibit I



KATHLEEN CONNELL
Controller of the State of California

December 18, 1998

Mr. Steve Smith
President
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

Dear Mr. Smith:

RE: NOTICE OF CLAIM ADJUSTMENT
ELK GROVE UNIFIED SCHOOL DISTRICT
CHAPTER 498/83 CERTIFICATION OF TEACHER EVALUATORS
FISCAL YEAR 1995-96

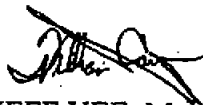
This is in reply to your letters dated October 26, 1998 and November 30, 1998 regarding the above claim for reimbursement of mandated cost program. The result of our review is as follows:

Amount Claimed	\$312,168
Adjustment to Claim:	
<i>Probationary Certificated Employee Policies</i>	
The amount of \$168,676 for salaries and benefits of probationary teachers in training is disallowed.	-\$168,676
Parameters and guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities.	
Sub-total on Adjustment for Direct Costs	-\$168,676
Adjustment of Indirect Costs (\$17,404-\$7,464)	-9,940
Total Adjustment for Claim	-\$178,616
Approved Claim	\$133,552
Less: Prior Payment of 1/26/96 & 5/15/97	-140,844
Amount Due State	-\$7,292

SACRAMENTO 3301 C Street, Suite 501, Sacramento, CA 95816 (916) 445-8717
Mailing Address: P.O. Box 942850, Sacramento, CA 94250

If you have any questions, please contact Eduardo Antonio at (916) 323-0755 or in writing at the State Controller's Office, Attn: Local Reimbursements Section, Division of Accounting and Reporting, P.O. Box 942850, Sacramento, CA 94250-5875.

Sincerely,



for
JEFF YEE, Manager
Local Reimbursements Section

JY:ea

cc: James W. Knapp, Elk Grove Unified School District

Exhibit J

October 11, 2001

Eduardo Antonio
Local Reimbursement Section
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250-5875

RE: **Elk Grove Unified School District: S34020**
SCO Notice of Claim Adjustment: December 18, 1998
Chapter 498/83 Certification of Teacher Evaluators: 1995/96

Dear Mr. Antonio:

In reviewing the State Controller's Office "Notice of Claim Adjustment" letter for Elk Grove Unified School District's Teacher Evaluator claim, we have found a \$9,096 discrepancy. According to our records and the review process used by SCO, this amount should be reinstated to the district.

In our October 26, 1998 letter to SCO, we requested that the following amounts be reinstated to the original claim:

1)	Administrator training hours in excess of eighty	\$ 3,154
2)	Training Time for Non-probationary Teachers	\$ 59,942
3A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$118,313
3B)	2 day Training Time Disallowed for 1 st year Probationary Teachers	\$ 49,724
4)	Time in excess of 45 hours on Parental Complaint Policies	\$ 19,698
5)	Printing and Supply Costs	\$ 592
6)	Contracted Services	\$ 785
7)	Substitutes Disallowed	\$ 9,142
	Total	\$261,350

The December 18, 1998, SCO "Notice of Claim Adjustment" letter indicated that \$178,616 in Probationary Teacher time costs were to be disallowed. This amount is \$9,096 higher than our amount indicated of \$169,520. Note that this is a \$1,483 increase in Probationary Teacher time from our October 18 letter, but this was brought to the attention of SCO in our November 18 letter. In addition, per your November 17, 1998 fax, on November 18, 1998, we sent in log sheets to support: probationary teacher trainer, parental complaint, substitute and printing/supply costs. The final SCO letter made no mention of these four areas being further reduced for insufficient documentation.

In conclusion, we have several Teacher Evaluator reconsideration requests on file in which the SCO reinstated all costs other than the time claimed for probationary teacher training. If SCO was using the same review criteria for Elk Grove USD as they had used for other claimants, then the final approved claim amount should have been \$142,648 and not \$133,552. Mandated Cost Systems, Inc. supplied SCO with all requested documentation, no further SCO requests were made and the final SCO letter did not indicate any other type of adjustment than that for probationary teacher time. Based on the information submitted, we respectfully request that \$9,096 be reinstated. Please notify me of the State Controller's Office decision on this matter.

If you have any questions, please contact me at 487-4435.

Sincerely,



Todd S. Wherry, Project Manager
Mandated Cost Systems, Inc.

Enclosures

cc: Shelley Clark, Elk Grove Unified School District
Rob Roach, Mandated Cost Systems, Inc.

Exhibit K



534020

KATHLEEN CONNELL
CONTROLLER OF THE STATE OF CALIFORNIA
DIVISION OF ACCOUNTING AND REPORTING

OCTOBER 16, 2001

BOARD OF TRUSTEES
 ELK GROVE UNIFIED
 SACRAMENTO COUNTY
 9510 ELK GROVE FLORIN RD
 ELK GROVE CA 95624-1801

DEAR CLAIMANT:

RE: CERT TEACHERS EVAL CH 498/83

WE HAVE REVIEWED YOUR 1995/1996 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED	312,168.00
LESS: TOTAL ADJUSTMENTS (DETAIL ON PAGE 2)	- 162,228.00
CLAIM AMOUNT APPROVED	142,648.00
LESS: TOTAL PRIOR PAYMENTS (DETAIL ON PAGE 2)	140,844.00
AMOUNT DUE CLAIMANT	\$ 9,096.00

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT EDUARDO ANTONIO AT (916) 323-0755 OR IN WRITING AT THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875. THE PAYMENT WILL BE FORTHCOMING WITHIN 30 DAYS.

SINCERELY,

Ginny Brummels
 GINNY BRUMMELS
 MANAGER

PAGE 2

S34020

ADJUSTMENT TO CLAIM:

PRIOR COLLECTIONS
CLAIM ADJUSTMENT

7,292.00
- 169,520.00

LESS: TOTAL ADJUSTMENTS

- 162,228.00

PRIOR PAYMENTS:

SCHEDULE NO. MA60717A
PAID 05-15-1997

139,126.00

SCHEDULE NO. MA50716E
PAID 01-26-1996

1,718.00

LESS: TOTAL PRIOR PAYMENTS

140,844.00

State of California
COMMISSION ON STATE MANDATES
980 Ninth Street, Suite 300
SACRAMENTO, CA 95814
(916) 323-3562
CSM 2 (2/91)

EXHIBIT A,
TAB 2

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COMMISSION ON STATE MANDATES
Claim No. 01-4136-I-42

INCORRECT REDUCTION CLAIM FORM

Local Agency or School District Submitting Claim

SANTA MARIA-BONITA SCHOOL DISTRICT, CLAIMANT ID# S42110

Contact Person
Steve Smith, Mandated Cost Systems, Inc.

Telephone No.
(916) 487-4435

Address

**708 S MILLER STREET
SANTA MARIA, CA 93454**

Representative Organization to be Notified
**Mandated Cost Systems, Inc.
2275 Watt Avenue Suite C
Sacramento, CA 95825
(916) 487-4435**

This claim alleges an incorrect reduction of a reimbursement claim filed with the State Controller's Office pursuant to section 17561 of the Government Code. This incorrect reduction claim is filed pursuant to section 17551(b) of the Government Code.

CLAIM IDENTIFICATION: Specify Statute or Executive Order

Certification of Teacher Evaluator's Demonstrated Competence Chapter 498, Statutes of 1983, Education Code Section 35160.5

<u>Fiscal Year*</u>	<u>Amount of the Incorrect Reduction</u>
1995/96	\$10,871

*More than one fiscal year may be claimed.

IMPORTANT: PLEASE SEE INSTRUCTION AND FILING REQUIREMENTS FOR COMPLETING AN INCORRECT REDUCTION CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative

Telephone No.

Steve Smith, Mandated Cost Systems, Inc.

(916) 487-4435

Signature of Authorized Representative

Date

Steve Smith

11/9/01

Incorrect Reduction Claim

Santa Maria-Bonita School District, Claimant ID# S42110
Certification of Teacher Evaluators' Demonstrated Competence
Chapter 498, Statutes of 1983
COSM No. SB90-4136
1995/96 Fiscal Year

I. Brief Description of the Disallowed Costs:

The Santa Maria-Bonita School District (hereinafter "District" or "Claimant") filed a claim for reimbursement under the Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program (Chapter 498, Statutes of 1983; COSM No. SB90-4136) for fiscal year 1995/96. By letter dated April 14, 1999, the State Controller (SCO) disallowed \$10,871 of costs for training probationary teachers and associated indirect costs claimed under the Probationary Certificated Policies component of this program. The State Controller has taken the position that the parameters and guidelines "do not provide reimbursement for probationary teacher training costs." Claimant argues, as further outlined below, that the Controller incorrectly reduced its claim because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

II. The Mandate:

Chapter 498, Statutes of 1983 added section 35160.5 to the Education Code. (See Exhibit "A"). Section 35160.5 required school districts, as a condition for receipt of school apportionments, to adopt rules and regulations establishing policies regarding:

- a. The certification of the demonstrated competence of administrators who would be conducting teacher evaluations;
- b. Assurances that probationary teachers will have their needs for training, assistance, and evaluations recognized and met by the district; and
- c. Filing of parent complaints regarding district employees.

On September 20, 1984 the San Jose Unified School District filed a test claim with the Board of Control alleging that Chapter 498/83 imposed reimbursable state mandated costs. On September 26, 1985 the Commission on State Mandates approved the test claim and on October 24, 1985 adopted its Statement of Decision. (See Exhibit "B"). Parameters and guidelines for this program were originally adopted on April 24, 1986. (See Exhibit "C"). These parameters and guidelines were subsequently amended on January 24, 1991 (See Exhibit "D"). The Education Trailer Bill to the Budget Act of 1996, effective July 22, 1996, (Chapter 204, Statutes of 1996) repealed this mandate effective with the 1996/97 fiscal year. The State Controller's Office Claiming Instructions in effect for the 1995/96 claim year are attached (See Exhibit "E").

III. The District's Claim, State Controller's Review and Reconsideration

The filing deadline with the State Controller's Office for 1995/96 Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program was November 30, 1996. The late filing deadline (with requisite 10% penalty not to exceed \$1,000) was December 1, 1997. The District submitted its 1995/96 amended claim within the late filing period. The District claimed costs under the three reimbursable components plus associated indirect costs of totaling \$56,142.

In a letter dated August 5, 1998, SCO denied \$34,766 in claimed costs. (See Exhibit "F"). The reasons cited for the adjustments were :

Late Claim Penalty	\$1,000
Indirect Costs Overstated	\$786
No Supporting Documentation	\$922
Non-Reimbursable Item	\$32,058

Due to the lack of specificity in this letter, a copy of the SCO claim review working papers was obtained in order to determine the specific claim line items that were disallowed. (See Exhibit "G").

On March 16, 1999, Mandated Cost Systems, Inc., representing the District submitted a letter to SCO requesting reconsideration and reinstatement of all disallowed costs (See Exhibit "H").

On April 14, 1999 SCO completed its reconsideration of its claim adjustments and issued a final adjustment letter which re-instated \$7,267 for incorrectly disallowed parental complaint policies and printing and supply costs. SCO did not reinstate any costs for probationary teachers time when receiving training. (See Exhibit "I").

IV. The Issue in Dispute:

The specific issue being disputed deals with the following question:

Is the cost of probationary teachers receiving the mandated additional training a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program?

V. Claimant's Position

Claimant argues, as further outlined below, the cost of probationary teachers receiving the mandated additional training is a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

It should be noted that the SCO disallowed probationary teacher training costs claiming the "parameters and guidelines do not provide for reimbursement" of these costs. The SCO is not claiming that these costs are excessive or unreasonable under Government Code section 17561(d). Therefore, the only issue before the COSM is whether the parameter and guidelines "provide for reimbursement" for the cost of probationary teacher training costs.

VI. The State Controller's Position

By letter dated April 14, 1999 the Controller has disallowed the cost of probationary teachers receiving the mandated additional training stating that:

"The amount of \$10,400 for salaries and benefits of probationary teachers in training is disallowed. Parameters and guidelines do not provide for reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities."

VII. Parameters and Guidelines and Claiming Instructions

A. The Parameters and Guidelines

Section V (Reimbursable Costs) of the parameters and guidelines for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education.

* * *

Registration fees and travel costs of probationary teachers attending training activities.

* * *

Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teacher's classrooms to observe teaching techniques (limited to three such visitations per semester).

B. The Claiming Instructions

Section 5 (Reimbursable Components) of the claiming instructions for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teaches, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist and evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available with the school district or county office, is reimbursable. Registration fees, travel costs, and the cost of substitute teachers provided so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester."

VIII. Claimant's Analysis

The District's claim for costs attributable to probationary teacher training can be broken down into two types of costs. "Category A" costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. "Category B" costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83.

A. Argument for Reimbursing Category A Probationary Teacher Costs

In its March 16, 1999 reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category A totaling \$4,656 should be reinstated.

Category A costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. The parameters and guidelines clearly and explicitly allow for these costs when they provide as reimbursable costs those "costs of training probationary teachers, over and above that provided to permanent teachers, are reimbursable." The COSM should be guided by the common rule of interpretation which provides that where express provisions of a rule are clear and unambiguous the explicit meaning of those provisions, interpreted in their ordinary and popular sense, controls the interpretation. (See, *Borg v. Transamerica Ins. Co.*, 47 Cal.App.4th 448, 455, 54 Cal.Rptr.2d 811).

B. Argument for Reimbursing Category B Probationary Teacher Costs

In its March 16, 1999 reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category B totaling \$6,215 should be reinstated.

Category B costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83. Specifically, as a requirement of the mandate, all first year probationary teachers work a 176 day year (one extra 7.5 hour day each year for teacher training) while permanent teachers work a 175 day year. The probationary teachers were paid for working the extra day.

In the case of category B costs, there is a clearly identifiable increased cost incurred by the District related to compensating probationary teachers for the additional time receiving the mandated training. The Commission on State Mandates has recently reaffirmed that these types of costs are reimbursable.

In the *Physical Performance Testing* program the Commission explicitly recognized that mandates that befall teachers create reimbursable costs if the District increases the teacher's workday or work year. In addressing this issue the Commission's Statement of Decision states in pertinent part as follows:

"The manual (State Administrative Manual) defines costs as ".....all additional expenses for which either supplemental financing or the redirection of existing staff or resources ...is required." Because the school days or school year is not extended to accommodate the time

required to administer physical performance tests, there are no additional costs as defined by the manual.”

“Further, the Commission found that neither the school day or the school year is extended to accommodate the time required to administer and score the physical performance tests, school districts incur no increased reimbursable costs when classroom teachers administer the physical fitness tests.”

Although the Commission concluded that teacher time during the school day implementing the *Physical Performance* mandate was not reimbursable, the Commission did recognize that teacher time attending training after the regular school day is reimbursable. In support of Claimant’s argument the Commission concluded that:

“Increased costs for substitute teacher time during the school day or for teacher stipends to attend training sessions outside the regular school day (after school or on Saturday) are eligible for reimbursement. However, the labor time of the teacher spent in attending training sessions during that teachers’ normal classroom hours is not reimbursable.” (Emphasis added).¹

By way of further support for Claimant’s position, the Commission has stated in its parameters and guidelines for *American Government Course Document Requirements* that:

“Either the cost of providing a substitute teacher for each teacher who attends a training session during the teacher’s normal classroom periods or the additional payments made to each teacher who attends a training session outside the teacher’s normal classroom period (after school or on Saturday) is reimbursable.” (Emphasis added).

The above-cited sections of Commission parameters and guidelines fully support Claimant’s claim for reimbursement for those “additional payments made to each teacher who attends a training session outside the teacher’s normal classroom period (after school or on Saturday).” These two programs illustrate the fact that if a district has incurred some type of identifiable increased cost related to a fixed environment employee (i.e., teachers) then that identifiable increased cost shall be considered a reimbursable mandated cost pursuant to Article XIII B, section 6 of the State Constitution whether it is substitute costs, overtime pay, stipends, or as in this case, an expanded work year specifically due to the mandate of additional training for probationary teachers.

The Claimant’s argument is further bolstered by the erroneous conclusion made by the Controller that reimbursement of substitute teacher time is made “in lieu” of reimbursement for probationary teacher time attending the training. Here, the Claimant is making a claim for probationary teacher time attending training that occurred after the regular work day or after the end of the regular work year when a substitute teacher is not needed. With no substitute costs the Claimant is not provided any reimbursement “in lieu” of reimbursement

¹ See page 6 of the Physical Performance Testing Program parameters and guidelines adopted by the Commission on State Mandates on September 24, 1998.

of probationary teacher time attending the trainings. Moreover, and as outlined above, the Commission has explicitly recognized that Districts are entitled to reimbursement for both substitute teacher time (for costs incurred during the fixed environment) and other identifiable costs for teachers that occur outside the regular work day (e.g. nights, weekends, and at the end of the school year).

IX. Conclusion

Based upon the foregoing, Claimant respectfully requests that the COSM find:

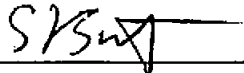
1. Claimant submitted its Certification of Teacher Evaluators' Demonstrated Competence claims for reimbursement in compliance with the State Controller's claiming instructions.
2. Claimant submitted the requisite documentation in support of its claim for reimbursement.
3. That the State Controller incorrectly reduced claimant's reimbursement claim when it disallowed costs for training probationary teachers claimed under the Probationary Certificated Policies component of this program.

Claimant respectfully requests that the COSM determine that SCO incorrectly reduced the claimant's Teacher Evaluator claim and direct Commission Staff, in accordance with COSM's regulations, to submit a letter to the Controller requesting that the costs of the claim be reinstated.

CERTIFICATION

I certify by my signature below that the statements made in this document are true and correct of my own knowledge, or as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on November 9, 2001, at Sacramento, CA.



Steve Smith, Mandated Cost Systems, Inc.

Exhibit A

Code, to read:

35160.5. On or before December 1, 1984, the governing board of each school district shall, as a condition for the receipt of school apportionments from the State School Fund, adopt rules and regulations establishing school district policies as they relate to the following:

(a) Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(b) The establishment of district policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district.

(c) The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district. These policies and procedures shall provide for appropriate mechanisms to respond to and where possible to resolve, the complaints. These policies and procedures shall be established in consultation with employee organizations.

1 Code, to read:

2 35160.5. On or before December 1, 1984, the
3 governing board of each school district shall, as a
4 condition for the receipt of school apportionments from
5 the State School Fund, adopt rules and regulations
6 establishing school district policies as they relate to the
7 following:

8 (a) Certification that personnel assigned to evaluate
9 teachers have demonstrated competence in instructional
10 methodologies and evaluation for teachers they are
11 assigned to evaluate. The determination of whether
12 school personnel meet the district's adopted policies shall
13 be made by the governing board.

14 (b) The establishment of district policies ensuring that
15 each probationary certificated employee is assigned to a
16 school within the district with assurances that his or her
17 status as a new teacher and his or her potential needs for
18 training, assistance, and evaluations will be recognized by
19 the district.

20 (c) The establishment of policies and procedures
21 which parents or guardians of pupils enrolled in the
22 district may use to present complaints regarding
23 employees of the district. These policies and procedures
24 shall provide for appropriate mechanisms to respond to
25 and where possible to resolve, the complaints. These
26 policies and procedures shall be established in
27 consultation with employee organizations.

28 The governing board of each school district shall
29 annually review the school district policies adopted
30 pursuant to the requirements of this section.

31 SEC. 13. Section 39363 of the Education Code, as
32 amended to read:

33 39363. The funds derived from the sale of surplus
34 property shall be used for capital outlay or for costs of
35 maintenance of school district property that the
36 governing board of the school district determines will not
37 recur within a five-year period. Proceeds from a lease of
38 school district property with an option to purchase may
39 be deposited into a restricted fund for the routine repair
40 and maintenance of district facilities, as defined by the

State Allocation Board, for up to a five-year period. In
addition, the proceeds may be deposited in the general
fund of the district for any general fund purpose if the
school district governing board and the State Allocation
Board have determined that the district has no
anticipated need for additional sites or building
construction for the five-year period following such sale
or lease, and the district has no major deferred
maintenance requirements.

SEC. 14. Section 42238 of the Education Code is
repealed.

SEC. 15. Section 42238 is added to the Education
Code, to read:

(a) For the 1983-84 fiscal year, the county
superintendent of schools shall determine a revenue limit
for each school district in the county pursuant to this
section.

(b) The base revenue limit for the 1983-84 fiscal year
shall be determined by adding the following amounts:

(1) The revenue limit per unit of average daily
attendance for the 1982-83 fiscal year determined
pursuant to Item 6100-101-001 of the Budget Act of 1982.

(2) The inflation adjustment specified in Section
42238.1.

(3) The equalization adjustment specified in Section
42238.4.

(c) The base revenue limit for each district
determined in subdivision (b) shall be multiplied by the
district average daily attendance computed as specified
in Section 42238.5.

(d) The amount determined in subdivision (c) shall
be increased by the minimum revenue guarantee
adjustment specified in Section 42238.2.

(e) The Superintendent of Public Instruction shall
apportion to each school district the amount determined
in this section less the sum of:

(1) The district's property tax revenue received
pursuant to Chapter 6 (commencing with Section 95) of
Part 0.5 of the Revenue and Taxation Code.

(2) The amount, if any, received pursuant to Part 18.5

Exhibit B

Hearing: 10/24/85
Date Filed: 09/20/84
Staff: Rose Mary Swart
WP 0592A

Proposed Statement of Decision
Adopted Mandate
(Chapter 498, Statutes of 1983)
Teacher Evaluator's Demonstrated Competence

The Commission on State Mandates, at its September 26, 1985 hearing, determined that a reimbursable mandate exists in Chapter 498, Statutes of 1983, Education Code Section 35160.5.

Member Creighton moved to find a mandate. Members Aceituno, Carlyle and Creighton voted aye, Chairman Huff voted no. The motion carried.

BEFORE THE
COMMISSION ON STATE MANDATES

CLAIM OF:

SAN JOSE UNIFIED SCHOOL DISTRICT

Claimant

SB 90-4136

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on September 26, 1985, in Sacramento, California, during a regularly scheduled meeting of the commission. William A. Doyle appeared on behalf of the San Jose Unified School District.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

FINDINGS OF FACT

1. The test claim was filed with the Board of Control on September 20, 1984, by the San Jose Unified School District.

2. The subject of the claim is Statutes of 1983, Chapter 498 (Education Code section 35160.5).

3. Chapter 498, Statutes of 1983, added Education Code section 35160.5 which requires the following actions in order for districts to receive school apportionments. On or before December 1, 1984, each school district shall adopt rules and regulations establishing district policy regarding:

(a) certification that teacher evaluators have demonstrated competence in methodologies needed to evaluate teachers.

(b) district policies ensuring that all new, probationary teachers are assigned to schools where their potential special needs for training, assistance and evaluations will be met.

(c) policies which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Section 35160.5 also requires the governing board of each school district to annually review the policies adopted pursuant to the section.

4. The claimant incurred costs as a result of training teacher evaluators to meet the newly adopted standards as specified in Finding 3.

5. None of the requisites for denying a claim, as specified in Government Code section 17556, subdivision (a), were established.

DETERMINATION OF ISSUES

1. The commission has jurisdiction to decide the claim under authority of Government Code section 17630.

2. The commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore the commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

3. The commission determined that only the higher level of service required by section 35160.5 in each school district is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

4. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

Exhibit C

Hearing: 4/24/86
SB 90-4136
Staff: Rose Mary Swart
WP 1029A

PROPOSED PARAMETERS AND GUIDELINES
Chapter 498, Statutes of 1983
Education Code Section 35160.5
Certification of Teacher Evaluators' Demonstrated Competence

EXECUTIVE SUMMARY

Chapter 498, Statutes of 1983 created a state mandate in Education Code Section 35160.5 by requiring that in order to receive apportionments, school districts adopt rules establishing district policy regarding: certification of teacher evaluators' demonstrated competence, probationary teachers, and a complaint process which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Commission staff has suggested amendments to the claimant's proposed parameters and guidelines, and recommends that the commission adopt the parameters and guidelines as amended. The claimant agrees with staff's proposed parameters and guidelines.

The Department of Finance (DOF) has suggested changes to staff's proposed parameters and guidelines.

Claimant

San José Unified School District

Chronology

- 9/20/84 Claim filed with Board of Control.
- 10/12/84 Claim continued pending Board of Control decision regarding multiple filings issue for Chapter 498/83; and, due to transition to Commission on State Mandates.
- 3/21/85 Claim continued due to lack of input from State Department of Education (SDE).
- 5/25/85 Claim continued due to lack of input from SDE.
- 7/25/85 Commission on State Mandates hearing cancelled.

- 8/22/85 Claim held-over to 9/26/85 hearing due to tie-vote.
- 9/26/85 Mandate approved by Commission on State Mandates.
- 10/24/85 Statement of Decision adopted (Attachment E).
- 12/2/85 Proposed parameters and guidelines submitted by San Jose Unified School District.
- 1/13/86 Conference to discuss proposed parameters and guidelines.
- 1/31/86 Amended proposed parameters and guidelines submitted by San Jose Unified School District (Attachment C).
- 3/27/86 Claim continued by the commission due to late filing of recommendation by DOF (Attachment F).

Statement of Claim

Chapter 498, Statutes of 1983 (Attachment B) required school districts to adopt rules and regulations to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers. School districts must also adopt rules to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible, resolve the complaints.

Staff Analysis

Staff is recommending several changes to the claimant's proposed parameters and guidelines (Attachment C).

A complete set of staff's proposed parameters and guidelines are attached (Attachment A).

Following is a summary and analysis of staff's suggested changes and DOF's suggested changes to the claimant's proposal. Additions are shown by underlining, deletions by strikeout. Staff agrees with and has added the claimant's suggested language in Sections V., B., 1, and IX., of this proposal. The claimant submitted this proposed language (Attachment G) in its rebuttal to the DOF recommendation.

Section III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code Section 2208.5, that incurred mandated costs as a result of implementing Chapter 498/83, Education Code Section 35160.5.

Since Chapter 498/83 affected numerous code sections, it is important for accuracy and clarity to include the affected code section(s) in any description or discussion of the impact of Chapter 498/83. This is a nonsubstantive change.

* * *

Section V. Reimbursable Costs

A., 2., a. Time of district administrators spent in certification training excluding classroom observation ~~(including classroom observation when it is paid by the training package).~~

Staff proposes: 1) deletion of language from this section which would reimburse for "classroom observation" and; 2) a specific exclusion statement precluding such payment. Staff is making this proposal because classroom observation is part of the administrator's usual responsibility and a basic function of the job. It is important for administrators to practice the skills they have acquired in training, but according to staff of SDE, administrators typically practice this, and other skills, on the job. School administrators are actually performing two functions by incorporating the practice into their usual work. Since the administrator is continuing the same work routine which took place prior to the certification training, it seems unreasonable to expect this time to be recognized as a function mandated by Chapter 498/83. At this point the administrators are back at work and providing the services for which they are paid. The claimant agrees with this change.

However, DOF asserts in its recommendation that Chapter 498/83, Education Code Section 35160.5 does not require that administrators participate in any training (Attachment F). Staff would point out that this issue was addressed by the commission during the test claim phase of this mandate. The commission decided that Chapter 498/83 does require that training be provided for administrators functioning as teacher evaluators. See the commission's Statement of Decision, Attachment E, Part I, 3., (b), which addresses this issue. Therefore, since the matter has previously been resolved by the commission, staff will not address it in this analysis.

* * *

V. B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. The cost of services or activities provided to probationary teachers and which are funded by the Mentor Teacher Program can not be claimed as a reimbursement cost.

This change is being proposed by the claimant in response to a concern expressed by DOF. The DOF recommendation makes the following statement regarding this section:

Chapter 498, Statutes of 1983 only requires that a school district establish policies ensuring that a new teacher's training, assistance and evaluation needs will be recognized. It does not demand that those policies exceed whatever currently is provided by school districts to new teachers. Claims that propose reimbursement for activities beyond those required by a school district prior to adoption of "expanded" policies are essentially claims for discretionary acts. As such, these activity costs should not be reimbursable.

The DOF concern here is about the level of training that will be reimbursed. Again, this is an issue which has been decided by the commission as part of the test claim. The commission, in its statement of decision on the test claim determined that training costs are reimbursable. In addition, it is established that any claim for reimbursement of activities beyond those mandated is not acceptable and will not be reimbursed. Nor are activities which are already being reimbursed going to be doubly reimbursed. However, in response to the DOF concern and to provide clarification the claimant has suggested the new language regarding the Mentor Teacher Program. Any activities already funded through that or any other programs may not be reimbursed through these parameters and guidelines. The proposed parameters and guidelines, in Section V.B.1. clearly prohibit double funding of activities by allowing reimbursement only for "Training, assisting and evaluating probationary teachers over and above that usually provided ...". Emphasis added. Additionally, Education Code Section 44496(a)(3) prohibits a mentor teacher from participating in any evaluation of other teachers.

* * *

- B. 1. c. One third of the time spent by site administrators training, assisting or evaluating probationary teachers.

The DOF recommendation states that the proposed parameters and guidelines, in Section B.1., would provide reimbursement for an activity which is now clearly a responsibility of administrative school personnel. This activity is the evaluation of probationary teachers. The proposed parameters and guidelines indicate that one third of the time spent by site administrators training, assisting or evaluating probationary teachers is reimbursable.

According to the claimant this is not an arbitrary number because "the additional one third of the time spent by administrators during the two year probationary period performing the mandated activities (training, assistance and evaluation) is caused by performing all the mandated activities within a two year period [Section 44882(b)] rather than in the pre-Chapter 498/83 three year period of time."

Education Code Section 44882(b), in pertinent part, referred to above, shortened the probationary period for teachers as follows:

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year be classified as and become a permanent employee of the district.

Staff does not find it necessary to change this portion of the proposal. The proposed parameters and guidelines will provide reimbursement only for activities required by Chapter 498/83.

* * *

- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

- 1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code Section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

Regarding above Section V.C.1 of the proposed parameters and guidelines, DOF suggested the following language:

"These costs may be reimbursed if prior policies did not provide a procedure for parents and pupils to present complaints regarding employees or mechanisms for response or resolution to the complaints."

Prior practice has not been a determining factor in past decisions of the commission or its predecessor Board of Control. The commission has determined that a stated policy and process for complaints regarding employees of the district is, in this case, a state-mandated activity. The proposed parameters and guidelines articulate that which is required and that which is reimbursable, in accordance with the commission's fundings. There is an exclusion in this portion of the proposed parameters and guidelines for any

activities or meetings previously required by other laws. Staff asserts that the proposed language will facilitate identification and reimbursement of the mandated activities of Chapter 498/83 but will preclude payment of other functions not required by Chapter 498/83.

* * *

VII. Professional and Consultant Services.

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is ~~\$95~~ \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

Staff is suggesting the \$65 per hour limit because, according to SDE staff, teacher evaluator training of administrators has been offered at no cost through educational associations which are funded by SDE, and the training is available through commercial providers at a maximum \$500 per day rate. Therefore, it was felt that the claimant's allowance of up to \$95 per hour for contracted services was too high. The \$65 per hour maximum has been verified by staff through a telephone survey to be well within the industry average required by the State Administrative Manual for state contracts. Staff's proposal therefore, includes replacement language establishing a \$65 per hour ceiling, as indicated above. The claimant agrees with this change.

* * *

Staff has also added a Section VIII, Offsetting Savings. This is standard language for parameters and guidelines and merely guarantees that any savings the claimant realizes as a result of fulfilling the mandate will be identified and used to offset costs of the program. The claimant concurs.

* * *

Section IX, Required Certification, which was also added by staff is standard, "boilerplate" language which is needed in all parameters and guidelines to insure the validity of future claims. The claimant concurs.

Staff Recommendation

Staff recommends the adoption of staff's proposed parameters and guidelines. Staff's proposed parameters and guidelines incorporate an editorial change and language which would:

1. preclude paying teacher evaluator's salaries while they perform classroom observation;
2. limit consultant's fees to a maximum of \$65 per hour;
3. add a standard Section VIII Offsetting Savings;
4. Add a Section IX Supporting Data for Claims requiring documentation that a claimant has attempted to secure "no cost consultant services", and;
5. add a Section X Required Certification.

Exhibit D

PARAMETERS AND GUIDELINES
Education Code Section 35160.5
Chapter 498, Statutes of 1983
Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance; and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as a result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200.00 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.00.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.

a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three year period.

a. Time of district administrators spent in certification training excluding classroom observation.

b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.

c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.

d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.

B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.

a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.

b. Training materials and clerical services for probationary teachers.

c. Registration fees and travel costs of probationary teachers attending training activities.

d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to

other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty (20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

Education Code Section 44882(b), in pertinent part, referred to above, shortened the probationary period for teachers as follows:

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year be classified as and become a permanent employee of the district.

Staff does not find it necessary to change this portion of the proposal. The proposed parameters and guidelines will provide reimbursement only for activities required by Chapter 498/83.

* * *

- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code Section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

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* * *

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Staff Recommendation

Staff recommends the adoption of staff's proposed parameters and guidelines. Staff's proposed parameters and guidelines incorporate an editorial change and language which would:

1. preclude paying teacher evaluator's salaries while they perform classroom observation;
2. limit consultant's fees to a maximum of \$65 per hour;
3. add a standard Section VIII Offsetting Savings;
4. Add a Section IX Supporting Data for Claims requiring documentation that a claimant has attempted to secure "no cost consultant services", and;
5. add a Section X Required Certification.

Exhibit E

Certification Teacher Evaluators' Demonstrated Competence

1. Summary of Chapter 498/83

This Chapter, which added Section 35160.5 to the Education Code, required the governing board of each school district, on or before December 1, 1984, to adopt rules and regulations establishing school district policies regarding teacher evaluation, training and complaints regarding employees.

On September 26, 1985, the Commission on State Mandates determined that Chapter 498/83 imposed a new program and costs on school districts and that these costs are reimbursable pursuant to Section 17561 of the Government Code.

2. Eligible Claimants

Any school district or county office of education which incurs increased costs as a result of this mandate is eligible to claim reimbursement for those costs.

3. Appropriations

Claims may only be filed with the State Controller's Office for programs that have been funded by the State Budget Act or by special legislation. To determine funding availability for the current fiscal year, refer to the schedule "Appropriation for State Mandated Cost Programs" in the "Annual Claiming Instructions for State Mandated Costs" issued in mid-September of each year to superintendents of schools.

4. Types of Claims

A. Reimbursement and Estimated Claims

An eligible claimant may file a reimbursement claim or an estimated claim as specified below. A reimbursement claim details the costs actually incurred for the previous fiscal year. An estimated claim shows the costs to be incurred for the current fiscal year.

- A claim for reimbursement or an estimate must exceed \$200 per fiscal year. However, a county superintendent of schools, as fiscal agent for the school district, may submit a combined claim in excess of \$200 on behalf of school districts within the county even if the individual district's claim does not exceed \$200. The combined claim must show the individual claim costs for each school district. Once a combined claim is filed, all subsequent claims for the same mandate must be filed in a combined form. A school district may withdraw from the combined claim form by providing a written notice to the county superintendent of schools and the Controller, at least 180 days prior to the deadline for filing the claim, of its intent to file a separate claim.

B. Filing Deadline

Refer to item 3 "Appropriations" to determine if the program is funded for the current fiscal year. If funding is available, an estimated claim may be filed as follows:

- An estimated claim must be filed with the State Controller's Office and postmarked by **November 30** of the fiscal year in which costs are to be incurred. Timely filed estimated claims will be paid before late claims.

After having received payment for the estimated claim, the claimant must file a reimbursement claim by **November 30** of the following fiscal year. If the district fails to file a reimbursement claim by **November 30** of the following fiscal year, monies received must be returned to the State. If no estimated claim was filed, the district may file a reimbursement claim detailing the actual costs incurred for the fiscal year, provided there was an appropriation for the program for that fiscal year. See item 3 above.

- A reimbursement claim must be filed with the State Controller's Office and postmarked by **November 30** following the fiscal year in which costs were incurred. If a claim is filed after the deadline, but by **November 30** of the succeeding fiscal year, the approved claim will be reduced by 10% but not to exceed \$1,000. If the claim is filed more than one year after the deadline, the claim can not be accepted.

5. Reimbursable Components

The governing board of each school district was required, as a condition of receiving appropriations from the State School Fund, to adopt rules and regulations regarding teacher evaluation training and complaints regarding employees.

A. Competence in Instructional Methodology

Education Code Section 35160.5(a)(1) requires certification of personnel assigned to evaluate teachers that have demonstrated competence in instructional methodology and evaluation of teachers.

(1) Adoption of Rules and Regulations.

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies, and the annual revision of these policies are reimbursable. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(2) Teacher Evaluator Certification Training Programs

The costs of training programs provided to administrators for the purpose of meeting certification requirements adopted by the governing board are reimbursable. Eligible costs include: salaries and benefits paid to administrators during certification training; mileage, meals and materials for attending locally provided training sessions; transportation, meals and lodging for attending training not available locally; contracts for administrators to be trained locally (consultant fees, materials, travel, meals and lodging for trainers); and salaries and benefits for preparation and presentation, plus mileage, meals, clerical support and material used in training by district employees used as trainers.

Training expenses for an administrator are allowed a maximum of ten days (80 hours) in any three year period. The reimbursable travel costs of attending a local training session shall be the same as provided by the district for other district activities. The reimbursement for non-local training shall be the same as provided for business travel by employees of the State of California.

B. Probationary Certificated Employee Policies

Education Code Section 35160.5(a)(2) requires the establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance and evaluations will be recognized.

(1) Adoption of Rules and Regulations

The cost of preparation, discussion and distribution of the proposed rules and regulations, the adoption of rules and regulations establishing education policies and the annual review of these policies are reimbursable. Copies of the approved previous policy and the subsequent policy must be included with claims for reimbursement.

(2) Training, Assisting and Evaluating Probationary Teachers

The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist or evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available within the school district or county office of education, is reimbursable. Registration fees, travel costs and the cost of substitute teachers provided for probationary teachers so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester.

C. Parental Complaint Policies

Education Code Section 35160.5(a)(3) requires policies and procedures for enrolled pupils' parents or guardians to present employee complaints. The policies and procedures provide response mechanisms and, where possible, resolve the complaint.

(1) Adoption and Review of Rules and Regulations

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies and the annual policy review are reimbursable.

(2) Resolution of Complaints

The cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the claimant in compliance with Education Code Section 35160.5 are reimbursable.

These costs shall include:

- ☐ notification costs of parent and pupil complaint procedures
- ☐ claimant costs of time, mileage, supplies and specialized training to respond to parent and pupil complaints.

Meeting and activity costs required by categorical programs and/or special education rules and regulations are not eligible for this program.

6. Reimbursement Limitations

Any offsetting savings or reimbursement the claimant received from any source, as a result of this mandate, must be deducted from the amount claimed.

7. Cost Elements of a Claim

Contracted services for training evaluators are not reimbursable, unless the claimant can document that the State Department of Education was unable to provide the consultant services or the Department failed to respond to the claimant's request within the following time period. The claimant must request consultant services from the State Department of Education at least thirty calendar days prior to the need for the consultant services and the district must have been notified by the Department that the requested consultant services were not available at the time of the request. If the claimant did not receive a response to their request within twenty calendar days after the request was received by the Department, contracted service expenses are reimbursable.

The maximum reimbursable fee for contracted services in 1983/84 was \$ 65 per hour, to be adjusted annually by the GNP Deflator through the claim year. The current rate is shown on Form TE-1, Claim Summary. Claimants will receive a revised claim form each year with a revised rate. Claims which are based on annual retainer must contain a certification that the fee is no greater than the allowable maximum fee per hour.

8. Claiming Forms and Instructions

The diagram "Illustration of Claim Forms", provides a graphical presentation of forms required to be filed with a claim. A claimant may submit a computer generated report in substitution for Form TE-1 and Form TE-2, provided the format of the report and data fields contained within the report are identical to the claim forms included with these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file an estimated or reimbursement claim. The State Controller's Office will revise the manual and claim forms as necessary.

A. Form TE-2, Component/Activity Cost Detail

This form is used to segregate the detailed costs by claim component. In some mandates, specific reimbursable activities have been identified for each component. The expenses reported on this form must be supported by cost and time records. Copies of supporting documentation specified in the claiming instructions must be submitted with

the claims.

For audit purposes, all supporting documents must be retained for a period of two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

B. Form TE-1, Claim Summary

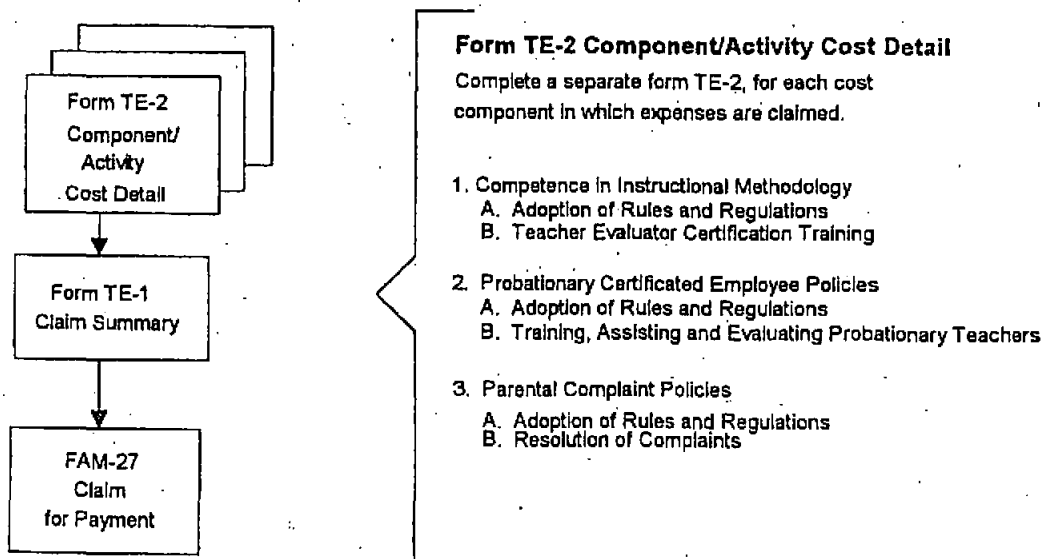
This form is used to summarize direct costs by claim component and compute allowable indirect costs for the mandate. Claim statistics shall identify the work performed for costs claimed.

School districts and local offices of education may compute the amount of indirect costs utilizing the State Department of Education's Annual Program Cost Data Report J-380 or J-580 rate, as applicable. The cost data on this form are carried forward to form FAM-27.

C. Form FAM-27, Claim for Payment

Form FAM-27 contains a certification that must be signed by an authorized representative of the district. All applicable information from form TE-1 must be carried forward to this form for the State Controller's Office to process the claim for payment.

Illustration of Claim Forms



CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM FOR PAYMENT**

For State Controller Use only

(19) Program Number 00009

(20) Date Filed _____/_____/_____

(21) Signature Present

L
A
B
E
L

H
E
R
E

(01) Claimant Identification Number: _____

(02) Mailing Address _____

Claimant Name _____

County of Location _____

Street Address or P. O. Box _____

City _____ State _____ Zip Code _____

Reimbursement Claim Data	
(22) TE-1, (04)(1)(d)	
(23) TE-1, (04)(2)(d)	
(24) TE-1, (04)(3)(d)	
(25) TE-1, (05)(d)	
(26) TE-1, (06)	
(27) TE-1, (11)	
(28)	
(29)	
(30)	
(31)	
(32)	
(33)	
(34)	
(35)	
(36)	
(37)	

Type of Claim	Estimated Claim	Reimbursement Claim
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>
Fiscal Year of Cost	(06) 19____/____	(12) 19____/____
Total Claimed Amount	(07)	(13)
Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)		(14)
Less: Estimate Payment Received		(15)
Net Claimed Amount		(16)
Due from State	(08)	(17)
Due to State		(18)

(38) CERTIFICATION OF CLAIM:

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 through 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimant, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative _____

Date _____

Type or Print Name _____

(39) Name of Contact Person for Claim _____

Title _____

Telephone Number _____

Ext. _____

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE Certification Claim Form Pursuant to Government Code Section 17561	FORM FAM-27
--	------------------------------

- (01) Leave blank
- (02) A set of mailing labels with the claimant's I.D. number and address have been enclosed with the claiming instructions. The mailing labels are designed to speed processing and prevent common errors that delay payment. Affix the label provided at the place indicated on form FAM-27. Cross out any errors and print the correct information on the label. Add any missing address items, except county of location and a person's name. If you didn't receive labels, print or type your agency's mailing address.
- (03) If filing an original estimated Claim, enter an " X " in the box on line (03) Estimated.
- (04) If filing an original estimated Claim on behalf of districts within the county, enter an " X " in the box on line (04) Combined.
- (05) If filing an amended claim to an original estimated or combined claim, enter an " X " in the box on line (05) Amended. Leave boxes (03) and (04) blank.
- (06) Enter the current fiscal year in which costs are to be incurred.
- (07) Enter the amount of estimated claim from form TE-1, line (11).
- (08) Enter the same amount as shown on line (07).
- (09) If filing an original reimbursement claim, enter an " X " in the box on line (09) Reimbursement.
- (10) If filing an original reimbursement claim on behalf of districts within the county, enter an " X " in the box on line (10) combined.
- (11) If filing an amended claim to an original reimbursement or combined claim on behalf of districts within the county, enter an " X " in the box on line (11) combined.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim from form TE-1, line (11).
- (14) If a reimbursement claim is filed after November 30 following the fiscal year in which costs were incurred, the claim must be reduced by a late penalty. Enter either the product of multiplying line (13) by the factor 0.10 [10% penalty] or \$1,000, whichever is less.
- (15) If filing a reimbursement claim and have previously filed an estimated claim for the same fiscal year, enter the amount received for the estimated claim, otherwise enter a zero.
- (16) Enter the result of subtracting the sum of line (14) and line (15) from line (13).
- (17) If line (16) Net Claimed Amount is positive, enter that amount on line (17) Due from State.
- (18) If line (16) Net Claimed Amount is negative, enter that amount on line (18) Due to State.
- (22) through (37) for the Reimbursement claim

Bring forward cost information as specified in the left-hand column of lines (22) through (37) for the reimbursement claim [e.g., TE-1, (04)(1)(d), means the information is located on form TE-1, line (04)(1)(d)]. Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, (i.e., no cents). Indirect costs percentage should be shown as a whole number and without the percent symbol (i.e., 7.548% should be shown as 8). The claim cannot be processed for payment unless this data block is correct and complete.

- (38) Read the statement "Certification of Claim". If the statement is true, the claim must be dated, signed by the agency's authorized representative and must include the person's name and title, typed or printed. Claims cannot be paid unless accompanied by a signed certification.
- (39) Enter the name of the person and telephone number that this office should contact if additional information is required.

SUBMIT A SIGNED ORIGINAL AND A COPY OF FORM FAM-27 AND A COPY OF ALL OTHER FORMS AND SUPPORTING DOCUMENTS TO:

*Address, if delivery is by:
U.S. Postal Service*

KATHLEEN CONNELL
 Controller of California
 Division of Accounting and Reporting
 P.O. Box 942850
 Sacramento, CA 94250-5875

*Address, if delivery is by:
Other delivery service*

KATHLEEN CONNELL
 Controller of California
 Division of Accounting and Reporting
 3301 C Street, Suite 500
 Sacramento, CA 95816

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE CLAIM SUMMARY Instructions	FORM TE-1
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- (01) Enter the name of the claimant.
- (02) Type of Claim. Check a box, Reimbursement or Estimated, to identify the type of claim being filed. Enter the fiscal year of costs.
- Form TE-1 must be filed for a reimbursement claim. Do not complete form TE-1 if you are filing an estimated claim and the estimate does not exceed the previous fiscal year's actual costs by more than 10%. Simply enter the amount of the estimated claim on form FAM-27, line (07). However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, form TE-1 must be completed and a statement attached explaining the increased costs. Without this information the high estimated claim will automatically be reduced to 110% of the previous fiscal year's actual costs.
- (03) (a) Answer yes or no.
(b) If yes, explain contract terms or annual retainer.
- (04) Reimbursable Components: For each reimbursable component, enter the totals from form TE-2, line (05) columns (d) and (e) and (f). Total each row.
- (05) Total Direct Costs. Total block (05) columns (a) through (d).
- (06) Indirect Cost Rate. Enter the indirect cost rate from the Department of Education form J-380 or J-580, as applicable, for the fiscal year of the costs.
- (07) Total Indirect Costs. Enter the result of multiplying the difference of Total Direct Costs, line (05)(d) and Contracted Services, line (05)(c) by the Indirect Cost Rate, line (06).
- (08) Total Direct and Indirect Costs. Enter the sum of Total Direct Costs, line (05)(d) and Total Indirect Costs, line (07).
- (09) Less: Offsetting Savings, if applicable. Enter the total savings experienced by the claimant as a direct result of this mandate. Submit a detailed schedule of savings with the claim.
- (10) Less: Other Reimbursements, if applicable. Enter the amount of other reimbursements received from any source (i.e., service fees collected, federal funds, other state funds, etc.) which reimbursed any portion of the mandated cost program. Submit a detailed schedule of the reimbursement sources and amounts.
- (11) Total Claimed Amount. Subtract the sum of Offsetting Savings, line (09), and Other Reimbursements, line (10), from Total Direct and Indirect Costs, line (08). Enter the remainder of this line and carry the amount forward to form FAM-27, line (13) for the Reimbursement Claim.

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE				FORM TE-1		
CLAIM SUMMARY						
Instructions						
(01) Claimant	(02) Type of Claim Reimbursement <input type="checkbox"/> Estimated <input type="checkbox"/>		Fiscal Year 19__/__			
Claim Statistics						
(03) Professional and Consultant Services Certification			Yes	No		
(a) Is the fee claimed for contracted services, including claims based on annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year? (b) If yes, explain.						
Direct Costs		Object Accounts				
(04) Reimbursable Components:		(a)	(b)	(c)	(d)	
		Salaries and Benefits	Materials and Supplies	Contracted Services	Total	
		1. Competence in Instructional Methodology				
		2. Probationary Certified Employee Policies				
3. Parental Complaint Policies						
(05) Total Direct Costs						
Indirect Costs						
(06) Indirect Cost Rate		[From J-360 or J-580]		%		
(07) Total Indirect Costs		[Line (06) x (line (05)(d) - line (05)(c))]				
(08) Total Direct and Indirect Costs		[Line (05)(d) + line (07)]				
Cost Reduction						
(09) Less: Offsetting Savings, if applicable						
(10) Less: Other Reimbursements, if applicable						
(11) Total Claimed Amount		[Line (08) - (Line (09) + Line (10))]				

MANDATED COSTS CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL	FORM TE-2
---	----------------------------

(01) Claimant	(02) Fiscal Year Costs Were Incurred
---------------	--------------------------------------

(03) Reimbursable Component: Check only one box per form to identify the component being claimed.

1. Competence in Instructional Methodology
 2. Probationary Certificated Employee Policies
 3. Parental Complaint Policies

(04) Description of Expenses: Complete columns (a) through (f). **Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services

(05) Total	<input type="text"/>	Subtotal	<input type="text"/>	Page: _____ of _____			
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CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL Instructions	FORM TE-2
--	----------------------------

- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Reimbursable Components. Check the box which indicates the cost component being claimed. Check only one box per form. A separate form TE-2 shall be prepared for each component which applies.
- (04) Description of Expenses. The following table identifies the type of information required to support reimbursable costs. To detail costs for the component activity box "checked" in block (03), enter the employee names, position titles, a brief description of their activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, etc. Maximum reimbursable fee for contracted services is \$98.27 per hour for 1995/96 f.y. For audit purposes, all supporting documents must be retained by the claimant for a period of not less than two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

Object/ Subobject Accounts	Columns						Submit these supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	
Salaries	Employee Name	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked			
Benefits	Title Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries			
Materials and Supplies	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Consumed		
Contracted Services	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Itemized Cost of Services Performed	Invoice

- (05) Total line (04), columns (d), (e) and (f) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed for the component/activity, number each page. Enter totals from line (05), columns (d), (e) and (f) to form TE-1, block (04) columns (a), (b) and (c) in the appropriate row.

Exhibit F



842110

KATHLEEN CONNELL
CONTROLLER OF THE STATE OF CALIFORNIA
DIVISION OF ACCOUNTING AND REPORTING

AUGUST 5, 1998

BOARD OF TRUSTEES
SANTA MARIA-BONITA SCH DIST
SANTA BARBARA COUNTY
708 SOUTH HILLER ST
SANTA MARIA CA 93454

DEAR CLAIMANT:

RE: CERT TEACHERS EVAL CH 498/83

WE HAVE REVIEWED YOUR 1995/1996 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED	\$6,142.00
LESS: TOTAL ADJUSTMENTS (DETAIL ON PAGE 2)	- 34,766.00

CLAIM AMOUNT APPROVED	21,376.00
LESS: TOTAL PRIOR PAYMENTS (DETAIL ON PAGE 2)	17,881.00

AMOUNT DUE CLAIMANT	6 3,495.00

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT EDUARDO ANTONIO AT (916) 323-0755 OR IN WRITING AT THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942650, SACRAMENTO, CA 94250-5875. THE PAYMENT WILL BE FORTHCOMING WITHIN 30 DAYS.

SINCERELY,

JEFF YEE,
MANAGER

LOCAL REIMBURSEMENT SECTION
P.O. BOX 942830 SACRAMENTO, CA 94230 5873

PAGE 2

342110

ADJUSTMENT TO CLAIM:		
LATE CLAIM PENALTY	-	1,000.00
INDIRECT COSTS OVERSTATED	-	786.00
NO SUPPORTING DOCUMENTATION	-	922.00
NON-REINSURABLE ITEM	-	32,058.00
LESS: TOTAL ADJUSTMENTS		34,766.00
PRIOR PAYMENTS:		
SCHEDULE NO. HA60717A PAID 05-15-1997		17,256.00
SCHEDULE NO. HA50716E PAID 01-26-1996		625.00
LESS: TOTAL PRIOR PAYMENTS		17,881.00

Exhibit G

SEP 10 1998

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number:
S42110

(02) Mailing Address

Claimant Name
SANTA MARIA-BONITA SD

County Of Location
SANTA BARBARA

Street Address or P.O. Box
708 S. MILLER STREET

City State Zip Code
SANTA MARIA CA 93454

Reimbursement Claim Data	
(22) TE-1,(04)(1)(d)	14,930
(23) TE-2,(04)(2)(d)	10,805
(24) TE-1,(04)(3)(d)	28,651
(25) TE-1,(05)(d)	54,386
(26) TE-1,(06)	4

Type of Claim	Estimated Claim	Reimbursement Claim	
<p><i>53,766</i></p> <p>(03) Estimated <input type="checkbox"/></p> <p>(04) Combined <input type="checkbox"/></p> <p>(05) Amended <input type="checkbox"/></p>		(09) Reimbursement <input type="checkbox"/>	(27) TE-1,(11)
		(10) Combined <input type="checkbox"/>	(28)
		(11) Amended <input checked="" type="checkbox"/>	(29)
			(30)
			(31)
Fiscal Year of Cost	(06) 19 /	(12) 19 95 / 96	(32) <i>me</i>
Total Claimed Amount	(07)	(13) \$ 56,142 <i>22,376</i>	(33)
Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)	(14)	\$ 1,000	(34)
Less: Estimate Payment Received	(15)	\$ 17881 <i>17881</i>	(35)
Net Claimed Amount	(16)	\$ 54,517 <i>3495</i>	(36) <i>EA</i>
Due From State	(08)	(17) \$ 54,517 <i>3495</i>	(37)
Due to State		(18)	

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimants for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative
Larry Brown

LARRY BROWN
Type or Print Name

Date
11-26-97

ASSISTANT SUPERINTENDENT FOR BUSINESS SERVICES
Title

(39) Name of Contact Person For Claim Telephone Number
Steve Smith, Mandated Cost Systems 916-487-4435 Ext. _____

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

(01) Claimant Identification Number:
542110

(02) Mailing Address

Claimant Name
SANTA MARIA-BONITA SD

County Of Location
SANTA BARBARA

Street Address or P.O. Box
708 S. MILLER STREET

City State Zip Code
SANTA MARIA CA 93454

Reimbursement Claim Data

(22) TE-1,(04)(1)(d) 14,930

(23) TE-2,(04)(2)(d) 10,805

(24) TE-1,(04)(3)(d) 28,651

(25) TE-1,(05)(d) 54,386

(26) TE-1,(06) 4

Type of Claim	Estimated Claim	Reimbursement Claim
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>
	(05) Amended <input type="checkbox"/>	(11) Amended <input checked="" type="checkbox"/>

(27) TE-1,(11) 56,142

(28)

(29)

(30)

Fiscal Year of Cost (06) 19 / (12) 19 95 / 96

(31)

Total Claimed Amount (07) (13) \$ 56,142

(32)

Less: 10% Late Penalty, but not to exceed \$1000 (if applicable) (14) \$ 1,000

(33)

Less: Estimate Payment Received (15) \$ 625

(34)

Net Claimed Amount (16) \$ 54,517

(35)

Due From State (08) (17) \$ 54,517

(36)

Due to State (18)

(37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimants for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

Date

Larry Brown

11-26-97

LARRY BROWN

ASSISTANT SUPERINTENDENT FOR BUSINESS SERVICES

Type or Print Name

Title

(39) Name of Contact Person For Claim

Telephone Number

Steve Smith, Mandated Cost Systems

916-487-4435

Ext.

**SANTA MARIA-BONITA SCHOOL DISTRICT
1995/96 CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED
COMPETENCE**

This claim is being amended with further district probationary teacher training, resolution of parental complaints, and supply costs not previously claimed.

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE
CLAIM SUMMARY
Instructions

FORM
TE-1

(01) Claimant: S42110 SANTA MARIA-BONITA SD	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year: 19 <u>95</u> / <u>96</u>
---	--	--

Claim Statistics

(03) Professional and Consultant Services Certification	Yes	No
a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?		X
b. If yes, explain.		

Direct Costs	Object Accounts			
---------------------	------------------------	--	--	--

	(a) Salaries and Benefits	(b) Material and Supplies	(c) Contracted Services	(d) Total
(04) Reimbursable Components:				
1. Competence in Instructional Methodology	14,022	908	0	14,930
2. Probationary Certified Employee Policies	10,805	0	0	10,805
3. Parental Complaint Policies	13,009	14	15,628	28,651
(05) Total Direct Costs	37,836	922	15,628	54,386

Indirect Costs

(06) Indirect Cost Rate <u>32.058</u> From J-380 or J-580	4.5300 %
(07) Total Indirect Costs $\{[(\text{Line (05)(d)} - \text{line (05)(c)}) \times \text{line (06)}]\}$	1,756 970
(08) Total Direct and Indirect Costs: $\{[\text{Line (05)(d)} + \text{line (07)}]\}$	56,142 22,376

Cost Reduction

(09) Less: Offsetting Savings, if applicable	
(10) Less: Other Reimbursements, if applicable	
(11) Total Claimed Amount: $\{[\text{Line(08)} - [\text{Line(09)} + \text{line(10)}]]\}$	56,142 22,376

MANDATED COSTS

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE

COMPONENT / ACTIVITY COST DETAIL

FORM
TE-2

(01) Claimant: SANTA MARIA-BONITA SD (02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: 1. Competence in Instructional Methodology
 2. Probationary Certificated Employee Policies
 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f). **Object Accounts**

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING PROGRAMS					
ANDERSON, M/ASSISTANT PRINCIPA	41.07	9.00	370		
ANDERSON, R/PRINCIPAL	47.89	3.00	144		
BLOWERS, R/ASSISTANT PRINCIPAL	43.07	12.00	517		
BLUTE, R/PRINCIPAL	51.82	17.00	881		
CAMERON, J/ASST SUPERINTENDENT	55.99	18.00	1008		
CHESNUTT, E/ASSISTANT PRINCIPAL	40.77	19.00	775		
CORA, E/ASSISTANT PRINCIPAL	40.77	2.00	82		
FITZGERALD, K/ASSISTANT PRINCI	42.55	19.00	808		
HENNINGS, M/ASSISTANT PRINCIPAL	48.03	19.00	913		
KEMPER, A/PRINCIPAL	46.83	10.00	468		
LEE, E/ASSISTANT PRINCIPAL	41.90	19.00	796		
MACKEY, C/ASSISTANT PRINCIPAL	43.10	19.00	819		
MAXSON, L/ASSISTANT PRINCIPAL	40.77	19.00	775		
MILLER, S/PRINCIPAL	44.06	7.00	308		
MULLERY, K/PRINCIPAL	48.48	10.00	485		
PALMER, D/DIRECTOR	48.28	3.00	145		
PORTER, K/ASSISTANT PRINCIPAL	41.40	2.00	83		
PORTER, K/ASSISTANT PRINCIPAL	41.90	17.00	712		
POWERS, B/PRINCIPAL	45.30	10.00	453		
RUDE, J/CLERK	23.36	5.25	123		
SNYDER, B/PRINCIPAL	46.57	17.00	792		
SOUSA, C/ASSISTANT PRINCIPAL	44.27	12.00	531		
SUPPLIES					
TARBET, L DR/ASSISTANT PRINCI	41.97	19.00	797	908	
TISSIER, G/SUPERINTENDANT	63.67	3.00	191		
TORRES, R/PRINCIPAL	47.89	3.00	144		
VASQUEZ-SAWDEY, C/ASSISTANT PR	42.95	19.00	816		
WALKER, B/ASSISTANT PRINCIPAL	43.07	2.00	86		

(05) Total Subtotal Page: 1 of 1 \$ 14,022 908 0

MANDATED COSTS

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE
COMPONENT / ACTIVITY COST DETAIL

FORM
TE-2

(01) Claimant: SANTA MARIA-BONITA SD

(02) Fiscal Year costs were incurred: 95-96

- (03) Reimbursable Component: 1. Competence in Instructional Methodology
 2. Probationary Certificated Employee Policies
 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Object Accounts

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
BALMAT, J/TEACHER	27.00	15.00	405		
BENCHOFF, C/TEACHER	34.75	13.00	452		
BLAUER, J/TEACHER	31.10	7.50	233		
BRADY, N/TEACHER	26.77	7.50	201		
BUTLER, L/TEACHER	30.42	16.67	507		
CLABORN, K/TEACHER	19.99	7.50	150		
D'ANGELO-ORTON, A/TEACHER	25.56	20.00	511		
DEBACA, M/TEACHER	35.97	27.50	989		
GILLESPIE, C/TEACHER	27.00	27.50	743		
HALTER, K/TEACHER	26.95	7.50	202		
HANSON, R/TEACHER	27.00	7.50	203		
HARDWICK, T/TEACHER	26.77	7.50	201		
HOFF, S/CLERK	18.52	8.00	148		
IKENOYAMA, J/TEACHER	27.00	7.50	203		
JOHNSON, S/COORDINATOR	46.37	4.00	185		
JONES, M/TEACHER	27.00	7.50	203		
JONES, R/TEACHER	25.56	13.00	332		
KRINGEL, J/TEACHER	25.56	27.50	703		
KUSELL, L/TEACHER	37.41	7.50	281		
MEDLEY, B/TEACHER	28.21	7.50	212		
METZ, M/TEACHER	34.52	16.00	552		
MONTOYA, H/TEACHER	25.33	5.50	139		
ORTIZ, P/TEACHER	25.33	8.00	203		
POMPA, L/TEACHER	24.11	15.50	374		
PRYOR, G/TEACHER	27.00	19.50	527		
REYNOLDS, S/TEACHER	27.00	7.50	203		
RUIZ, R/TEACHER	25.33	8.50	215		
STEEPLETON, A/TEACHER	29.88	15.00	448		
THOMPSON, T/TEACHER	33.83	13.00	440		
VASAVADA, G/PSYCHOLOGIST	47.53	7.50	356		
VASQUEZ-SAWDEY, C/ASSISTANT PR	42.95	1.67	72		
WEBER, R/TEACHER	28.21	7.50	212		

(05) Total Subtotal

Page: 1 of 1

\$ 10,805

0 0

405

Revised 10/96

MANDATED COSTS

FORM

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: SANTA MARIA-BONITA SD

(02) Fiscal Year costs were incurred: 95 - 96

- (03) Reimbursable Component:
- 1. Competence in Instructional Methodology
 - 2. Probationary Certificated Employee Policies
 - 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Object Accounts

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
ABEL, M/TEACHER	42.04	0.25	11		
ARGENTIERI, C/SCHOOL SECRETARY	21.05	0.50	11		
BRUNELLO, F/ASST SUPERINTENDENT	51.99	0.25	13		
CAMERON, J/ASST SUPERINTENDENT	55.99	45 55.25	1093	2520-	
COHON, K/TEACHER	44.73	7.80	349		
FARIES, M/TEACHER	33.87	1.55	53		
GALLOWAY, L/TEACHER	34.73	1.95	68		
GRANDO, R/INSTR AIDE	11.18	1.00	11		
HAMILTON, RICHARD L EXPENSES					1281
HAMILTON, RICHARD L SERVICES	98.27	146.00			14347
HANSON, R/TEACHER	27.00	0.30	8		
HENSLEY, L/SUPERVISOR	33.75	1.20	41		
HERRERA, D/INSTR AIDE	10.62	1.80	19		
HOMYACK, E/TEACHER	43.49	0.25	11		
JOHNSON, S/COORDINATOR	46.37	5.00	232		
KASPER, L/TEACHER	30.87	1.75	54		
KOFF, E/COORDINATOR	47.62	3.25	155		
MILLER, S/PRINCIPAL	44.06	45 168.85	2440	1983	
MITCHELL, T/PRINCIPAL	47.89	7.00	335		
MULLERY, K/PRINCIPAL	48.48	2.95	143		
POSTAGE					14
RUDE, J/CLERK	23.36	8.95	209		
SEDILLO, O/INSTR AIDE	16.56	4.55	75		
SMITH, M/TEACHER	44.05	0.65	29		
SNYDER, B/PRINCIPAL	46.57	0.20	9		
TARBET, L DR/ASSISTANT PRINCI	41.97	15.25	640		

ALLOW A MAX
OF 45 HRS/
SCHOOL YEAR

25 x 180 = 45

NO 8
SCHOOL
DAYS

ASSUMING
SCHOOL CHANGES
1 HR / DAY

1281
14347

Acti
not
by
program

NO
SAP
doc.

6979

(05) Total Subtotal

Page: 1 of 1

\$ 12,089 14 15,628

Exhibit H



2275 Watt Avenue,
Suite C
Sacramento, CA 95825
916-487-4435 phone
916-487-9662 fax

222 West Carmen Lane
Suite 101
Santa Maria, CA 93458
805-922-1471 phone
805-922-7143 fax

3161 Bethell Lane,
Suite 202
Redding, CA 96002
530-224-7255 phone
530-224-9548 fax

11835 W. Olympic Blvd.
Suite 680E
Los Angeles, CA 90064
310-477-4749 phone
310-477-5356 fax

March 16, 1999

Jeff Yee
Manager, Local Reimbursement Section
Division of Accounting and Reporting
State Controller's Office
P.O. Box 942850
Sacramento, CA 94250-5875

RE: **Reconsideration Request (CTE 98-66)**

Dear Mr. Yee:

The Santa Maria-Bonita School District, Claimant ID S42110 received an adjustment that disallowed costs on its 1995/96 Certification of Teacher Evaluator's Demonstrated Competence Chapter 498/83 claim as follows:

1A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$	4,656
1B)	1 day Training Time Disallowed for 1 st year Probationary Teachers	\$	6,215
2)	Time in excess of 45 hours on Parental Complaint Policies	\$	6,303
3)	Late Claim Penalty	\$	1,000
4)	Printing and Supply Costs	\$	964
5)	Contracted Services	\$	15,628
	Total	\$	34,766

On August 31, 1998 one of my staff met with Eduardo Antonio to obtain the composition of this adjustment and to copy the work papers used in reviewing this claim.

Issue #1 A & B - Probationary Teacher Time Disallowed:

The Claiming Instructions and Parameters & Guidelines are silent on whether the time spent by probationary teachers is reimbursable. We feel strongly that these are legitimate costs of the mandate and that they are reimbursable. The State Controller's Office Claiming Instructions state that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable".

A) The time spent by probationary teachers receiving additional training and assistance would be included as a cost of training, assisting and evaluating probationary teachers.

B) In addition, the district requires its first year probationary teachers (P1) to work one extra 7.5 hour day each fiscal year for teacher training. Permanent teachers work a 175 day work year, while the probationary teachers (P1) work a 176 day work year. These training sessions exceed what is provided to permanent teachers and there are costs incurred by the district.

There is an identifiable increased cost to the school district for this day worked by probationary teachers and this extra day worked is specifically attributable to the mandate of probationary teacher training. Recent rulings by the Commission on State Mandates on test claims that involve teacher training costs have indicated that if the district incurs an increased cost of some kind (i.e. substitutes, stipends, overtime pay or an extended work year) then this identifiable increased cost would be reimbursable.

The probationary teachers are identified on the attached claim with a "P1" for 1st year teachers or "P2" for 2nd year teachers.

Issue #2 - Time in excess of 45 hours on Parental Complaint Policies Disallowed:

Per the review notes for this component, the following employee time was limited to a maximum of 45 hours per school year, per employee claimed.

Employee	Time	Hourly Rate	Amount
Cameron, J	55.25	55.99	\$ 3,093
Miller, S	168.85	44.06	\$ 7,440

This maximum appears to have been arrived at arbitrarily based on an average of 15 minutes per day. However, below these notations on some claims is the comment "assuming 1 hour per day" which would equal 180 hours. Regardless of how your office arrived at this cap, there is no basis in the Claiming Instruction or the Parameters & Guidelines for a 45 hour per year cap.

The amount of time a school district spends on the resolution of parent complaints against employees of the district is not something they can necessarily control. If the district receives a complaint, district administrators must deal with the complaint. In some cases the issue can be resolved relatively quickly while in other cases it requires many meetings and a lot of investigation time. Since the district can not control when a complaint is filed or how many are filed, it is not realistic or fair to place an arbitrary cap of 45 hours per administrator.

Please note that the Parental Complaint component code is I3B. We have attached a detailed report that itemizes the source of all charges to this component and documentation to support these charges. We have no record of receiving a request for these records from your office.

Issue #3 - Late Filing Penalty:

We agree with this adjustment. The 1995/96 Certification of Teacher Evaluator's Demonstrated Competence Claim was filed during the late filing period. The late penalty is \$1,000.

Issue #4 - Printing and Supply Costs Disallowed:

Neither the State Controller's Office Claiming Instructions or the Parameters and Guidelines state that supporting documentation for these costs be attached to the claim. They merely state to keep the supporting records on file. The costs claimed were for supplies and postage. We have submitted these invoices with this letter. We have no record of receiving a request for these records from your office.

Issue #5 - Contracted Services Disallowed:

Our records indicate that the required invoices for contracted services were sent to your office with the claim. I also have our signed transmittal form that shows your office's receipt of the claim and attached backup documentation. Prior to sending your office any claim that requires supporting documentation, we double check to make sure that we have attached the required backup.

Comments on the claim do not acknowledge receipt of these invoices; however, these comments remark that these claimed costs are: "Activities not mandated by the program documentation." We have resubmitted these invoices with the following comments:

According to the claiming instructions for the following component:

Parental Complaint Policies

"The cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulation by the claimant in compliance with Education Code Section 35160.5 are reimbursable."

Parental Complaint Issues Involving Legal Council

We believe the following parental complaint cases, based on the attorney bills we have submitted and per our clients verification, falls under the language of Education Code Section 35160.5:

"The invoices submitted for time spent on parental complaints covered three issues. Two of the parental complaint issues were against teachers (Cohon & Faries). The district confirmed that these

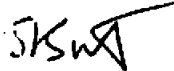
complaints were based on "severe misconduct" directed towards students. The third parental complaint issue was against a school nurse (Lowrey). The nurse had used one student's medical supplies on another student. All three cases resulted in the parents obtaining legal council. Therefore, the district consulted their legal representatives to help with these parental complaint issues. The district conducted an in house investigation on all three certificated staff. All three certificated staff received formal disciplinary letters, and teacher Faries was released by the district."

Conclusion:

Based on the additional information and clarifications listed above, I request that \$33,766 in incorrectly reduced costs be reinstated. Please notify me within four weeks (April 13, 1999) of the State Controller's Office's decision on this matter. In the absence of a response within four weeks, we will assume that you intend to stand by this adjustment and not reinstate these costs.

If you have any questions or need any additional information, please contact me at (916) 487-4435.

Sincerely,



Steve Smith
President
Mandated Cost Systems, Inc.

SS/KDR

Enclosures

cc: Cyndi Clark, Santa Maria-Bonita School District

SEP 10 1998

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number:
S42110

(02) Mailing Address

Claimant Name

SANTA MARIA-BONITA SD

County Of Location

SANTA BARBARA

Street Address or P.O. Box

708 S. MILLER STREET

City

SANTA MARIA

State

CA

Zip Code

93454

Reimbursement Claim Data

(22) TE-1,(04)(1)(d)

14,930

(23) TE-2,(04)(2)(d)

10,805

(24) TE-1,(04)(3)(d)

28,651

(25) TE-1,(05)(d)

54,386

(26) TE-1,(06)

4

Type of Claim

Estimated Claim

Reimbursement Claim

(27) TE-1,(11)

56,142

(03) Estimated

(09) Reimbursement

(04) Combined

(10) Combined

(05) Amended

(11) Amended

Fiscal Year of Cost

(06) 19 /

(12) 19 95 / 96

(31)

Total Claimed Amount

(07)

(13) \$ 56,142
22,376

(32) me

Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)

(14) \$ 1,000

(33)

Less: Estimate Payment Received

(15) \$ 17881 - 625

(34)

Net Claimed Amount

(16) \$ 3495 - 54,517

(35)

Due From State

(08)

(17) \$ 3495 - 54,517

(36) EA

Due to State

(18)

(37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimants for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

Date

Larry Brown

11-26-97

LARRY BROWN

ASSISTANT SUPERINTENDENT FOR BUSINESS SERVICES

Type or Print Name

Title

(39) Name of Contact Person For Claim

Telephone Number

Steve Smith, Mandated Cost Systems

916-487-4435

Ext.

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed _____ / _____ / _____

(21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number:
S42110

Reimbursement Claim Data

(02) Mailing Address

(22) TE-1,(04)(1)(d) 14,930

Claimant Name

SANTA MARIA-BONITA SD

(23) TE-2,(04)(2)(d) 10,805

County Of Location

SANTA BARBARA

(24) TE-1,(04)(3)(d) 28,651

Street Address or P.O. Box

708 S. MILLER STREET

(25) TE-1,(05)(d) 54,386

City

SANTA MARIA

State

CA

Zip Code

93454

(26) TE-1,(06) 4

Type of Claim

Estimated Claim

Reimbursement Claim

(27) TE-1,(11) 56,142

(03) Estimated

(09) Reimbursement

(28)

(04) Combined

(10) Combined

(29)

(05) Amended

(11) Amended

(30)

Fiscal Year of Cost

(06) 19 ____ / ____

(12) 19 95 / 96

(31)

Total Claimed Amount

(07)

(13) \$ 56,142

(32)

Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)

(14) \$ 1,000

(33)

Less: Estimate Payment Received

(15) \$ 625

(34)

Net Claimed Amount

(16) \$ 54,517

(35)

Due From State

(08)

(17) \$ 54,517

(36)

Due to State

(18)

(37)

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The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

Larry Brown

Date

11-26-97

LARRY BROWN

ASSISTANT SUPERINTENDENT FOR BUSINESS SERVICES

Type or Print Name

Title

(39) Name of Contact Person For Claim

Telephone Number

Steve Smith, Mandated Cost Systems

916-487-4435

Ext. _____

SANTA MARIA-BONITA SCHOOL DISTRICT
1995/96 CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED
COMPETENCE

This claim is being amended with further district probationary teacher training, resolution of parental complaints, and supply costs not previously claimed.

**CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE
CLAIM SUMMARY**
Instructions

**FORM
TE-1**

(01) Claimant:
S42110
SANTA MARIA-BONITA SD

(02) Type of Claim: Reimbursement Estimated
Fiscal Year: 19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certification

Yes	No
	X

a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?

b. If yes, explain.

Direct Costs

Object Accounts

(04) Reimbursable Components:

	(a) Salaries and Benefits	(b) Material and Supplies	(c) Contracted Services	(d) Total
1. Competence in Instructional Methodology	14,022	908	0	14,930
2. Probationary Certified Employee Policies	10,805	0	0	10,805
3. Parental Complaint Policies	13,009	14	15,628	28,651

(05) Total Direct Costs 10400 -
6030 -
37,836 922 15,628 54,386 -
21406 -

Indirect Costs

(06) Indirect Cost Rate 32058 From J-380 or J-580 4.5300 %
9894

(07) Total Indirect Costs [[Line (05)(d) - line (05)(c)] x line (06)] 9920 - 786 17756
970 -

(08) Total Direct and Indirect Costs: [[Line (05)(d) + line (07)]] 56,142
22376

9911 - 922

Cost Reduction

(09) Less: Offsetting Savings, if applicable

(10) Less: Other Reimbursements, if applicable

(11) Total Claimed Amount: (Line(08) - [Line(09) + line(10)]) 56,142
22376

MANDATED COSTS	FORM
CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE	TE-2
COMPONENT / ACTIVITY COST DETAIL	

(01) Claimant: SANTA MARIA-BONITA SD	(02) Fiscal Year costs were incurred: 95 - 96
--------------------------------------	---

(03) Reimbursable Component: 1. Competence in Instructional Methodology
 2. Probationary Certificated Employee Policies
 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f). **Object Accounts**

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING PROGRAMS					
ANDERSON, M/ASSISTANT PRINCIPA	41.07	9.00	370		
ANDERSON, R/PRINCIPAL	47.89	3.00	144		
BLOWERS, R/ASSISTANT PRINCIPAL	43.07	12.00	517		
BLUTE, R/PRINCIPAL	51.82	17.00	881		
CAMERON, J/ASST SUPERINTENDENT	55.99	18.00	1008		
CHESNUTT, E/ASSISTANT PRINCIPAL	40.77	19.00	775		
CORA, E/ASSISTANT PRINCIPAL	40.77	2.00	82		
FITZGERALD, K/ASSISTANT PRINCI	42.55	19.00	808		
HENNINGS, M/ASSISTANT PRINCIPAL	48.03	19.00	913		
KEMPER, A/PRINCIPAL	46.83	10.00	468		
LEE, E/ASSISTANT PRINCIPAL	41.90	19.00	796		
MACKEY, C/ASSISTANT PRINCIPAL	43.10	19.00	819		
MAXSON, L/ASSISTANT PRINCIPAL	40.77	19.00	775		
MILLER, S/PRINCIPAL	44.06	7.00	308		
MULLERY, K/PRINCIPAL	48.48	10.00	485		
PALMER, D/DIRECTOR	48.28	3.00	145		
PORTER, K/ASSISTANT PRINCIPAL	41.40	2.00	83		
PORTER, K/ASSISTANT PRINCIPAL	41.90	17.00	712		
POWERS, B/PRINCIPAL	45.30	10.00	453		
RUDE, J/CLERK	23.36	5.25	123		
SNYDER, B/PRINCIPAL	46.57	17.00	792		
SOUSA, C/ASSISTANT PRINCIPAL	44.27	12.00	531		
SUPPLIES				908	
TARBET, L DR/ASSISTANT PRINCI	41.97	19.00	797		
TISSIER, G/SUPERINTENDANT	63.67	3.00	191		
TORRES, R/PRINCIPAL	47.89	3.00	144		
VASQUEZ-SAWDEY, C/ASSISTANT PR	42.95	19.00	816		
WALKER, B/ASSISTANT PRINCIPAL	43.07	2.00	86		

(05) Total <input checked="" type="checkbox"/>	Subtotal <input type="checkbox"/>	Page: 1 of 1	\$ 14,022	908	0
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MANDATED COSTS

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE

FORM
TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: SANTA MARIA-BONITA SD

(02) Fiscal Year costs were incurred: 95-96

- (03) Reimbursable Component:
- 1. Competence in Instructional Methodology
 - 2. Probationary Certificated Employee Policies
 - 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Object Accounts

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
P1 BALMAT, J/TEACHER	27.00	15.00	405	203	
P1 BENCHOFF, C/TEACHER	34.75	13.00	452	201	
P1 BLAUER, J/TEACHER	31.10	7.50	233	233	
P1 BRADY, N/TEACHER	26.77	7.50	201	201	
P1 BUTLER, L/TEACHER	30.42	16.67	507	224	
P1 CLABORN, K/TEACHER	19.99	7.50	150	150	
P1 D'ANGELO-ORTON, A/TEACHER	25.56	20.00	511	192	
P1 DEBACA, M/TEACHER	35.97	27.50	989	270	
P1 GILLESPIE, C/TEACHER	27.00	27.50	743	203	
P1 HALTER, K/TEACHER	26.95	7.50	202	202	
P1 HANSON, R/TEACHER	27.00	7.50	203	203	
P1 HARDWICK, T/TEACHER	26.77	7.50	201	201	
HOFF, S/CLERK	18.52	8.00	148		
P1 IKENOYAMA, J/TEACHER	27.00	7.50	203	203	
JOHNSON, S/COORDINATOR	46.37	4.00	185		
P1 JONES, M/TEACHER	27.00	7.50	203	203	
P1 JONES, R/TEACHER	25.56	13.00	332	192	
P1 KRINGEL, J/TEACHER	25.56	27.50	703	192	
P1 KUSELL, L/TEACHER	37.41	7.50	281	281	
P1 MEDLEY, B/TEACHER	28.21	7.50	212	212	
P1 METZ, M/TEACHER	34.52	16.00	552	259	
P2 MONTOYA, H/TEACHER	25.33	5.50	139		
P2 ORTIZ, P/TEACHER	25.33	8.00	203		
P1 POMPA, L/TEACHER	24.11	15.50	374	181	
P1 PRYOR, G/TEACHER	27.00	19.50	527	203	
P1 REYNOLDS, S/TEACHER	27.00	7.50	203	203	
P2 RUIZ, R/TEACHER	25.33	8.50	215	224	
P1 STEEPLTON, A/TEACHER	29.88	15.00	448	224	
P1 THOMPSON, T/TEACHER	33.83	13.00	440	254	
P1 VASAVADA, G/PSYCHOLOGIST	47.53	7.50	356	356	
VASQUEZ-SAWDEY, C/ASSISTANT PR	42.95	1.67	72		
P1 WEBER, R/TEACHER	28.21	7.50	212	212	

(05) Total Subtotal

Page: 1 of 1

\$ 10,005 0 0

405

MANDATED COSTS

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE

COMPONENT / ACTIVITY COST DETAIL

FORM TE-2

(01) Claimant: SANTA MARIA-BONITA SD (02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: 1. Competence in Instructional Methodology
 2. Probationary Certificated Employee Policies
 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f). **Object Accounts**

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
ABEL, M/TEACHER	42.04	0.25	11		
ARGENTIERI, C/SCHOOL SECRETARY	21.05	0.50	11		
BRUNELLO, F/ASST SUPERINTENDENT	51.99	0.25	13		
CAMERON, J/ASST SUPERINTENDENT	55.99	45 55.25	3093	2520-	
COHON, K/TEACHER	44.73	7.80	349		
FARIES, M/TEACHER	33.87	1.55	53		
GALLOWAY, L/TEACHER	34.73	1.95	68		
GRANDO, R/INSTR AIDE	11.18	1.00	11		
HAMILTON, RICHARD L EXPENSES					1281
HAMILTON, RICHARD L SERVICES	98.27	146.00			14347
HANSON, R/TEACHER	27.00	0.30	8		
HENSLEY, L/SUPERVISOR	33.75	1.20	41		
HERRERA, D/INSTR AIDE	10.62	1.80	19		
HOMYACK, E/TEACHER	43.49	0.25	11		
JOHNSON, S/COORDINATOR	46.37	5.00	232		
KASPER, L/TEACHER	30.87	1.75	54		
KOFF, E/COORDINATOR	47.62	3.25	155		
MILLER, S/PRINCIPAL	44.06	45 168.85	2440	1983	
MITCHELL, T/PRINCIPAL	47.89	7.00	335		
MULLERY, K/PRINCIPAL	48.48	2.95	143		
POSTAGE					14
RUDE, J/CLERK	23.36	8.95	209		
SEDILLO, O/INSTR AIDE	16.56	4.55	75		
SMITH, M/TEACHER	44.05	0.65	29		
SNYDER, B/PRINCIPAL	46.57	0.20	9		
TARBET, L DR/ASSISTANT PRINCI	41.97	15.25	640		
			(6979)		

ALLOW MAX OF 45 HRS / SCHOOL YEAR

25 x 180 = 45

NO of school days

Assuming school charges 1 hr / day

1281

14347

Act. not provided by program

NO Support

(05) Total Subtotal Page: 1 of 1 \$ 12,009 14 15,628

Issue 1A

Probationary Teacher Time

- 405.00 +
- 452.00 +
- 233.00 +
- 201.00 +
- 507.00 +
- 150.00 +
- 511.00 +
- 989.00 +
- 743.00 +
- 202.00 +
- 203.00 +
- 552.00 +
- 139.00 +
- 203.00 +
- 374.00 +
- 527.00 +
- 203.00 +
- 215.00 +
- 448.00 +
- 440.00 +
- 356.00 +
- 212.00 +

029

10,400.00*+

10,400.00 X
4.53 Z
471.12*+

indirect cost

471.12 +
10,871.12 *

0. *

Probationary Teacher Time
Minus Issue 1B

000

10,871.12 +
5,215.35 -
4,655.77*+

Issue 1B

Extra Day of Training for Prob Teachers

- 203.00 +
- 261.00 +
- 233.00 +
- 201.00 +
- 228.00 +
- 150.00 +
- 192.00 +
- 270.00 +
- 203.00 +
- 202.00 +
- 203.00 +
- 201.00 +
- 203.00 +
- 203.00 +
- 192.00 +
- 203.00 +
- 224.00 +
- 224.00 +
- 254.00 +
- 356.00 +
- 212.00 +

027

5,946.00*+

5,946.00 X
4.53 Z
269.35*+

269.35 +
6,215.35 *

0. *

Issue 2

Parental Complaint Policies

0. *

approved - 3,093.00 +
2,520.00 -

approved - 7,440.00 +
1,733.00 -

000

6,030.00**

6,030.00 X

4.53 %

indirect costs 273.16**

273.16 +

Total to reinstate 6,303.16 *

0. *

Issue 4

material and Supplies

908.00 +

14.00 +

002

922.00**

922.00 X

4.53 %

indirect cost

41.77**

41.77 +

total 963.77 *

0. *

Issue 5

Contracted Services

0. *

1,281.00 +

14,347.00 +

002

15,628.00**

Exhibit I



KATHLEEN CONNELL
Controller of the State of California

April 14, 1999

Mr. Steve Smith
President
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

Dear Mr. Smith:

**RE: NOTICE OF CLAIM ADJUSTMENT
SANTA MARIA-BONITA SCHOOL DISTRICT
CHAPTER 498/83 CERTIFICATION OF TEACHER EVALUATORS
FISCAL YEAR 1995-1996**

This is in reply to your letters dated March 16, 1999 regarding the above claim for reimbursement of mandated cost program. The result of our review is as follows:

Amount Claimed **\$56,142**

Adjustment to Claim:

Probationary Certificated Employee Policies

The amount of \$10,400 for salaries and benefits of probationary teachers in training is disallowed. -\$10,400

Parameters and guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities.

Parental Complaint Policies

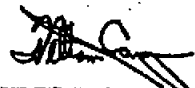
The amount of \$15,628 for Contracted Services is disallowed. Review, research, revision of various standard student discipline forms and student discipline cases in light of new laws are not reimbursable under this cost component. -15,628

SACRAMENTO 3301 C Street, Suite 501, Sacramento, CA 95816 (916) 445-8717
Mailing Address: P.O. Box 942850, Sacramento, CA 94250

Sub-total on Adjustment for Direct Costs	-\$26,028
Adjustment of Indirect Costs (\$1,756-\$1,285)	-471
Total Adjustment for Claim	<u>-\$26,499</u>
Approved Claim	\$29,643
Less: Prior Payment of 11/30/95, 11/25/96 & 11/30/97	-21,376
Late Penalty	-1,000
Amount Due Claimant	<u><u>\$7,267</u></u>

If you have any questions, please contact Eduardo Antonio at (916) 323-0755 or in writing at the State Controller's Office, Attn: Local Reimbursements Section, Division of Accounting and Reporting, P.O. Box 942850, Sacramento, CA 94250-5875.

Sincerely,



for JEFF YEE, Manager
Local Reimbursements Section

JY:ea

cc: Cyndi Clark, Santa Maria-Bonita School District

EXHIBIT A,
TAB 3

State of California
COMMISSION ON STATE MANDATES
980 Ninth Street, Suite 300
SACRAMENTO, CA 95814
(916) 323-3562
CSM 2 (2/91)

For Official Use Only	
RECEIVED	
NOV 09 2001	
COMMISSION ON STATE MANDATES	
Claim No. <u>01-4136-I-43</u>	

INCORRECT REDUCTION CLAIM FORM

Local Agency or School District Submitting Claim

MILPITAS UNIFIED SCHOOL DISTRICT, CLAIMANT ID# S43100

Contact Person
Steve Smith, Mandated Cost Systems, Inc.

Telephone No.
(916) 487-4435

Address

**1331 EAST CALAVERAS
MILPITAS, CA 95035**

Representative Organization to be Notified
**Mandated Cost Systems, Inc.
2275 Watt Avenue Suite C
Sacramento, CA 95825
(916) 487-4435**

This claim alleges an incorrect reduction of a reimbursement claim filed with the State Controller's Office pursuant to section 17561 of the Government Code. This incorrect reduction claim is filed pursuant to section 17551(b) of the Government Code.

CLAIM IDENTIFICATION: Specify Statute or Executive Order

Certification of Teacher Evaluator's Demonstrated Competence Chapter 498, Statutes of 1983, Education Code Section 35160.5

<u>Fiscal Year*</u>	<u>Amount of the Incorrect Reduction</u>
1995/96	\$56,802

*More than one fiscal year may be claimed.

IMPORTANT: PLEASE SEE INSTRUCTION AND FILING REQUIREMENTS FOR COMPLETING AN INCORRECT REDUCTION CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative
Steve Smith, Mandated Cost Systems, Inc.

Telephone No.
(916) 487-4435

Signature of Authorized Representative

SKWT

Date

11/9/01

Incorrect Reduction Claim

Milpitas Unified School District, Claimant ID# S43100
Certification of Teacher Evaluators' Demonstrated Competence
Chapter 498, Statutes of 1983
COSM No. SB90-4136
1995/96 Fiscal Year

I. Brief Description of the Disallowed Costs:

The Milpitas Unified School District (hereinafter "District" or "Claimant") filed a claim for reimbursement under the Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program (Chapter 498, Statutes of 1983; COSM No. SB90-4136) for fiscal year 1995/96. By letter dated April 30, 1999, the State Controller (SCO) disallowed \$56,802 of costs for training probationary teachers and associated indirect costs claimed under the Probationary Certificated Policies component of this program. The State Controller has taken the position that the parameters and guidelines "do not provide reimbursement for probationary teacher training costs." Claimant argues, as further outlined below, that the Controller incorrectly reduced its claim because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

II. The Mandate:

Chapter 498, Statutes of 1983 added section 35160.5 to the Education Code. (See Exhibit "A"). Section 35160.5 required school districts, as a condition for receipt of school apportionments, to adopt rules and regulations establishing policies regarding:

- a. The certification of the demonstrated competence of administrators who would be conducting teacher evaluations;
- b. Assurances that probationary teachers will have their needs for training, assistance, and evaluations recognized and met by the district; and
- c. Filing of parent complaints regarding district employees.

On September 20, 1984 the San Jose Unified School District filed a test claim with the Board of Control alleging that Chapter 498/83 imposed reimbursable state mandated costs. On September 26, 1985 the Commission on State Mandates approved the test claim and on October 24, 1985 adopted its Statement of Decision. (See Exhibit "B"). Parameters and guidelines for this program were originally adopted on April 24, 1986. (See Exhibit "C"). These parameters and guidelines were subsequently amended on January 24, 1991 (See Exhibit "D"). The Education Trailer Bill to the Budget Act of 1996, effective July 22, 1996, (Chapter 204, Statutes of 1996) repealed this mandate effective with the 1996/97 fiscal year. The State Controller's Office Claiming Instructions in effect for the 1995/96 claim year are attached (See Exhibit "E").

III. The District's Claim, State Controller's Review and Reconsideration

The filing deadline with the State Controller's Office for 1995/96 Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program was November 30, 1996. The late filing deadline (with requisite 10% penalty not to exceed \$1,000) was December 1, 1997. The District submitted its 1995/96 claim within the annual filing period. The District claimed costs under the three reimbursable components plus associated indirect costs of totaling \$86,495.

In a letter dated August 5, 1998, SCO denied \$72,230 in claimed costs. (See Exhibit "F"). The reasons cited for the adjustments were:

Indirect Costs Overstated	\$ 5,182
Non-Reimbursable Item	\$ 67,048

Due to the lack of specificity in this letter, a copy of the SCO claim review working papers was obtained in order to determine the specific claim line items that were disallowed. (See Exhibit "G").

On March 16, 1999, Mandated Cost Systems, Inc., representing the District submitted a letter to SCO requesting reconsideration and reinstatement of all disallowed costs. (See Exhibit "H").

On April 30, 1999, SCO completed its reconsideration of its claim adjustments and issued a final adjustment letter which re-instated \$15,428 for incorrectly disallowed teacher trainer costs. SCO did not reinstate any costs for probationary teachers time (including new teacher training stipends) when receiving training. (See Exhibit "I").

IV. The Issue in Dispute:

The specific issue being disputed deals with the following question:

Is the cost of probationary teachers receiving the mandated additional training a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program?

V. Claimant's Position

Claimant argues, as further outlined below, the cost of probationary teachers receiving the mandated additional training is a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

It should be noted that the SCO disallowed probationary teacher training costs claiming the "parameters and guidelines do not provide for reimbursement" of these costs. The SCO is not claiming that these costs are excessive or unreasonable under Government Code section 17561(d). Therefore, the only issue before the COSM is whether the parameter and guidelines "provide for reimbursement" for the cost of probationary teacher training costs.

VI. The State Controller's Position

By letter dated April 30, 1999 the Controller has disallowed the cost of probationary teachers receiving the mandated additional training stating that:

"The amount of \$52,727 for salaries and benefits of probationary teachers in training is disallowed. Parameters and guidelines do not provide for reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities."

VII. Parameters and Guidelines and Claiming Instructions

A. The Parameters and Guidelines

Section V (Reimbursable Costs) of the parameters and guidelines for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education.

* * *

Registration fees and travel costs of probationary teachers attending training activities.

* * *

Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teacher's classrooms to observe teaching techniques (limited to three such visitations per semester).

B. The Claiming Instructions

Section 5 (Reimbursable Components) of the claiming instructions for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teaches, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist and evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available with the school district or county office, is reimbursable. Registration fees, travel costs, and the cost of substitute teachers provided so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester."

VIII. Claimant's Analysis

The District's claim for costs attributable to probationary teacher training can be broken down into two types of costs. "Category A" costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. "Category B" costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83. In addition, SCO disallowed another \$25,437 in new teacher training stipend costs. Our argument for reinstatement of the \$25,437 in new teacher training stipend costs will fall under "Category B". The \$31,366 in disallowed costs for "Category A and B", plus the \$25,437 in new teacher training stipend costs equal the April 30, 1999 SCO adjustment letter disallowing \$56,802 in probationary teacher costs.

A. Argument for Reimbursing Category A Probationary Teacher Costs

In its March 16, 1999 reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category A totaling \$6,336 (of \$31,366) should be reinstated.

Category A costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. The parameters and guidelines clearly and explicitly allow for these costs when they provide as reimbursable costs those "costs of training probationary teachers, over and above that provided to permanent teachers, are reimbursable." The COSM should be guided by the common rule of interpretation which provides that where express provisions of a rule are clear and unambiguous the explicit meaning of those provisions, interpreted in their ordinary and popular sense, controls the interpretation. (See, *Borg v. Transamerica Ins. Co.*, 47 Cal.App.4th 448, 455, 54 Cal.Rptr.2d 811).

B. Argument for Reimbursing Category B Probationary Teacher Costs and Teacher Stipends

In its March 16, 1999 reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category B totaling \$25,030 and \$25,437 in new teacher training stipends should be reinstated.

Category B costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83. Specifically, as a requirement of the mandate, all first year probationary teachers work a 186 day year (two extra 6 hour days each year for teacher training) and attend four after-hours training sessions that last two hours each. Second year probationary teachers work a 185 day year (one extra 6 hour day each year for teacher training) and attend six after-hours training sessions that last two hours each. Permanent teachers worked a 184 day year. In addition, "new teacher training" stipends were paid out for orientations and workshops that took place during the school year. The first and second year probationary teachers were paid for working the extra days and working the extra hours while in attendance at the after-hours training sessions.

In the case of category B costs, there is a clearly identifiable increased cost incurred by the District related to compensating probationary teachers for the additional time receiving the mandated training. The Commission on State Mandates has recently reaffirmed that these types of costs are reimbursable.

In the *Physical Performance Testing* program the Commission explicitly recognized that mandates that befall teachers create reimbursable costs if the District increases the teacher's workday or work year. In addressing this issue the Commission's Statement of Decision states in pertinent part as follows:

"The manual (State Administrative Manual) defines costs as ".....all additional expenses for which either supplemental financing or the redirection of existing staff or resources ...is required." Because the school days or school year is not extended to accommodate the time required to administer physical performance tests, there are no additional costs as defined by the manual."

"Further, the Commission found that neither the school day or the school year is extended to accommodate the time required to administer and score the physical performance tests, school districts incur no increased reimbursable costs when classroom teachers administer the physical fitness tests."

Although the Commission concluded that teacher time during the school day implementing the *Physical Performance* mandate was not reimbursable, the Commission did recognize that teacher time attending training after the regular school day is reimbursable. In support of Claimant's argument the Commission concluded that:

"Increased costs for substitute teacher time during the school day or for teacher stipends to attend training sessions outside the regular school day (after school or on Saturday) are eligible for reimbursement. However, the labor time of the teacher spent in attending training sessions during that teachers' normal classroom hours is not reimbursable." (Emphasis added).¹

By way of further support for Claimant's position, the Commission has stated in its parameters and guidelines for *American Government Course Document Requirements* that:

"Either the cost of providing a substitute teacher for each teacher who attends a training session during the teacher's normal classroom periods or the additional payments made to each teacher who attends a training session outside the teacher's normal classroom period (after school or on Saturday) is reimbursable." (Emphasis added).

¹ See page 6 of the Physical Performance Testing Program parameters and guidelines adopted by the Commission on State Mandates on September 24, 1998. 206

The above-cited sections of Commission parameters and guidelines fully support Claimant's claim for reimbursement for those "additional payments made to each teacher who attends a training session outside the teacher's normal classroom period (after school or on Saturday)." These two programs illustrate the fact that if a district has incurred some type of identifiable increased cost related to a fixed environment employee (i.e., teachers) then that identifiable increased cost shall be considered a reimbursable mandated cost pursuant to Article XIII B, section 6 of the State Constitution whether it is substitute costs, overtime pay, stipends, or as in this case, an expanded work year specifically due to the mandate of additional training for probationary teachers.

The Claimant's argument is further bolstered by the erroneous conclusion made by the Controller that reimbursement of substitute teacher time is made "in lieu" of reimbursement for probationary teacher time attending the training. Here, the Claimant is making a claim for probationary teacher time attending training that occurred after the regular work day or after the end of the regular work year when a substitute teacher is not needed. With no substitute costs the Claimant is not provided any reimbursement "in lieu" of reimbursement of probationary teacher time attending the trainings. Moreover, and as outlined above, the Commission has explicitly recognized that Districts are entitled to reimbursement for both substitute teacher time (for costs incurred during the fixed environment) and other identifiable costs for teachers that occur outside the regular work day (e.g. nights, weekends, and at the end of the school year).

IX. Conclusion

Based upon the foregoing, Claimant respectfully requests that the COSM find:

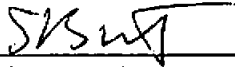
1. Claimant submitted its Certification of Teacher Evaluators' Demonstrated Competence claims for reimbursement in compliance with the State Controller's claiming instructions.
2. Claimant submitted the requisite documentation in support of its claim for reimbursement.
3. That the State Controller incorrectly reduced claimant's reimbursement claim when it disallowed costs for training probationary teachers claimed under the Probationary Certificated Policies component of this program.

Claimant respectfully requests that the COSM determine that SCO incorrectly reduced the claimant's Teacher Evaluator claim and direct Commission Staff, in accordance with COSM's regulations, to submit a letter to the Controller requesting that the costs of the claim be reinstated.

CERTIFICATION

I certify by my signature below that the statements made in this document are true and correct of my own knowledge, or as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on November 9, 2001, at Sacramento, CA.



Steve Smith, Mandated Cost Systems, Inc.

Exhibit A

Code, to read:

35160.5. On or before December 1, 1984, the governing board of each school district shall, as a condition for the receipt of school apportionments from the State School Fund, adopt rules and regulations establishing school district policies as they relate to the following:

(a) Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(b) The establishment of district policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district.

(c) The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district. These policies and procedures shall provide for appropriate mechanisms to respond to and where possible to resolve, the complaints. These policies and procedures shall be established in consultation with employee organizations.

1 Code, to read:

2 35160.5. On or before December 1, 1984, the
3 governing board of each school district shall, as a
4 condition for the receipt of school apportionments from
5 the State School Fund, adopt rules and regulations
6 establishing school district policies as they relate to the
7 following:

8 (a) Certification that personnel assigned to evaluate
9 teachers have demonstrated competence in instructional
10 methodologies and evaluation for teachers they are
11 assigned to evaluate. The determination of whether
12 school personnel meet the district's adopted policies shall
13 be made by the governing board.

14 (b) The establishment of district policies ensuring that
15 each probationary certificated employee is assigned to a
16 school within the district with assurances that his or her
17 status as a new teacher and his or her potential needs for
18 training, assistance, and evaluations will be recognized by
19 the district.

20 (c) The establishment of policies and procedures
21 which parents or guardians of pupils enrolled in the
22 district may use to present complaints regarding
23 employees of the district. These policies and procedures
24 shall provide for appropriate mechanisms to respond to
25 and where possible to resolve, the complaints. These
26 policies and procedures shall be established in
27 consultation with employee organizations.

28 The governing board of each school district shall
29 annually review the school district policies adopted
30 pursuant to the requirements of this section.

31 SEC. 13. Section 39363 of the Education Code, as
32 amended to read:

33 39363. The funds derived from the sale of surplus
34 property shall be used for capital outlay or for costs of
35 maintenance of school district property that the
36 governing board of the school district determines will not
37 recur within a five-year period. Proceeds from a lease of
38 school district property with an option to purchase may
39 be deposited into a restricted fund for the routine repair
40 and maintenance of district facilities, as defined by the

State Allocation Board, for up to a five-year period. In
addition, the proceeds may be deposited in the general
fund of the district for any general fund purpose if the
school district governing board and the State Allocation
Board have determined that the district has no
anticipated need for additional sites or building
construction for the five-year period following such sale
or lease, and the district has no major deferred
maintenance requirements.

SEC. 14. Section 42238 of the Education Code is
repealed.

SEC. 15. Section 42238 is added to the Education
Code, to read:

(a) For the 1983-84 fiscal year, the county
superintendent of schools shall determine a revenue limit
for each school district in the county pursuant to this
section.

(b) The base revenue limit for the 1983-84 fiscal year
shall be determined by adding the following amounts:

(1) The revenue limit per unit of average daily
attendance for the 1982-83 fiscal year determined
pursuant to Item 6100-101-001 of the Budget Act of 1982.

(2) The inflation adjustment specified in Section
42238.1.

(3) The equalization adjustment specified in Section
42238.4.

(c) The base revenue limit for each district
determined in subdivision (b) shall be multiplied by the
district average daily attendance computed as specified
in Section 42238.5.

(d) The amount determined in subdivision (c) shall
be increased by the minimum revenue guarantee
adjustment specified in Section 42238.2.

(e) The Superintendent of Public Instruction shall
apportion to each school district the amount determined
in this section less the sum of:

(1) The district's property tax revenue received
pursuant to Chapter 6 (commencing with Section 95) of
Part 0.5 of the Revenue and Taxation Code.

(2) The amount, if any, received pursuant to Part 18.5

Exhibit B

Hearing: 10/24/85
Date Filed: 09/20/84
Staff: Rose Mary Swart
WP 0592A

Proposed Statement of Decision
Adopted Mandate
(Chapter 498, Statutes of 1983)
Teacher Evaluator's Demonstrated Competence

The Commission on State Mandates, at its September 26, 1985 hearing, determined that a reimbursable mandate exists in Chapter 498, Statutes of 1983, Education Code Section 35160.5.

Member Creighton moved to find a mandate. Members Aceituno, Carlyle and Creighton voted aye, Chairman Huff voted no. The motion carried.

BEFORE THE
COMMISSION ON STATE MANDATES

CLAIM OF:

SAN JOSE UNIFIED SCHOOL DISTRICT

Claimant

SB 90-4136

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on September 26, 1985, in Sacramento, California, during a regularly scheduled meeting of the commission. William A. Doyle appeared on behalf of the San Jose Unified School District.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

FINDINGS OF FACT

1. The test claim was filed with the Board of Control on September 20, 1984, by the San Jose Unified School District.

2. The subject of the claim is Statutes of 1983, Chapter 498 (Education Code section 35160.5).

3. Chapter 498, Statutes of 1983, added Education Code section 35160.5 which requires the following actions in order for districts to receive school apportionments. On or before December 1, 1984, each school district shall adopt rules and regulations establishing district policy regarding:

(a) certification that teacher evaluators have demonstrated competence in methodologies needed to evaluate teachers.

(b) district policies ensuring that all new, probationary teachers are assigned to schools where their potential special needs for training, assistance and evaluations will be met.

(c) policies which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Section 35160.5 also requires the governing board of each school district to annually review the policies adopted pursuant to the section.

4. The claimant incurred costs as a result of training teacher evaluators to meet the newly adopted standards as specified in Finding 3.

5. None of the requisites for denying a claim, as specified in Government Code section 17556, subdivision (a), were established.

DETERMINATION OF ISSUES

1. The commission has jurisdiction to decide the claim under authority of Government Code section 17630.

2. The commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore the commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

3. The commission determined that only the higher level of service required by section 35160.5 in each school district is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

4. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

Exhibit C

Hearing: 4/24/86
SB 90-4136
Staff: Rose Mary Swart
WP 1029A

PROPOSED PARAMETERS AND GUIDELINES
Chapter 498, Statutes of 1983
Education Code Section 35160.5
Certification of Teacher Evaluators' Demonstrated Competence

EXECUTIVE SUMMARY

Chapter 498, Statutes of 1983 created a state mandate in Education Code Section 35160.5 by requiring that in order to receive apportionments, school districts adopt rules establishing district policy regarding: certification of teacher evaluators' demonstrated competence, probationary teachers, and a complaint process which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Commission staff has suggested amendments to the claimant's proposed parameters and guidelines, and recommends that the commission adopt the parameters and guidelines as amended. The claimant agrees with staff's proposed parameters and guidelines.

The Department of Finance (DOF) has suggested changes to staff's proposed parameters and guidelines.

Claimant

San Jose Unified School District

Chronology

- 9/20/84 Claim filed with Board of Control.
- 10/12/84 Claim continued pending Board of Control decision regarding multiple filings issue for Chapter 498/83; and, due to transition to Commission on State Mandates.
- 3/21/85 Claim continued due to lack of input from State Department of Education (SDE).
- 5/25/85 Claim continued due to lack of input from SDE.
- 7/25/85 Commission on State Mandates hearing cancelled.

- 8/22/85 Claim held-over to 9/26/85 hearing due to tie-vote.
- 9/26/85 Mandate approved by Commission on State Mandates.
- 10/24/85 Statement of Decision adopted (Attachment E).
- 12/2/85 Proposed parameters and guidelines submitted by San Jose Unified School District.
- 1/13/86 Conference to discuss proposed parameters and guidelines.
- 1/31/86 Amended proposed parameters and guidelines submitted by San Jose Unified School District (Attachment C).
- 3/27/86 Claim continued by the commission due to late filing of recommendation by DOF (Attachment F).

Statement of Claim

Chapter 498, Statutes of 1983 (Attachment B) required school districts to adopt rules and regulations to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers. School districts must also adopt rules to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible, resolve the complaints.

Staff Analysis

Staff is recommending several changes to the claimant's proposed parameters and guidelines (Attachment C).

A complete set of staff's proposed parameters and guidelines are attached (Attachment A).

Following is a summary and analysis of staff's suggested changes and DOF's suggested changes to the claimant's proposal. Additions are shown by underlining, deletions by strikeout. Staff agrees with and has added the claimant's suggested language in Sections V., B., 1, and IX., of this proposal. The claimant submitted this proposed language (Attachment G) in its rebuttal to the DOF recommendation.

Section III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code Section 2208.5, that incurred mandated costs as a result of implementing Chapter 498/83, Education Code Section 35160.5.

Since Chapter 498/83 affected numerous code sections, it is important for accuracy and clarity to include the affected code section(s) in any description or discussion of the impact of Chapter 498/83. This is a nonsubstantive change.

* * *

Section V. Reimbursable Costs

A., 2., a. Time of district administrators spent in certification training excluding classroom observation ~~(including classroom observation/when they are paid by the training package).~~

Staff proposes: 1) deletion of language from this section which would reimburse for "classroom observation" and; 2) a specific exclusion statement precluding such payment. Staff is making this proposal because classroom observation is part of the administrator's usual responsibility and a basic function of the job. It is important for administrators to practice the skills they have acquired in training, but according to staff of SDE, administrators typically practice this, and other skills, on the job. School administrators are actually performing two functions by incorporating the practice into their usual work. Since the administrator is continuing the same work routine which took place prior to the certification training, it seems unreasonable to expect this time to be recognized as a function mandated by Chapter 498/83. At this point the administrators are back at work and providing the services for which they are paid. The claimant agrees with this change.

However, DOF asserts in its recommendation that Chapter 498/83, Education Code Section 35160.5 does not require that administrators participate in any training (Attachment F). Staff would point out that this issue was addressed by the commission during the test claim phase of this mandate. The commission decided that Chapter 498/83 does require that training be provided for administrators functioning as teacher evaluators. See the commission's Statement of Decision, Attachment E, Part I, 3., (b), which addresses this issue. Therefore, since the matter has previously been resolved by the commission, staff will not address it in this analysis.

* * *

V. B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. The cost of services or activities provided to probationary teachers and which are funded by the Mentor Teacher Program can not be claimed as a reimbursement cost.

This change is being proposed by the claimant in response to a concern expressed by DOF. The DOF recommendation makes the following statement regarding this section:

Chapter 498, Statutes of 1983 only requires that a school district establish policies ensuring that a new teacher's training, assistance and evaluation needs will be recognized. It does not demand that those policies exceed whatever currently is provided by school districts to new teachers. Claims that propose reimbursement for activities beyond those required by a school district prior to adoption of "expanded" policies are essentially claims for discretionary acts. As such, these activity costs should not be reimbursable.

The DOF concern here is about the level of training that will be reimbursed. Again, this is an issue which has been decided by the commission as part of the test claim. The commission, in its statement of decision on the test claim determined that training costs are reimbursable. In addition, it is established that any claim for reimbursement of activities beyond those mandated is not acceptable and will not be reimbursed. Nor are activities which are already being reimbursed going to be doubly reimbursed. However, in response to the DOF concern and to provide clarification the claimant has suggested the new language regarding the Mentor Teacher Program. Any activities already funded through that or any other programs may not be reimbursed through these parameters and guidelines. The proposed parameters and guidelines, in Section V.B.1. clearly prohibit double funding of activities by allowing reimbursement only for "Training, assisting and evaluating probationary teachers over and above that usually provided ...". Emphasis added. Additionally, Education Code Section 44496(a)(3) prohibits a mentor teacher from participating in any evaluation of other teachers.

* * *

- B. 1. c. One third of the time spent by site administrators training, assisting or evaluating probationary teachers.

The DOF recommendation states that the proposed parameters and guidelines, in Section B.1., would provide reimbursement for an activity which is now clearly a responsibility of administrative school personnel. This activity is the evaluation of probationary teachers. The proposed parameters and guidelines indicate that one third of the time spent by site administrators training, assisting or evaluating probationary teachers is reimbursable.

According to the claimant this is not an arbitrary number because "the additional one third of the time spent by administrators during the two year probationary period performing the mandated activities (training, assistance and evaluation) is caused by performing all the mandated activities within a two year period [Section 44882(b)] rather than in the pre-Chapter 498/83 three year period of time."

Education Code Section 44882(b), in pertinent part, referred to above, shortened the probationary period for teachers as follows:

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year be classified as and become a permanent employee of the district.

Staff does not find it necessary to change this portion of the proposal. The proposed parameters and guidelines will provide reimbursement only for activities required by Chapter 498/83.

* * *

- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

- 1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code Section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

Regarding above Section V.C.1 of the proposed parameters and guidelines, DOF suggested the following language:

"These costs may be reimbursed if prior policies did not provide a procedure for parents and pupils to present complaints regarding employees or mechanisms for response or resolution to the complaints."

Prior practice has not been a determining factor in past decisions of the commission or its predecessor Board of Control. The commission has determined that a stated policy and process for complaints regarding employees of the district is, in this case, a state-mandated activity. The proposed parameters and guidelines articulate that which is required and that which is reimbursable, in accordance with the commission's fundings. There is an exclusion in this portion of the proposed parameters and guidelines for any

activities or meetings previously required by other laws. Staff asserts that the proposed language will facilitate identification and reimbursement of the mandated activities of Chapter 498/83 but will preclude payment of other functions not required by Chapter 498/83.

* * *

VII. Professional and Consultant Services.

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is ~~\$98~~ 65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

Staff is suggesting the \$65 per hour limit because, according to SDE staff, teacher evaluator training of administrators has been offered at no cost through educational associations which are funded by SDE, and the training is available through commercial providers at a maximum \$500 per day rate. Therefore, it was felt that the claimant's allowance of up to \$95 per hour for contracted services was too high. The \$65 per hour maximum has been verified by staff through a telephone survey to be well within the industry average required by the State Administrative Manual for state contracts. Staff's proposal therefore, includes replacement language establishing a \$65 per hour ceiling, as indicated above. The claimant agrees with this change.

* * *

Staff has also added a Section VIII, Offsetting Savings. This is standard language for parameters and guidelines and merely guarantees that any savings the claimant realizes as a result of fulfilling the mandate will be identified and used to offset costs of the program. The claimant concurs.

* * *

Section IX, Required Certification, which was also added by staff is standard, "boilerplate" language which is needed in all parameters and guidelines to insure the validity of future claims. The claimant concurs.

Staff Recommendation

Staff recommends the adoption of staff's proposed parameters and guidelines. Staff's proposed parameters and guidelines incorporate an editorial change and language which would:

1. preclude paying teacher evaluator's salaries while they perform classroom observation;
2. limit consultant's fees to a maximum of \$65 per hour;
3. add a standard Section VIII Offsetting Savings;
4. Add a Section IX Supporting Data for Claims requiring documentation that a claimant has attempted to secure "no cost consultant services", and;
5. add a Section X Required Certification.

Exhibit D

PARAMETERS AND GUIDELINES
Education Code Section 35160.5
Chapter 498, Statutes of 1983
Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as a result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200.00 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.00.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.

a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three year period.

a. Time of district administrators spent in certification training excluding classroom observation.

b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.

c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.

d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.

B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.

a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.

b. Training materials and clerical services for probationary teachers.

c. Registration fees and travel costs of probationary teachers attending training activities.

d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to

other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty (20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

Education Code Section 44882(b), in pertinent part, referred to above, shortened the probationary period for teachers as follows:

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year be classified as and become a permanent employee of the district.

Staff does not find it necessary to change this portion of the proposal. The proposed parameters and guidelines will provide reimbursement only for activities required by Chapter 498/83.

* * *

- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

- 1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code Section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

Regarding above Section V.C.1 of the proposed parameters and guidelines, DOF suggested the following language:

"These costs may be reimbursed if prior policies did not provide a procedure for parents and pupils to present complaints regarding employees or mechanisms for response or resolution to the complaints."

Prior practice has not been a determining factor in past decisions of the commission or its predecessor Board of Control. The commission has determined that a stated policy and process for complaints regarding employees of the district is, in this case, a state-mandated activity. The proposed parameters and guidelines articulate that which is required and that which is reimbursable, in accordance with the commission's fundings. There is an exclusion in this portion of the proposed parameters and guidelines for any

activities or meetings previously required by other laws. Staff asserts that the proposed language will facilitate identification and reimbursement of the mandated activities of Chapter 498/83 but will preclude payment of other functions not required by Chapter 498/83.

* * *

VII. Professional and Consultant Services.

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is ~~\$98~~ \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

Staff is suggesting the \$65 per hour limit because, according to SDE staff, teacher evaluator training of administrators has been offered at no cost through educational associations which are funded by SDE, and the training is available through commercial providers at a maximum \$500 per day rate. Therefore, it was felt that the claimant's allowance of up to \$95 per hour for contracted services was too high. The \$65 per hour maximum has been verified by staff through a telephone survey to be well within the industry average required by the State Administrative Manual for state contracts. Staff's proposal therefore, includes replacement language establishing a \$65 per hour ceiling, as indicated above. The claimant agrees with this change.

* * *

Staff has also added a Section VIII, Offsetting Savings. This is standard language for parameters and guidelines and merely guarantees that any savings the claimant realizes as a result of fulfilling the mandate will be identified and used to offset costs of the program. The claimant concurs.

* * *

Section IX, Required Certification, which was also added by staff is standard, "boilerplate" language which is needed in all parameters and guidelines to insure the validity of future claims. The claimant concurs.

Staff Recommendation

Staff recommends the adoption of staff's proposed parameters and guidelines. Staff's proposed parameters and guidelines incorporate an editorial change and language which would:

1. preclude paying teacher evaluator's salaries while they perform classroom observation;
2. limit consultant's fees to a maximum of \$65 per hour;
3. add a standard Section VIII Offsetting Savings;
4. Add a Section IX Supporting Data for Claims requiring documentation that a claimant has attempted to secure "no cost consultant services", and;
5. add a Section X Required Certification.

Exhibit E

Certification Teacher Evaluators' Demonstrated Competence

1. Summary of Chapter 498/83

This Chapter, which added Section 35160.5 to the Education Code, required the governing board of each school district, on or before December 1, 1984, to adopt rules and regulations establishing school district policies regarding teacher evaluation, training and complaints regarding employees.

On September 26, 1985, the Commission on State Mandates determined that Chapter 498/83 imposed a new program and costs on school districts and that these costs are reimbursable pursuant to Section 17561 of the Government Code.

2. Eligible Claimants

Any school district or county office of education which incurs increased costs as a result of this mandate is eligible to claim reimbursement for those costs.

3. Appropriations

Claims may only be filed with the State Controller's Office for programs that have been funded by the State Budget Act or by special legislation. To determine funding availability for the current fiscal year, refer to the schedule "Appropriation for State Mandated Cost Programs" in the "Annual Claiming Instructions for State Mandated Costs" issued in mid-September of each year to superintendents of schools.

4. Types of Claims

A. Reimbursement and Estimated Claims

An eligible claimant may file a reimbursement claim or an estimated claim as specified below. A reimbursement claim details the costs actually incurred for the previous fiscal year. An estimated claim shows the costs to be incurred for the current fiscal year.

- A claim for reimbursement or an estimate must exceed \$200 per fiscal year. However, a county superintendent of schools, as fiscal agent for the school district, may submit a combined claim in excess of \$200 on behalf of school districts within the county even if the individual district's claim does not exceed \$200. The combined claim must show the individual claim costs for each school district. Once a combined claim is filed, all subsequent claims for the same mandate must be filed in a combined form. A school district may withdraw from the combined claim form by providing a written notice to the county superintendent of schools and the Controller, at least 180 days prior to the deadline for filing the claim, of its intent to file a separate claim.

B. Filing Deadline

Refer to item 3 "Appropriations" to determine if the program is funded for the current fiscal year. If funding is available, an estimated claim may be filed as follows:

- An estimated claim must be filed with the State Controller's Office and postmarked by **November 30** of the fiscal year in which costs are to be incurred. Timely filed estimated claims will be paid before late claims.

After having received payment for the estimated claim, the claimant must file a reimbursement claim by **November 30** of the following fiscal year. If the district fails to file a reimbursement claim by **November 30** of the following fiscal year, monies received must be returned to the State. If no estimated claim was filed, the district may file a reimbursement claim detailing the actual costs incurred for the fiscal year, provided there was an appropriation for the program for that fiscal year. See Item 3 above.

- A reimbursement claim must be filed with the State Controller's Office and postmarked by **November 30** following the fiscal year in which costs were incurred. If a claim is filed after the deadline, but by **November 30** of the succeeding fiscal year, the approved claim will be reduced by 10% but not to exceed \$1,000. If the claim is filed more than one year after the deadline, the claim can not be accepted.

5. Reimbursable Components

The governing board of each school district was required, as a condition of receiving appropriations from the State School Fund, to adopt rules and regulations regarding teacher evaluation training and complaints regarding employees.

A. Competence in Instructional Methodology

Education Code Section 35160.5(a)(1) requires certification of personnel assigned to evaluate teachers that have demonstrated competence in instructional methodology and evaluation of teachers.

(1) Adoption of Rules and Regulations.

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies, and the annual revision of these policies are reimbursable. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(2) Teacher Evaluator Certification Training Programs

The costs of training programs provided to administrators for the purpose of meeting certification requirements adopted by the governing board are reimbursable. Eligible costs include: salaries and benefits paid to administrators during certification training; mileage, meals and materials for attending locally provided training sessions; transportation, meals and lodging for attending training not available locally; contracts for administrators to be trained locally (consultant fees, materials, travel, meals and lodging for trainers); and salaries and benefits for preparation and presentation, plus mileage, meals, clerical support and material used in training by district employees used as trainers.

Training expenses for an administrator are allowed a maximum of ten days (80 hours) in any three year period. The reimbursable travel costs of attending a local training session shall be the same as provided by the district for other district activities. The reimbursement for non-local training shall be the same as provided for business travel by employees of the State of California.

B. Probationary Certificated Employee Policies

Education Code Section 35160.5(a)(2) requires the establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance and evaluations will be recognized.

(1) Adoption of Rules and Regulations

The cost of preparation, discussion and distribution of the proposed rules and regulations, the adoption of rules and regulations establishing education policies and the annual review of these policies are reimbursable. Copies of the approved previous policy and the subsequent policy must be included with claims for reimbursement.

(2) Training, Assisting and Evaluating Probationary Teachers

The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist or evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available within the school district or county office of education, is reimbursable. Registration fees, travel costs and the cost of substitute teachers provided for probationary teachers so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester.

C. Parental Complaint Policies

Education Code Section 35160.5(a)(3) requires policies and procedures for enrolled pupils' parents or guardians to present employee complaints. The policies and procedures provide response mechanisms and, where possible, resolve the complaint.

(1) Adoption and Review of Rules and Regulations

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies and the annual policy review are reimbursable.

(2) Resolution of Complaints

The cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the claimant in compliance with Education Code Section 35160.5 are reimbursable.

These costs shall include:

- notification costs of parent and pupil complaint procedures
- claimant costs of time, mileage, supplies and specialized training to respond to parent and pupil complaints.

Meeting and activity costs required by categorical programs and/or special education rules and regulations are not eligible for this program.

6. Reimbursement Limitations

Any offsetting savings or reimbursement the claimant received from any source, as a result of this mandate, must be deducted from the amount claimed.

7. Cost Elements of a Claim

Contracted services for training evaluators are not reimbursable, unless the claimant can document that the State Department of Education was unable to provide the consultant services or the Department failed to respond to the claimant's request within the following time period. The claimant must request consultant services from the State Department of Education at least thirty calendar days prior to the need for the consultant services and the district must have been notified by the Department that the requested consultant services were not available at the time of the request. If the claimant did not receive a response to their request within twenty calendar days after the request was received by the Department, contracted service expenses are reimbursable.

The maximum reimbursable fee for contracted services in 1983/84 was \$ 65 per hour, to be adjusted annually by the GNP Deflator through the claim year. The current rate is shown on Form TE-1, Claim Summary. Claimants will receive a revised claim form each year with a revised rate. Claims which are based on annual retainer must contain a certification that the fee is no greater than the allowable maximum fee per hour.

8. Claiming Forms and Instructions

The diagram "Illustration of Claim Forms", provides a graphical presentation of forms required to be filed with a claim. A claimant may submit a computer generated report in substitution for Form TE-1 and Form TE-2, provided the format of the report and data fields contained within the report are identical to the claim forms included with these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file an estimated or reimbursement claim. The State Controller's Office will revise the manual and claim forms as necessary.

A. Form TE-2, Component/Activity Cost Detail

This form is used to segregate the detailed costs by claim component. In some mandates, specific reimbursable activities have been identified for each component. The expenses reported on this form must be supported by cost and time records. Copies of supporting documentation specified in the claiming instructions must be submitted with

the claims.

For audit purposes, all supporting documents must be retained for a period of two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

B. Form TE-1, Claim Summary

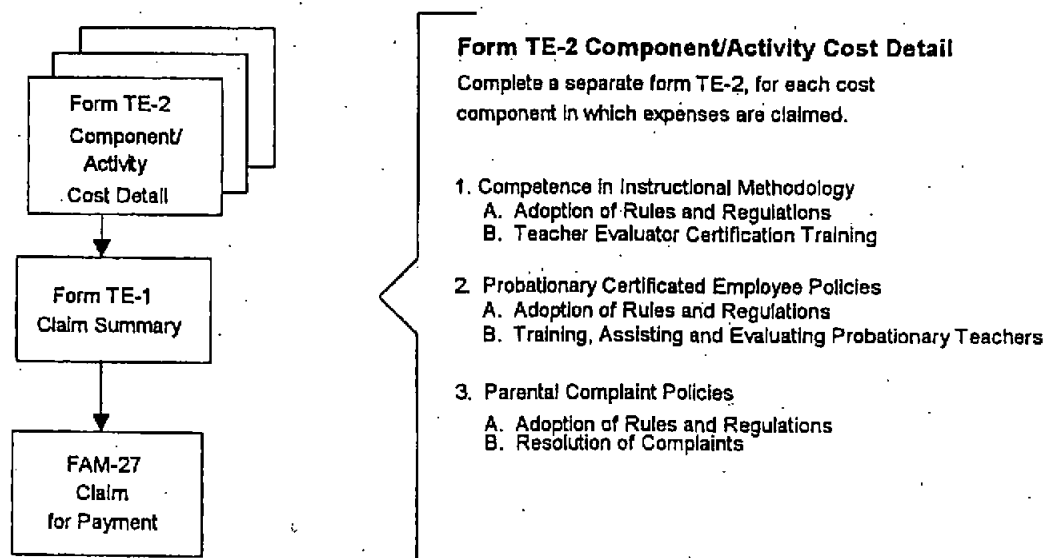
This form is used to summarize direct costs by claim component and compute allowable indirect costs for the mandate. Claim statistics shall identify the work performed for costs claimed.

School districts and local offices of education may compute the amount of indirect costs utilizing the State Department of Education's Annual Program Cost Data Report J-380 or J-580 rate, as applicable. The cost data on this form are carried forward to form FAM-27.

C. Form FAM-27, Claim for Payment

Form FAM-27 contains a certification that must be signed by an authorized representative of the district. All applicable information from form TE-1 must be carried forward to this form for the State Controller's Office to process the claim for payment.

Illustration of Claim Forms



CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence
CLAIM FOR PAYMENT

For State Controller Use only

(19) Program Number 00009

(20) Date Filed _____/_____/_____

(21) Signature Present

L
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(01) Claimant Identification Number:		
(02) Mailing Address		
Claimant Name		
County of Location		
Street Address or P. O. Box		
City	State	Zip Code

Reimbursement Claim Data	
(22) TE-1, (04)(1)(d)	
(23) TE-1, (04)(2)(d)	
(24) TE-1, (04)(3)(d)	
(25) TE-1, (05)(d)	
(26) TE-1, (06)	
(27) TE-1, (11)	
(28)	
(29)	
(30)	
(31)	
(32)	
(33)	
(34)	
(35)	
(36)	
(37)	

Type of Claim	Estimated Claim	Reimbursement Claim
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>
Fiscal Year of Cost	(06) 19____/____	(12) 19____/____
Total Claimed Amount	(07)	(13)
Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)		(14)
Less: Estimate Payment Received		(15)
Net Claimed Amount		(16)
Due from State	(08)	(17)
Due to State		(18)

(38) CERTIFICATION OF CLAIM:

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 through 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimant, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative _____ Date _____

Type or Print Name _____ Title _____
 (39) Name of Contact Person for Claim Telephone Number _____
 _____ () _____ Ext. _____

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE Certification Claim Form Pursuant to Government Code Section 17561	FORM FAM-27
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- (01) Leave blank
- (02) A set of mailing labels with the claimant's I.D. number and address have been enclosed with the claiming instructions. The mailing labels are designed to speed processing and prevent common errors that delay payment. Affix the label provided at the place indicated on form FAM-27. Cross out any errors and print the correct information on the label. Add any missing address items, except county of location and a person's name. If you didn't receive labels, print or type your agency's mailing address.
- (03) If filing an original estimated Claim, enter an " X " in the box on line (03) Estimated.
- (04) If filing an original estimated Claim on behalf of districts within the county, enter an " X " in the box on line (04) Combined.
- (05) If filing an amended claim to an original estimated or combined claim, enter an " X " in the box on line (05) Amended. Leave boxes (03) and (04) blank.
- (06) Enter the current fiscal year in which costs are to be incurred.
- (07) Enter the amount of estimated claim from form TE-1, line (11).
- (08) Enter the same amount as shown on line (07).
- (09) If filing an original reimbursement claim, enter an " X " in the box on line (09) Reimbursement.
- (10) If filing an original reimbursement claim on behalf of districts within the county, enter an " X " in the box on line (10) combined.
- (11) If filing an amended claim to an original reimbursement or combined claim on behalf of districts within the county, enter an " X " in the box on line (11) combined.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim from form TE-1, line (11).
- (14) If a reimbursement claim is filed after November 30 following the fiscal year in which costs were incurred, the claim must be reduced by a late penalty. Enter either the product of multiplying line (13) by the factor 0.10 [10% penalty] or \$1,000, whichever is less.
- (15) If filing a reimbursement claim and have previously filed an estimated claim for the same fiscal year, enter the amount received for the estimated claim, otherwise enter a zero.
- (16) Enter the result of subtracting the sum of line (14) and line (15) from line (13).
- (17) If line (16) Net Claimed Amount is positive, enter that amount on line (17) Due from State.
- (18) If line (16) Net Claimed Amount is negative, enter that amount on line (18) Due to State.
- (22) through (37) for the Reimbursement claim

Bring forward cost information as specified in the left-hand column of lines (22) through (37) for the reimbursement claim [e.g., TE-1, (04)(1)(d), means the information is located on form TE-1, line (04)(1)(d)]. Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, (i.e., no cents). Indirect costs percentage should be shown as a whole number and without the percent symbol (i.e., 7.548% should be shown as 8). The claim cannot be processed for payment unless this data block is correct and complete.

- (38) Read the statement "Certification of Claim". If the statement is true, the claim must be dated, signed by the agency's authorized representative and must include the person's name and title, typed or printed. Claims cannot be paid unless accompanied by a signed certification.
- (39) Enter the name of the person and telephone number that this office should contact if additional information is required.

SUBMIT A SIGNED ORIGINAL AND A COPY OF FORM FAM-27 AND A COPY OF ALL OTHER FORMS AND SUPPORTING DOCUMENTS TO:

*Address, if delivery is by:
U.S. Postal Service*

KATHLEEN CONNELL
 Controller of California
 Division of Accounting and Reporting
 P.O. Box 942850
 Sacramento, CA 94250-5875

*Address, if delivery is by:
Other delivery service*

KATHLEEN CONNELL
 Controller of California
 Division of Accounting and Reporting
 3301 C Street, Suite 500
 Sacramento, CA 95816

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE CLAIM SUMMARY Instructions	FORM TE-1
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- (01) Enter the name of the claimant.
- (02) Type of Claim. Check a box, Reimbursement or Estimated, to identify the type of claim being filed. Enter the fiscal year of costs.
- Form TE-1 must be filed for a reimbursement claim. Do not complete form TE-1 if you are filing an estimated claim and the estimate does not exceed the previous fiscal year's actual costs by more than 10%. Simply enter the amount of the estimated claim on form FAM-27, line (07). However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, form TE-1 must be completed and a statement attached explaining the increased costs. Without this information the high estimated claim will automatically be reduced to 110% of the previous fiscal year's actual costs.
- (03) (a) Answer yes or no.
(b) If yes, explain contract terms or annual retainer.
- (04) Reimbursable Components: For each reimbursable component, enter the totals from form TE-2, line (05) columns (d) and (e) and (f). Total each row.
- (05) Total Direct Costs. Total block (05) columns (a) through (d).
- (06) Indirect Cost Rate. Enter the indirect cost rate from the Department of Education form J-380 or J-580, as applicable, for the fiscal year of the costs.
- (07) Total Indirect Costs. Enter the result of multiplying the difference of Total Direct Costs, line (05)(d) and Contracted Services, line (05)(c) by the Indirect Cost Rate, line (06).
- (08) Total Direct and Indirect Costs. Enter the sum of Total Direct Costs, line (05)(d) and Total Indirect Costs, line (07).
- (09) Less: Offsetting Savings, if applicable. Enter the total savings experienced by the claimant as a direct result of this mandate. Submit a detailed schedule of savings with the claim.
- (10) Less: Other Reimbursements, if applicable. Enter the amount of other reimbursements received from any source (i.e., service fees collected, federal funds, other state funds, etc.) which reimbursed any portion of the mandated cost program. Submit a detailed schedule of the reimbursement sources and amounts.
- (11) Total Claimed Amount. Subtract the sum of Offsetting Savings, line (09), and Other Reimbursements, line (10), from Total Direct and Indirect Costs, line (08). Enter the remainder of this line and carry the amount forward to form FAM-27, line (13) for the Reimbursement Claim.

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE		FORM TE-1	
CLAIM SUMMARY			
Instructions			
(01) Claimant	(02) Type of Claim Reimbursement <input type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 19__ / __	
Claim Statistics			
(03) Professional and Consultant Services Certification			Yes
(a) Is the fee claimed for contracted services, including claims based on annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?			No
(b) If yes, explain.			
Direct Costs		Object Accounts	
(04) Reimbursable Components:	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contracted Services
1. Competence in Instructional Methodology			(d) Total
2. Probationary Certified Employee Policies			
3. Parental Complaint Policies			
(05) Total Direct Costs			
Indirect Costs			
(06) Indirect Cost Rate	[From J-380 or J-580]		%
(07) Total Indirect Costs	[Line (06) x ((line (05)(d) - line (05)(c)))]		
(08) Total Direct and Indirect Costs	[Line (05)(d) + line (07)]		
Cost Reduction			
(09) Less: Offsetting Savings, if applicable			
(10) Less: Other Reimbursements, if applicable			
(11) Total Claimed Amount	[Line (08) - (Line (09) + Line (10))]		

MANDATED COSTS CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL	FORM TE-2
---	----------------------------

(01) Claimant	(02) Fiscal Year Costs Were Incurred
---------------	--------------------------------------

(03) Reimbursable Component: Check only one box per form to identify the component being claimed.

1. Competence in Instructional Methodology
 2. Probationary Certificated Employee Policies
 3. Parental Complaint Policies

(04) Description of Expenses: Complete columns (a) through (f). **Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services

(05) Total	<input type="text"/>	Subtotal	<input type="text"/>	Page: _____ of _____			
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CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL Instructions	FORM TE-2
---	----------------------------

- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Reimbursable Components. Check the box which indicates the cost component being claimed. Check only one box per form. A separate form TE-2 shall be prepared for each component which applies.
- (04) Description of Expenses. The following table identifies the type of information required to support reimbursable costs. To detail costs for the component activity box "checked" in block (03), enter the employee names, position titles, a brief description of their activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, etc. Maximum reimbursable fee for contracted services is \$98.27 per hour for 1995/96 f.y. For audit purposes, all supporting documents must be retained by the claimant for a period of not less than two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

Object/ Subobject Accounts	Columns						Submit these supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	
Salaries	Employee Name	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked			
Benefits	Title Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries			
Materials and Supplies	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Consumed		
Contracted Services	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Itemized Cost of Services Performed	Invoice

- (05) Total line (04), columns (d), (e) and (f) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed for the component/activity, number each page. Enter totals from line (05), columns (d), (e) and (f) to form TE-1, block (04) columns (a), (b) and (c) in the appropriate row.

Exhibit F



S43100

KATHLEEN CONNELL
CONTROLLER OF THE STATE OF CALIFORNIA
DIVISION OF ACCOUNTING AND REPORTING

AUGUST 5, 1998

BOARD OF TRUSTEES
MILPITAS UNIFIED SCHOOL DIST
SANTA CLARA COUNTY
1331 E CALAVERAS BLVD
MILPITAS CA 95035

DEAR CLAIMANT:

RE: CERT TEACHERS EVAL CH 498/83

WE HAVE REVIEWED YOUR 1995/1996 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED	86,495.00
LESS: TOTAL ADJUSTMENTS (DETAIL ON PAGE 2)	- 72,230.00
CLAIM AMOUNT APPROVED	14,265.00
LESS: TOTAL PRIOR PAYMENTS (DETAIL ON PAGE 2)	40,642.00
AMOUNT DUE STATE	\$ 26,377.00

PLEASE REMIT A WARRANT IN THE AMOUNT OF \$ 26,377.00 WITHIN 30 DAYS FROM THE DATE OF THIS LETTER, PAYABLE TO THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875 WITH A COPY OF THIS LETTER. FAILURE TO REMIT THE AMOUNT DUE WILL RESULT IN OUR OFFICE PROCEEDING TO OFFSET THE AMOUNT FROM THE NEXT PAYMENTS DUE TO YOUR AGENCY FOR STATE MANDATED COST PROGRAMS.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT EDUARDO ANTONIO AT (916) 323-0755 OR IN WRITING AT THE ABOVE ADDRESS.

SINCERELY,

JEFF YEE,
MANAGER

LOCAL REIMBURSEMENT SECTION
P.O. BOX 942850 SACRAMENTO, CA 94250-5875

ADJUSTMENT TO CLAIM:		
INDIRECT COSTS OVERSTATED	-	5,182.00
NON-REIMBURSABLE ITEM	-	67,048.00
LESS: TOTAL ADJUSTMENTS		72,230.00
PRIOR PAYMENTS:		
SCHEDULE NO. MA60717A		
PAID 05-15-1997		37,236.00
SCHEDULE NO. MA50716E		
PAID 01-26-1996		3,406.00
LESS: TOTAL PRIOR PAYMENTS		40,642.00

Exhibit G

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number:
S43100

(02) Mailing Address

Claimant Name
MILPITAS UNIFIED SD

County Of Location
SANTA CLARA

Street Address or P.O. Box
1331 EAST CALAVARAS BLVD.

City State Zip Code
MILPITAS CA 95305

Reimbursement Claim Data

(22) TE-1,(04)(1)(d) 1,097

(23) TE-2,(04)(2)(d) 72,337

(24) TE-1,(04)(3)(d) 6,855

(25) TE-1,(05)(d) 80,289

(26) TE-1,(06) 7,7300

(27) TE-1,(11) 86,495

(28)

(29)

(30)

(31)

(32) ~~86,495~~
26,377

(33)

(34)

(35)

(36)

(37)

Type of Claim Estimated Claim Reimbursement Claim

(03) Estimated

(09) Reimbursement

(04) Combined

(10) Combined

(05) Amended

(11) Amended

Fiscal Year of Cost (06) 19 ___ / ___ (12) 19 95 / 96

Total Claimed Amount (07) (13) \$ 86,495
- 26,377

Less: 10% Late Penalty, but not to Exceed \$1,000 (if applicable) (14)

Less: Estimate Payment Received (15) \$ 3,496
40,642

Net Claimed Amount (16) \$ 26,377
83,089

Due From State (08) (17) \$ 83,089

Due to State (18) 26,377

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative
Barbara M Santos
BARBARA SANTOS

Date
11-28-96
EXECUTIVE DIRECTOR, BUSINESS

Type or Print Name
(39) Name of Contact Person For Claim
Steve Smith, Mandated Cost Systems

Title
Telephone Number
916-487-4435
Ext.

MANDATED COSTS

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY**

**FORM
TE-1**

(1) Claimant:

S43100
MILPITAS UNIFIED SD

(02) Type of Claim:

Reimbursement
Estimated

Fiscal Year:

19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:

a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?

Yes No

X

b. If yes, explain.

Direct Costs

Cost Elements

4) Reimbursable Components:

- 1. Certification of Teacher Evaluators
- 2. Probationary Certified Employee Policies
- 3. Parental Complaint Policies

(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
1,097	0	0	1,097
72,337	0	0	72,337
6,855	0	0	6,855
80,289	0	0	80,289

(05) Total Direct Costs

9994-67048

80,289
13241

Indirect Costs

(06) Indirect Cost Rate J-380 or J-580, as applicable 7.7300 %

(07) Indirect Costs {(Line (05)(d) - line (05)(c)) x line (06)} 9920-5182 - 6,206 - 1024

(08) Total Costs: [Line (05)(d) + line (07)] 86,495 - 14265

Cost Reduction

(09) Less: Offsetting Savings, if applicable

(10) Less: Other Reimbursements, if applicable

(11) Total Claimed Amount: (Line(08) - [Line(09) + line(10)])

86,495
14265

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: MILPITAS UNIFIED SD

(02) Fiscal Year costs were incurred: 95-96

- (03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING					
DELL, P/COORDINATOR-HR.	56.75	5.00	284		
DOI K/PRINCIPAL	43.69	3.00	131		
MARTINEZ K/ASSIST PRINCIPAL	33.23	3.00	100		
MULHOLLAND M/PRINCIPAL	49.25	3.00	148		
SAKAMAKI H/ASST SUPT	55.43	3.00	166		
SCHLAFF K/ASSIST PRINCIPAL	49.97	3.00	150		
WERNICK, L/VICE PRINCIPAL	39.30	3.00	118		

(05) Total Subtotal

Page: 1 of 1

\$ 1,097 0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: MILPITAS UNIFIED SD (02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f). Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
BAKEN A/TEACHER	32.49	1.00	32		
BALLINGER K/TEACHER	46.66	2.25	105		
BARRIOS M/TEACHER	26.40	1.00	26		
BEUHLER R/TEACHER	33.35	1.00	33		
BIELSKER, L/ TEACHER	32.48	16.00	520		
BLANK J/TEACHER	32.53	15.08	490		
BLOUNT, L/ TEACHER	33.13	4.00	132		
BLUM, M/TEACHER	36.23	18.00	652		
BLYE D/TEACHER	34.12	3.00	102		
BOKEN A/TEACHER	31.72	18.67	592		
BOLLINGER K/TEACHER	32.52	28.83	937		
BUEHLER R/TEACHER	43.17	3.25	140		
BURNS A/TEACHER	31.07	23.50	731		
CAIN G/TEACHER	57.51	3.00	173		
CANE J/TEACHER	28.33	8.50	241		
CARROLL S/TEACHER	32.44	29.00	941		
CASTRO F/TEACHER	33.13	7.00	232		
CHI J/TEACHER	31.07	17.34	538		
CORNEEN K/TEACHER	31.15	17.00	529		
DANIEL E/TEACHER	31.07	9.50	295		
DENMERT S/TEACHER	33.50	14.25	479		
DYBAS, E/ TEACHER	33.63	3.25	110		
ELBAG, J/TEACHER	30.91	6.75	208		
ELIZONDO A/TEACHER	33.13	2.00	66		
EVANS P.D./TEACHER	22.60	22.00	497		
EVANS P/TEACHER	55.08	1.00	55		
FAITH, B/ TEACHER	33.35	5.00	166		
FERNANDEZ P/TEACHER	33.50	1.00	34		
FORTE G/ASST. PRINCIPAL	41.28	85.00	3508		
FOSSUM R/TEACHER	56.34	44.50	2507		
GALLAGHER-MURRAY/TEACHER	33.50	58.58	1963		
GARCIA R/TEACHER	54.29	10.50	570		

(05) Total Subtotal Page: 1 of 1 \$ 17,604 0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: MILPITAS UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
GIBSON K/TEACHER	34.21	29.00	992		
GOINS S/TEACHER	41.87	9.33	390		
GRAY, T/TEACHER	41.87	1.00	42		
GRAY-VAN ORDEN, T/ TEACHER	31.94	3.00	96		
GUFFEY, T/TEACHER	46.66	1.00	47		
HARWOOD, M/TEACHER	52.82	128.00	6762		
HED D/TEACHER	31.07	7.50	233		
HEISENGER, D/TEACHER	34.44	10.17	350		
HIGUERA Y/TEACHER	52.33	4.00	210		
HOLDER, S/TEACHER	32.52	6.09	198		
IBARRA S/TEACHER	33.19	22.50	747		
JERDES V/TEACHER	32.75	10.00	328		
KAY J/TEACHER	33.50	4.00	134		
KINCHEN M/TEACHER	33.13	14.50	480		
LE LAM/TEACHER	38.56	9.50	366		
LEWIS J/TEACHER	36.18	5.00	181		
LEWIS K/TEACHER	27.98	4.33	121		
LEWIS M/TEACHER	29.58	3.00	89		
LIMA G/TEACHER	28.74	9.33	268		
LOMAX, A/ TEACHER	33.50	29.00	972		
LYNES, A/TEACHER	32.52	13.00	423		
MARION K/TEACHER	35.62	7.00	249		
MARTINEZ K/ASSIST PRINCIPAL	33.23	4.50	149		
MAYFIELD S/TEACHER	58.20	15.00	873		
MCGILVERY, M/TEACHER	33.13	5.00	165		
MCMULLEN, D/ TEACHER	38.58	4.00	155		
MCMURRAY, C/TEACHER	31.94	10.00	319		
MILLIGAN S/TEACHER	33.50	57.50	1928		
MOMII, M/ TEACHER	32.98	9.33	307		
NELSON J/TEACHER	28.76	63.00	1811		
O'BRIEN, M/TEACHER	34.98	6.00	210		
O'NEAL, D/TEACHER	37.86	1.17	44		
OKUDA S/ADMIN ASSIST	35.79	43.50	1557		

(05) Total Subtotal

Page: 1 of 1 \$ 21,196 0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: MILPITAS UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

- (03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
OYAMA, J/TEACHER	31.07	6.08	188		
PANCOAST, M/TEACHER	33.50	4.25	143		
PEACOCK S/TEACHER	27.48	1.00	27		
PELZNER-ELIZONDO, A/TEACHER	33.43	1.00	33		
PINES, L/ TEACHER	43.17	8.00	345		
PIZZO C/TEACHER	52.57	34.16	1796		
ROBERTS, J/ TEACHER	32.24	4.00	129		
SCHLAFF K/ASSIST PRINCIPAL	49.97	1.50	75		
SIMMONS L/TEACHER	31.07	9.33	290		
SMITH MONA/TEACHER	61.10	29.00	1772		
SPISAK, R/TEACHER	35.62	6.50	232		
TEACHER STIPENDS 917.			23612		
THEISS-GUFFEY, J/TEACHER	45.29	8.00	362		
TICO E/TEACHER	30.68	12.50	383		
TING, G/TEACHER	35.25	3.50	124		
TRITES, C/TEACHER	33.40	8.08	270		
VAN ORDEN T/TEACHER	31.07	2.50	78		
VARGAS C/TEACHER	32.12	1.00	32		
WEIS C/TEACHER	44.53	9.00	401		
WHITEHEAD S/TEACHER	32.12	9.00	289		
WONG P/TEACHER	57.33	29.00	1663		
YEARGAN M/TEACHER	28.74	13.00	374		
YODER J/TEACHER	32.12	5.25	168		
ZEISING K/TEACHER	33.35	22.50	751		

(05) Total Subtotal

Page: 1 of 1

5289
33,557

0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: MILPITAS UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
ACEVES, L/PRINCIPAL	50.61	4.00	203		
ALLEN, L/PRINCIPAL	50.39	12.00	605		
BLEDSON, J/SECRETARY	19.71	0.83	16		
DOI K/PRINCIPAL	43.69	14.59	638		
JAMES, B/PRINCIPAL	51.72	2.33	121		
MARTINEZ K/ASSIST PRINCIPAL	33.23	4.50	149		
MULHOLLAND M/PRINCIPAL	49.25	10.92	538		
PEROTTI, C/EXEC. DIR. OF OPER.	66.47	6.49	431		
PETERSEN, D/SECTY	20.28	0.25	5		
QUEENAN G/TEACHER	57.35	28.00	1606		
SCHADECK, M/PRINCIPAL	51.05	25.92	1322		
SCHLAFF K/ASSIST PRINCIPAL	49.97	7.58	379		
WERNICK, L/VICE PRINCIPAL	39.30	21.42	842		

(05) Total Subtotal

Page: 1 of 1

\$ 6,855 0 0

Exhibit H

March 16, 1999

Jeff Yee
Manager, Local Reimbursement Section
Division of Accounting and Reporting
State Controller's Office
P.O. Box 942850
Sacramento, CA 94250-5875

RE: **Reconsideration Request (CTE 98-45)**

Dear Mr. Yee:

The Milpitas Unified School District, Claimant ID S43100 received a letter dated August 5, 1998 that disallowed costs on its 1995/96 Certification of Teacher Evaluator's Demonstrated Competence Chapter 498/83 claim as follows:

1)	Training Time for Non-probationary Teachers	\$ 15,428
2A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$ 31,366
2B)	Additional Training Time for 1 st & 2 nd year Probationary Teachers	\$ 25,030
3)	Teacher Stipends	\$ 25,437
	Total	\$ 72,230

On August 31, 1998 one of my staff met with Eduardo Antonio to obtain the composition of this adjustment and to copy the work papers used in reviewing this claim.

Issue #1 - Training Time for Non-probationary Teachers (Trainers) Disallowed:

District personnel with the assigned responsibility to train and assist probationary teachers were disallowed. The State Controller's Office Claiming Instructions for this program states that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, (not including the site principal, ... used to train, assist or evaluate probationary teachers are reimbursable."

In reviewing the work papers provided by your office, it is clear that salary and benefits of employees that were used to train and assist probationary teachers were disallowed. It appears that all teachers listed on the claim were assumed to be probationary teachers. In addition, our office has no record of receiving a request for additional information on this claim.

These employees are identified on the attached claim with a "T". These costs should be reinstated.

Issue #2 A & B - Probationary Teacher Time Disallowed:

The Claiming Instructions and Parameters & Guidelines are silent on whether the time spent by probationary teachers is reimbursable. We feel strongly that these are legitimate costs of the mandate and that they are reimbursable. The State Controller's Office Claiming Instructions state that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable".

A) The time spent by probationary teachers receiving additional training and assistance would be included as a cost of training, assisting and evaluating probationary teachers.

B) In addition, the district requires its first year probationary teachers (P1) to work an extra 2 days (12 hours) and four, 2 hour afterschool trainings. Second year probationary teachers (P2) are required to work an extra day (6 hours) and six, 2 hour afterschool trainings. Permanent teachers work a 184 day work year, first year probationary teachers (P1) work a 186 day work year and second year probationary teachers (P2) work a 185 day work year. These training sessions exceed what is provided to permanent teachers and there are costs incurred by the district.

There is an identifiable increased cost to the school district for these days worked by probationary teachers and these extra days worked are specifically attributable to the mandate of probationary teacher training. Recent rulings by the Commission on State Mandates on test claims that involve teacher training costs have indicated that if the district incurs an increased cost of some kind (i.e. substitutes, stipends, overtime pay or an extended work year) then this identifiable increased cost would be reimbursable.

The probationary teachers are identified on the attached claim with a "P1" for 1st year teachers or "P2" for 2nd year teachers.

Issue #3 - Teacher Stipends:

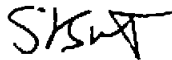
We have also attached the salary schedule hourly rate (\$25.43) and monthly employee time records to support the additional \$25,436 claimed for trainer and probationary teacher stipends. Please note that the stipends were paid out of "fund 10," the general fund. Also note that employee time records indicate that their assignment is for "new teacher training." Per Paul Couchi, Mentor Teacher Director, this consisted of after school training workshops and new teacher orientations attended by trainers and probationary teachers on various dates, which are listed on the time records. These training sessions were held at the elementary, middle and high schools. Therefore, these stipends paid for the hours worked above and beyond what was required of permanent teachers.

Conclusion:

Based on the additional information and clarifications listed above, I request that **\$72,230 in incorrectly reduced costs be reinstated.** Please notify me within four weeks (April 13, 1999) of the State Controller's Office's decision on this matter. In the absence of a response within four weeks, we will assume that you intend to stand by this adjustment and not reinstate these costs.

If you have any questions or need any additional information, please contact me at (916) 487-4435.

Sincerely,



Steve Smith
President
Mandated Cost Systems, Inc.

SS/JL

Enclosures

cc: Barbara Santos, Tom Gray
Milpitas Unified School District

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

(01) Claimant Identification Number: 843100

(02) Mailing Address

Claimant Name: MILPITAS UNIFIED SD

County Of Location: SANTA CLARA

Street Address or P.O. Box: 1331 EAST CALAVARAS BLVD.

City: MILPITAS State: CA Zip Code: 95305

Reimbursement Claim Data

(22) TE-1,(04)(1)(d) 1,097

(23) TE-2,(04)(2)(d) 72,337

(24) TE-1,(04)(3)(d) 6,855

(25) TE-1,(05)(d) 80,289

(26) TE-1,(06) 7,7300

(27) TE-1,(11) 86,495

(28)

(29)

(30)

(31)

(32) \$ 86,495

(33)

(34) \$ 3,406

(35) \$ 26,377

(36) \$ 83,089

(37) 26377

Type of Claim	Estimated Claim	Reimbursement Claim
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>

Fiscal Year of Cost (06) 19 ___ / ___ (12) 19 95 / 96 (31)

Total Claimed Amount (07) (13) \$ 86,495

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable) (14)

Less: Estimate Payment Received (15) \$ 3,406

Net Claimed Amount (16) \$ 26,377

Due From State (08) (17) \$ 83,089

Due to State (18) 26377

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative: Barbara Santos

Date: 11-28-96

BARBARA SANTOS

EXECUTIVE DIRECTOR, BUSINESS

Type or Print Name

Title

(39) Name of Contact Person For Claim: Steve Smith, Mandated Cost Systems

Telephone Number: 916-487-4435

Ext.

MANDATED COSTS

**FORM
TE-1**

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY**

(1) Claimant:
S43100
MILPITAS UNIFIED SD

(02) Type of Claim: Reimbursement Estimated
Fiscal Year: 19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:

	Yes	No
a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?		X
b. If yes, explain.		

Direct Costs	Cost Elements			
	(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
4) Reimbursable Components:				
1. Certification of Teacher Evaluators	1,097	0	0	1,097
2. Probationary Certified Employee Policies	72,337	0	0	72,337
3. Parental Complaint Policies	6,855	0	0	6,855
(05) Total Direct Costs	80,289	0	0	80,289
	9994-67048			13241

Indirect Costs		
(06) Indirect Cost Rate	J-380 or J-580, as applicable	7.7300 %
(07) Indirect Costs	{[Line (05)(d) - line (05)(c)] x line (06)}	9920 - 5182 = 1024
(08) Total Costs:	{Line (05)(d) + line (07)}	86,495
		14265

Cost Reduction		
(09) Less: Offsetting Savings, if applicable		
(10) Less: Other Reimbursements, if applicable		
(11) Total Claimed Amount:	{Line(08) - [Line(09) + line(10)]}	86,495
		14265

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: MILPITAS UNIFIED SD

(02) Fiscal Year costs were incurred: 95-96

- (03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING					
DELL, P/COORDINATOR-HR	56.75	5.00	284		
DOI K/PRINCIPAL	43.69	3.00	131		
MARTINEZ K/ASSIST PRINCIPAL	33.23	3.00	100		
MULHOLLAND M/PRINCIPAL	49.25	3.00	148		
SAKAMAKI H/ASST SUPT	55.43	3.00	166		
SCHLAFF K/ASSIST PRINCIPAL	49.97	3.00	150		
WERNICK, L/VICE PRINCIPAL	39.30	3.00	118		
(05) Total <input checked="" type="checkbox"/>	Subtotal <input type="checkbox"/>	Page: 1 of 1	5 1,097	0	0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: MILPITAS UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
P1 BAKEN A/TEACHER	32.49	1.00	32	32	
P1 BALLINGER K/TEACHER	46.66	2.25	105	105	
P1 BARRIOS M/TEACHER	26.40	1.00	26	26	
P1 BEUHLER R/TEACHER	33.35	1.00	33	33	
P2 BIELSKER, L/ TEACHER	32.48	16.00	520	520	
P1 BLANK J/TEACHER	32.53	15.08	490	490	
P2 BLOUNT, L/ TEACHER	33.13	4.00	132	132	
P2 BLUM, M/TEACHER	36.23	18.00	652	652	
P1 BLYE D/TEACHER	34.12	3.00	102	102	
P1 BOKEN A/TEACHER	31.72	18.67	592	592	
P1 BOLLINGER K/TEACHER	32.52	28.83	937	630	
P1 BUEHLER R/TEACHER	43.17	3.25	140	140	
P1 BURNS A/TEACHER	31.07	23.50	731	621	
P1 CAIN G/TEACHER	57.51	3.00	173	173	
P1 CANE J/TEACHER	28.33	8.50	241	241	
P1 CARROLL S/TEACHER	32.44	29.00	941	649	
P1 CASTRO F/TEACHER	33.13	7.00	232	232	
P1 CHI J/TEACHER	31.07	17.34	538	538	
P1 CORNEEN K/TEACHER	31.15	17.00	529	529	
P1 DANIEL E/TEACHER	31.07	9.50	295	295	
P1 DEMMERT S/TEACHER	33.50	14.25	479	479	
P2 DYBAS, E/ TEACHER	33.63	3.25	110	110	
P2 ELBAG, J/TEACHER	30.91	6.75	208	208	
P1 ELIZONDO A/TEACHER	33.13	2.00	66	66	
P1 EVANS P.D./TEACHER	22.60	22.00	497	452	
P2 EVANS P/TEACHER	55.08	1.00	55	55	
P2 FAITH, B/ TEACHER	33.35	5.00	166	166	
P1 FERNANDEZ P/TEACHER	33.50	1.00	34	34	
FORTE G/ASST. PRINCIPAL	41.28	85.00	3508		
T FOSSUM R/TEACHER	56.34	44.50	2507		
P1 GALLAGHER-MURRAY/TEACHER	33.50	58.58	1963	670	
P1 GARCIA R/TEACHER	54.29	10.50	570	570	

(05) Total Subtotal

Page: 1 of 1

\$ 17,604 0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: MILPITAS UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
P1 GIBSON K/TEACHER	34.21	29.00	992	684	
P1 GOINS S/TEACHER	41.87	9.33	390	390	
P2 GRAY, T/TEACHER	41.87	1.00	42	42	
P2 GRAY-VAN ORDEN, T/ TEACHER	31.94	3.00	96	96	
P2 GUFFEY, T/TEACHER	46.66	1.00	47	47	
T HARWOOD, M/TEACHER	52.82	128.00	6762		
P1 HED D/TEACHER	31.07	7.50	233	233	
P2 HEISENGER, D/TEACHER	34.44	10.17	350	350	
O1 HIGUERA Y/TEACHER	52.33	4.00	210	210	
P2 HOLDER, S/TEACHER	32.52	6.09	198	198	
P1 IBARRA S/TEACHER	33.19	22.50	747	684	
P1 JERDES V/TEACHER	32.75	10.00	328	328	
P1 KAY J/TEACHER	33.50	4.00	134	134	
P1 KINCHEN M/TEACHER	33.13	14.50	480	480	
P1 LE LAM/TEACHER	38.56	9.50	366	366	
P1 LEWIS J/TEACHER	36.18	5.00	181	181	
P1 LEWIS K/TEACHER	27.98	4.33	121	121	
P1 LEWIS M/TEACHER	29.58	3.00	89	89	
P1 LIMA G/TEACHER	28.74	9.33	268	268	
P2 LOMAX, A/ TEACHER	33.50	29.00	972	603	
P2 LYNES, A/TEACHER	32.52	13.00	423	423	
P1 MARION K/TEACHER	35.62	7.00	249	249	
MARTINEZ K/ASSIST PRINCIPAL	33.23	4.50	149		
T MAYFIELD S/TEACHER	58.20	15.00	873		
P2 MCGILVERY, M/TEACHER	33.13	5.00	165	165	
P2 MCMULLEN, D/ TEACHER	38.58	4.00	155	155	
P2 MCMURRAY, C/TEACHER	31.94	10.00	319	319	
P1 MILLIGAN S/TEACHER	33.50	57.50	1928	670	
P2 MOMII, M/ TEACHER	32.98	9.33	307	307	
P1 NELSON J/TEACHER	28.76	63.00	1811	575	
T O'BRIEN, M/TEACHER	34.98	6.00	210		
P2 O'NEAL, D/TEACHER	37.86	1.17	44	44	
OKUDA S/ADMIN ASSIST	35.79	43.50	1557		

(05) Total Subtotal

Page: 1 of 1

24,196

0

0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: MILPITAS UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
P2 OYAMA, J/TEACHER	31.07	6.08	188	188	
P2 PANCOAST, M/TEACHER	33.50	4.25	143	143	
P1 PEACOCK S/TEACHER	27.48	1.00	27	27	
P2 PELZNER-ELIZONDO, A/TEACHER	33.43	1.00	33	33	
P2 PINES, L/ TEACHER	43.17	8.00	345	345	
T PIZZO C/TEACHER	52.57	34.16	1796		
P2 ROBERTS, J/ TEACHER	32.24	4.00	129	129	
SCHLAFF K/ASSIST PRINCIPAL	49.97	1.50	75		
P1 SIMMONS L/TEACHER	31.07	9.33	290	290	
T SMITH MONA/TEACHER	61.10	29.00	1772		
P2 SPISAK, R/TEACHER	35.62	6.50	232	232	
TEACHER STIPENDS P.T.			23612		
P2 THEISS-GUFFEY, J/TEACHER	45.29	8.00	362	362	
P1 TICO E/TEACHER	30.68	12.50	383	383	
P1 TING, G/TEACHER	35.25	3.50	124	124	
P2 TRITES, C/TEACHER	33.40	8.08	270	270	
P1 VAN ORDEN T/TEACHER	31.07	2.50	78	78	
P1 VARGAS C/TEACHER	32.12	1.00	32	32	
T WEIS C/TEACHER	44.53	9.00	401		
P1 WHITEHEAD S/TEACHER	32.12	9.00	289	289	
P1 WONG P/TEACHER	57.33	29.00	1663	1147	
P1 YEARGAN M/TEACHER	28.74	13.00	374	374	
P1 YODER J/TEACHER	32.12	5.25	168	168	
P1 ZEISING K/TEACHER	33.35	22.50	751	607	

5289

(05) Total Subtotal

Page: 1 of 1

\$ 33,537 0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: MILPITAS UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
ACEVES, L/PRINCIPAL	50.61	4.00	203		
ALLEN, L/PRINCIPAL	50.39	12.00	605		
BLEDSON, J/SECRETARY	19.71	0.83	16		
DOI K/PRINCIPAL	43.69	14.59	638		
JAMES, B/PRINCIPAL	51.72	2.33	121		
MARTINEZ K/ASSIST PRINCIPAL	33.23	4.50	149		
MULHOLLAND M/PRINCIPAL	49.25	10.92	538		
PEROTTI, C/EXEC. DIR. OF OPER.	66.47	6.49	431		
PETERSEN, D/SECTY	20.28	0.25	5		
QUEENAN G/TEACHER	57.35	28.00	1606		
SCHADECK, M/PRINCIPAL	51.05	25.92	1322		
SCHLAFF K/ASSIST PRINCIPAL	49.97	7.58	379		
WERNICK, L/VICE PRINCIPAL	39.30	21.42	842		
(05) Total <input checked="" type="checkbox"/>	Subtotal <input type="checkbox"/>		\$ 6,855	0	0

Issue 1

5,500. +
2,507. +
3,752. +
149. +
873. +
210. +
1,557. +
1,795. +
75. +
1,772. +
401. +
19,610. *†
0. +
19,610. +
5,230. -
14,321. *†
4,321. X
7.73 Z
1,107.0133 *†
4,321. *
4,321. +
1,107. *
002
Total 13,423. *†

Non-
trainers
time

Issue 2

Total A+B

32. +
105. +
26. +
33. +
520. +
490. +
132. +
652. +
102. +
592. +
937. +
140. +
731. +
173. +
241. +
941. +
232. +
538. +
529. +
295. +
479. +
110. +
208. +
66. +
497. +
55. +
156. +
751. +
29,115. *†
29,115. X
7.73 Z
2,251.0095 *†
29,115. *
29,115. +
2,251. +
281
Total 31,355. *†

Prob
(P1 + P2)
teacher
time

Issue 2B

32. +
105. +
26. +
33. +
490. +
102. +
392. +
350. +
140. +
621. +
173. +
241. +
649. +
232. +
538. +
529. +
295. +
479. +
66. +
452. +
34. +
002
Total 18,249. *†

P1 additional
training
time
no

Issue 3

23,612. X
7.73 Z
1,825.2076 *†
23,612. *
23,612. +
1,825. +
002
Total 25,437. *†

29,115. X
7.73 Z
2,251.0095 *†
29,115. *
29,115. +
2,251. +
281
Total 31,355. *†

Indirect
costs

520. +
132. +
652. +
110. +
208. +
55. +
166. +
42. +
96. +
47. +
350. +
198. +
303. +
423. +
16. +
002
Total 3,731. *†

P2
additional
training
time

Exhibit I



KATHLEEN CONNELL
 Controller of the State of California

April 30, 1999

Mr. Steve Smith
 President
 Mandated Cost Systems, Inc.
 2275 Watt Avenue, Suite C
 Sacramento, CA 95825

Dear Mr. Smith:

RE: NOTICE OF CLAIM ADJUSTMENT
 MILPITAS UNIFIED SCHOOL DISTRICT
 CHAPTER 498/83 CERTIFICATION OF TEACHER EVALUATORS
 FISCAL YEAR 1995-1996

This is in reply to your letter dated March 16, 1999 regarding the above claim for reimbursement of mandated cost program. The result of our review is as follows:

Amount Claimed		\$112,872
Adjustment to Claim:		
<i>Probationary Certificated Employee Policies</i>		
The amount of \$52,727 for salaries and benefits of probationary teachers in training is disallowed.	-\$52,727	
Parameters and guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities.		
Sub-total on Adjustment for Direct Costs		-\$52,727
Adjustment of Indirect Costs	(\$6,206-\$2,131)	-4,075
Total Adjustment for Claim		<u>-\$56,802</u>
Approved Claim		\$56,070
Less: Prior Payment of 1/26/96 & 5/15/97		<u>-40,642</u>
Amount Due Claimant		<u><u>\$15,428</u></u>

SACRAMENTO 3301 C Street, Suite 501, Sacramento, CA 95816 (916) 445-8717
 Mailing Address: P.O. Box 942850, Sacramento, CA 94250

CTE98-45

April 30, 1999

If you have any questions, please contact Eduardo Antonio at (916) 323-0755 or in writing at the State Controller's Office, Attn: Local Reimbursements Section, Division of Accounting and Reporting, P.O. Box 942850, Sacramento, CA 94250-5875.

Sincerely,



JEFF YEE, Manager
Local Reimbursements Section

JY:ea

cc: Barbara Santos, Milpitas Unified School Dist.
Tom Gray, Milpitas Unified School Dist.

State of California
COMMISSION ON STATE MANDATES
980 Ninth Street, Suite 300
SACRAMENTO, CA 95814
(916) 323-3562
CSM 2 (2/91)

EXHIBIT A,
TAB 4

For Official Use Only	
RECEIVED	
NOV 09 2001	
COMMISSION ON STATE MANDATES	
Claim No.	01-4436-I-44

INCORRECT REDUCTION CLAIM FORM

Local Agency or School District Submitting Claim

DEL MAR UNION SCHOOL DISTRICT, CLAIMANT ID# S37050

Contact Person
Steve Smith, Mandated Cost Systems, Inc.

Telephone No.
(916) 487-4435

Address

**225 NINTH STREET
DEL MAR, CA 92014**

Representative Organization to be Notified
**Mandated Cost Systems, Inc.
2275 Watt Avenue Suite C
Sacramento, CA 95825
(916) 487-4435**

This claim alleges an incorrect reduction of a reimbursement claim filed with the State Controller's Office pursuant to section 17561 of the Government Code. This incorrect reduction claim is filed pursuant to section 17551(b) of the Government Code.

CLAIM IDENTIFICATION: Specify Statute or Executive Order

Certification of Teacher Evaluator's Demonstrated Competence Chapter 498, Statutes of 1983, Education Code Section 35160.5

<u>Fiscal Year*</u>	<u>Amount of the Incorrect Reduction</u>
1995/96	\$31,438

*More than one fiscal year may be claimed.

IMPORTANT: PLEASE SEE INSTRUCTION AND FILING REQUIREMENTS FOR COMPLETING AN INCORRECT REDUCTION CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative

Telephone No.

Steve Smith, Mandated Cost Systems, Inc.

(916) 487-4435

Signature of Authorized Representative

Date

Steve Smith

11/9/01

Incorrect Reduction Claim

Del Mar Union School District, Claimant ID# S37050
Certification of Teacher Evaluators' Demonstrated Competence
Chapter 498, Statutes of 1983
COSM No. SB90-4136
1995/96 Fiscal Year

I. Brief Description of the Disallowed Costs:

The Del Mar Union School District (hereinafter "District" or "Claimant") filed a claim for reimbursement under the Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program (Chapter 498, Statutes of 1983; COSM No. SB90-4136) for fiscal year 1995/96. By letter dated October 16, 2001, the State Controller (SCO) disallowed \$31,438 of costs for training probationary teachers and associated indirect costs claimed under the Probationary Certificated Policies component of this program. The State Controller has taken the position that the parameters and guidelines "do not provide reimbursement for probationary teacher training costs." Claimant argues, as further outlined below, that the Controller incorrectly reduced its claim because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

II. The Mandate:

Chapter 498, Statutes of 1983 added section 35160.5 to the Education Code (See Exhibit "A"). Section 35160.5 required school districts, as a condition for receipt of school apportionments, to adopt rules and regulations establishing policies regarding:

- a. The certification of the demonstrated competence of administrators who would be conducting teacher evaluations;
- b. Assurances that probationary teachers will have their needs for training, assistance, and evaluations recognized and met by the district; and
- c. Filing of parent complaints regarding district employees.

On September 20, 1984, the San Jose Unified School District filed a test claim with the Board of Control alleging that Chapter 498/83 imposed reimbursable state mandated costs. On September 26, 1985, the Commission on State Mandates approved the test claim and on October 24, 1985, adopted its Statement of Decision (See Exhibit "B"). Parameters and guidelines for this program were originally adopted on April 24, 1986 (See Exhibit "C"). These parameters and guidelines were subsequently amended on January 24, 1991 (See Exhibit "D"). The Education Trailer Bill to the Budget Act of 1996, effective July 22, 1996, (Chapter 204, Statutes of 1996) repealed this mandate effective with the 1996/97 fiscal year. The State Controller's Office Claiming Instructions in effect for the 1995/96 claim year are attached (See Exhibit "E").

III. The District's Claim, State Controller's Review and Reconsideration

The filing deadline with the State Controller's Office for 1995/96 Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program was November 30, 1996. The late filing deadline (with requisite 10% penalty not to exceed \$1,000) was December 1, 1997. The District submitted its 1995/96 claim within the annual filing period. The District claimed costs under the three reimbursable components plus associated indirect costs of totaling \$73,349.

In a letter dated August 5, 1998, SCO denied \$66,877 in claimed costs (See Exhibit "F"). Due to the second page of the adjustment letter not being available, a copy of the SCO working papers was obtained in order to determine the specific claim line items that were disallowed (See Exhibit "G"). According to the SCO working papers, the reimbursable components adjusted, including indirect costs, were:

Probationary Certificated Employee Policies	\$ 66,152
Contracted Services	\$ 725

On March 29, 1999, Mandated Cost Systems, Inc., representing the District submitted a letter to SCO requesting reconsideration and reinstatement of all disallowed costs (See Exhibit "H").

On April 27, 1999, SCO completed its reconsideration of its claim adjustments and issued an adjustment letter which reinstated \$16,947 for incorrectly disallowed teacher trainers and contracted services. SCO did not reinstate any costs for probationary teacher's time when receiving training (See Exhibit "I"). Mandated Cost Systems, Inc., discovered a \$13,404 calculation error on behalf of SCO in their April 27, 1999, adjustment letter. On October 12, 2001, Mandated Cost Systems, Inc., addressed this error in a letter to the SCO and requested an additional \$13,404 in non-probationary teacher costs be reinstated that were originally requested in our March 29, 1999, letter (See Exhibit "J"). On October 16, 2001, SCO completed its reconsideration of the October 12, 2001, letter and issued a final adjustment letter which reinstated an additional \$13,404 for incorrectly disallowed teacher trainers and contracted services (See Exhibit "K").

IV. The Issue in Dispute:

The specific issue being disputed deals with the following question:

Is the cost of probationary teachers receiving the mandated additional training a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program?

V. Claimant's Position

Claimant argues, as further outlined below, the cost of probationary teachers receiving the mandated additional training is a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

It should be noted that the SCO disallowed probationary teacher training costs claiming the "parameters and guidelines do not provide for reimbursement" of these costs. The SCO is not claiming that these costs are excessive or unreasonable under Government Code section 17561(d). Therefore, the only issue before the COSM is whether the parameter and guidelines "provide for reimbursement" for the cost of probationary teacher training costs.

VI. The State Controller's Position

By letter dated April 27, 1999, the Controller has disallowed the cost of probationary teachers receiving the mandated additional training stating that:

"The amount of \$42,360 for salaries and benefits of probationary teachers in training is disallowed. Parameters and guidelines do not provide for reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities."

As previously noted in "Section III", paragraph four, of this Incorrect Reduction claim, a final letter was issued by the Controller dated October 16, 2001, indicating the correct calculation adjustment at \$31,438.

VII. Parameters and Guidelines and Claiming Instructions

A. The Parameters and Guidelines

Section V (Reimbursable Costs) of the parameters and guidelines for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education.

* * *

Registration fees and travel costs of probationary teachers attending training activities.

* * *

Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teacher's classrooms to observe teaching techniques (limited to three such visitations per semester).

B. The Claiming Instructions

Section 5 (Reimbursable Components) of the claiming instructions for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist and evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available with the school district or county office, is reimbursable. Registration fees, travel costs, and the cost of substitute teachers provided so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester."

VIII. Claimant's Analysis

The District's claim for costs attributable to probationary teacher training can be broken down into two types of costs. "Category A" costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. "Category B" costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83.

A. Argument for Reimbursing Category A Probationary Teacher Costs

In its March 29, 1999, reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category A totaling \$28,855 should be reinstated.

Category A costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. The parameters and guidelines clearly and explicitly allow for these costs when they provide as reimbursable costs those "costs of training probationary teachers, over and above that provided to permanent teachers, are reimbursable." The COSM should be guided by the common rule of interpretation which provides that where express provisions of a rule are clear and unambiguous the explicit meaning of those provisions, interpreted in their ordinary and popular sense, controls the interpretation. (See, *Borg v. Transamerica Ins. Co.*, 47 Cal.App.4th 448, 455, 54 Cal.Rptr.2d 811).

B. Argument for Reimbursing Category B Probationary Teacher Costs

In its March 29, 1999, reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category B totaling \$2,583 should be reinstated.

Category B costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83. Specifically, as a requirement of the mandate, all probationary teachers are required to attend four hours of training each fiscal year for teacher training. These hours exceed what is required of permanent teachers and the probationary teachers were paid for working the extra hours while in attendance at the training sessions.

In the case of category B costs, there is a clearly identifiable increased cost incurred by the District related to compensating probationary teachers for the additional time receiving the mandated training. The Commission on State Mandates has recently reaffirmed that these types of costs are reimbursable.

In the *Physical Performance Testing* program the Commission explicitly recognized that mandates that befall teachers create reimbursable costs if the District increases the teacher's workday or work year. In addressing this issue the Commission's Statement of Decision states in pertinent part as follows:

"The manual (State Administrative Manual) defines costs as ".....all additional expenses for which either supplemental financing or the redirection of existing staff or resources ...is required." Because the school days or school year is not extended to accommodate the time required to administer physical performance tests, there are no additional costs as defined by the manual."

"Further, the Commission found that neither the school day or the school year is extended to accommodate the time required to administer and score the physical performance tests, school districts incur no increased reimbursable costs when classroom teachers administer the physical fitness tests."

Although the Commission concluded that teacher time during the school day implementing the *Physical Performance* mandate was not reimbursable, the Commission did recognize that teacher time attending training after the regular school day is reimbursable. In support of Claimant's argument the Commission concluded that:

"Increased costs for substitute teacher time during the school day or for teacher stipends to attend training sessions outside the regular school day (after school or on Saturday) are eligible for reimbursement. However, the labor time of the teacher spent in attending training sessions during that teachers' normal classroom hours is not reimbursable." (Emphasis added).¹

By way of further support for Claimant's position, the Commission has stated in its parameters and guidelines for *American Government Course Document Requirements* that:

"Either the cost of providing a substitute teacher for each teacher who attends a training session during the teacher's normal classroom periods or the additional payments made to each teacher who attends a training session outside the teacher's normal classroom period (after school or on Saturday) is reimbursable." (Emphasis added).

¹ See page 6 of the Physical Performance Testing Program parameters and guidelines adopted by the Commission on State Mandates on September 24, 1998.

The above-cited sections of Commission parameters and guidelines fully support Claimant's claim for reimbursement for those "additional payments made to each teacher who attends a training session outside the teacher's normal classroom period (after school or on Saturday)." These two programs illustrate the fact that if a district has incurred some type of identifiable increased cost related to a fixed environment employee (i.e., teachers) then that identifiable increased cost shall be considered a reimbursable mandated cost pursuant to Article XIII B, section 6 of the State Constitution whether it is substitute costs, overtime pay, stipends, or as in this case, an expanded work year specifically due to the mandate of additional training for probationary teachers.

The Claimant's argument is further bolstered by the erroneous conclusion made by the Controller that reimbursement of substitute teacher time is made "in lieu" of reimbursement for probationary teacher time attending the training. Here, the Claimant is making a claim for probationary teacher time attending training that occurred after the regular work day or after the end of the regular work year when a substitute teacher is not needed. With no substitute costs the Claimant is not provided any reimbursement "in lieu" of reimbursement of probationary teacher time attending the trainings. Moreover, and as outlined above, the Commission has explicitly recognized that Districts are entitled to reimbursement for both substitute teacher time (for costs incurred during the fixed environment) and other identifiable costs for teachers that occur outside the regular work day (e.g. nights, weekends, and at the end of the school year).

IX. Conclusion

Based upon the foregoing, Claimant respectfully requests that the COSM find:

1. Claimant submitted its Certification of Teacher Evaluators' Demonstrated Competence claims for reimbursement in compliance with the State Controller's claiming instructions.
2. Claimant submitted the requisite documentation in support of its claim for reimbursement.
3. That the State Controller incorrectly reduced claimant's reimbursement claim when it disallowed costs for training probationary teachers claimed under the Probationary Certificated Policies component of this program.
4. That the State Controller incorrectly reduced claimant's reimbursement claim when it disallowed costs for teacher trainers, that trained probationary teachers, claimed under the Probationary Certificated Policies component of this program.

Claimant respectfully requests that the COSM determine that SCO incorrectly reduced the claimant's Teacher Evaluator claim and direct Commission Staff, in accordance with COSM's regulations, to submit a letter to the Controller requesting that the costs of the claim be reinstated.

CERTIFICATION

I certify by my signature below that the statements made in this document are true and correct of my own knowledge, or as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on November 9, 2001, at Sacramento, CA.



Steve Smith, Mandated Cost Systems, Inc.

Exhibit A

Code, to read:

35160.5. On or before December 1, 1984, the governing board of each school district shall, as a condition for the receipt of school apportionments from the State School Fund, adopt rules and regulations establishing school district policies as they relate to the following:

(a) Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(b) The establishment of district policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district.

(c) The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district. These policies and procedures shall provide for appropriate mechanisms to respond to and where possible to resolve, the complaints. These policies and procedures shall be established in consultation with employee organizations.

1 Code, to read:

2 35160.5. On or before December 1, 1984, the
3 governing board of each school district shall, as a
4 condition for the receipt of school apportionments from
5 the State School Fund, adopt rules and regulations
6 establishing school district policies as they relate to the
7 following:

8 (a) Certification that personnel assigned to evaluate
9 teachers have demonstrated competence in instructional
10 methodologies and evaluation for teachers they are
11 assigned to evaluate. The determination of whether
12 school personnel meet the district's adopted policies shall
13 be made by the governing board.

14 (b) The establishment of district policies ensuring that
15 each probationary certificated employee is assigned to a
16 school within the district with assurances that his or her
17 status as a new teacher and his or her potential needs for
18 training, assistance, and evaluations will be recognized by
19 the district.

20 (c) The establishment of policies and procedures
21 which parents or guardians of pupils enrolled in the
22 district may use to present complaints regarding
23 employees of the district. These policies and procedures
24 shall provide for appropriate mechanisms to respond to
25 and where possible to resolve, the complaints. These
26 policies and procedures shall be established in
27 consultation with employee organizations.

28 The governing board of each school district shall
29 annually review the school district policies adopted
30 pursuant to the requirements of this section.

31 SEC. 13. Section 39363 of the Education Code, as
32 amended to read:

33 39363. The funds derived from the sale of surplus
34 property shall be used for capital outlay or for costs of
35 maintenance of school district property that the
36 governing board of the school district determines will not
37 recur within a five-year period. Proceeds from a lease of
38 school district property with an option to purchase may
39 be deposited into a restricted fund for the routine repair
40 and maintenance of district facilities, as defined by the

State Allocation Board, for up to a five-year period. In
addition, the proceeds may be deposited in the general
fund of the district for any general fund purpose if the
school district governing board and the State Allocation
Board have determined that the district has no
anticipated need for additional sites or building
construction for the five-year period following such sale
or lease, and the district has no major deferred
maintenance requirements.

SEC. 14. Section 42238 of the Education Code is
repealed.

SEC. 15. Section 42238 is added to the Education
Code, to read:

(a) For the 1983-84 fiscal year, the county
superintendent of schools shall determine a revenue limit
for each school district in the county pursuant to this
section.

(b) The base revenue limit for the 1983-84 fiscal year
shall be determined by adding the following amounts:

(1) The revenue limit per unit of average daily
attendance for the 1982-83 fiscal year determined
pursuant to Item 6100-101-001 of the Budget Act of 1982.

(2) The inflation adjustment specified in Section
42238.1.

(3) The equalization adjustment specified in Section
42238.4.

(c) The base revenue limit for each district
determined in subdivision (b) shall be multiplied by the
district average daily attendance computed as specified
in Section 42238.5.

(d) The amount determined in subdivision (c) shall
be increased by the minimum revenue guarantee
adjustment specified in Section 42238.2.

(e) The Superintendent of Public Instruction shall
apportion to each school district the amount determined
in this section less the sum of:

(1) The district's property tax revenue received
pursuant to Chapter 6 (commencing with Section 95) of
Part 0.5 of the Revenue and Taxation Code.

(2) The amount, if any, received pursuant to Part 18.5

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Exhibit B

Hearing: 10/24/85
Date Filed: 09/20/84
Staff: Rose Mary Swart
WP 0592A

Proposed Statement of Decision
Adopted Mandate
(Chapter 498, Statutes of 1983)
Teacher Evaluator's Demonstrated Competence

The Commission on State Mandates, at its September 26, 1985 hearing, determined that a reimbursable mandate exists in Chapter 498, Statutes of 1983, Education Code Section 35160.5.

Member Creighton moved to find a mandate. Members Aceituno, Carlyle and Creighton voted aye, Chairman Huff voted no. The motion carried.

BEFORE THE
COMMISSION ON STATE MANDATES

CLAIM OF:

SAN JOSE UNIFIED SCHOOL DISTRICT

Claimant

SB 90-4136

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on September 26, 1985, in Sacramento, California, during a regularly scheduled meeting of the commission. William A. Doyle appeared on behalf of the San Jose Unified School District.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

FINDINGS OF FACT

1. The test claim was filed with the Board of Control on September 20, 1984, by the San Jose Unified School District.

2. The subject of the claim is Statutes of 1983, Chapter 498 (Education Code section 35160.5).

3. Chapter 498, Statutes of 1983, added Education Code section 35160.5 which requires the following actions in order for districts to receive school apportionments. On or before December 1, 1984, each school district shall adopt rules and regulations establishing district policy regarding:

(a) certification that teacher evaluators have demonstrated competence in methodologies needed to evaluate teachers.

(b) district policies ensuring that all new, probationary teachers are assigned to schools where their potential special needs for training, assistance and evaluations will be met.

(c) policies which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Section 35160.5 also requires the governing board of each school district to annually review the policies adopted pursuant to the section.

4. The claimant incurred costs as a result of training teacher evaluators to meet the newly adopted standards as specified in Finding 3.

5. None of the requisites for denying a claim, as specified in Government Code section 17556, subdivision (a), were established.

DETERMINATION OF ISSUES

1. The commission has jurisdiction to decide the claim under authority of Government Code section 17630.

2. The commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore the commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

3. The commission determined that only the higher level of service required by section 35160.5 in each school district is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

4. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

Exhibit C

Hearing: 4/24/86
SB 90-4136
Staff: Rose Mary Swart
WP 1029A

PROPOSED PARAMETERS AND GUIDELINES
Chapter 498, Statutes of 1983
Education Code Section 35160.5
Certification of Teacher Evaluators' Demonstrated Competence

EXECUTIVE SUMMARY

Chapter 498, Statutes of 1983 created a state mandate in Education Code Section 35160.5 by requiring that in order to receive apportionments, school districts adopt rules establishing district policy regarding: certification of teacher evaluators' demonstrated competence, probationary teachers, and a complaint process which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Commission staff has suggested amendments to the claimant's proposed parameters and guidelines, and recommends that the commission adopt the parameters and guidelines as amended. The claimant agrees with staff's proposed parameters and guidelines.

The Department of Finance (DOF) has suggested changes to staff's proposed parameters and guidelines.

Claimant

San Jose Unified School District

Chronology

- 9/20/84 Claim filed with Board of Control.
- 10/12/84 Claim continued pending Board of Control decision regarding multiple filings issue for Chapter 498/83; and, due to transition to Commission on State Mandates.
- 3/21/85 Claim continued due to lack of input from State Department of Education (SDE).
- 5/25/85 Claim continued due to lack of input from SDE.
- 7/25/85 Commission on State Mandates hearing cancelled.

- 8/22/85 Claim held-over to 9/26/85 hearing due to tie-vote.
- 9/26/85 Mandate approved by Commission on State Mandates.
- 10/24/85 Statement of Decision adopted (Attachment E).
- 12/2/85 Proposed parameters and guidelines submitted by San Jose Unified School District.
- 1/13/86 Conference to discuss proposed parameters and guidelines.
- 1/31/86 Amended proposed parameters and guidelines submitted by San Jose Unified School District (Attachment C).
- 3/27/86 Claim continued by the commission due to late filing of recommendation by DOF. (Attachment F).

Statement of Claim

Chapter 498, Statutes of 1983 (Attachment B) required school districts to adopt rules and regulations to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers. School districts must also adopt rules to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible, resolve the complaints.

Staff Analysis

Staff is recommending several changes to the claimant's proposed parameters and guidelines (Attachment C).

A complete set of staff's proposed parameters and guidelines are attached (Attachment A).

Following is a summary and analysis of staff's suggested changes and DOF's suggested changes to the claimant's proposal. Additions are shown by underlining, deletions by strikeout. Staff agrees with and has added the claimant's suggested language in Sections V., B., I, and IX., of this proposal. The claimant submitted this proposed language (Attachment G) in its rebuttal to the DOF recommendation.

Section III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code Section 2208.5, that incurred mandated costs as a result of implementing Chapter 498/83, Education Code Section 35160.5.

Since Chapter 498/83 affected numerous code sections, it is important for accuracy and clarity to include the affected code section(s) in any description or discussion of the impact of Chapter 498/83. This is a nonsubstantive change.

Section V. Reimbursable Costs

A., 2., a. Time of district administrators spent in certification training excluding classroom observation ~~(including classroom observation when it is part of the training package).~~

Staff proposes: 1) deletion of language from this section which would reimburse for "classroom observation" and; 2) a specific exclusion statement precluding such payment. Staff is making this proposal because classroom observation is part of the administrator's usual responsibility and a basic function of the job. It is important for administrators to practice the skills they have acquired in training, but according to staff of SDE, administrators typically practice this, and other skills, on the job. School administrators are actually performing two functions by incorporating the practice into their usual work. Since the administrator is continuing the same work routine which took place prior to the certification training, it seems unreasonable to expect this time to be recognized as a function mandated by Chapter 498/83. At this point the administrators are back at work and providing the services for which they are paid. The claimant agrees with this change.

However, DOF asserts in its recommendation that Chapter 498/83, Education Code Section 35160.5 does not require that administrators participate in any training (Attachment F). Staff would point out that this issue was addressed by the commission during the test claim phase of this mandate. The commission decided that Chapter 498/83 does require that training be provided for administrators functioning as teacher evaluators. See the commission's Statement of Decision, Attachment E, Part I, 3., (b), which addresses this issue. Therefore, since the matter has previously been resolved by the commission, staff will not address it in this analysis.

V. B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. The cost of services or activities provided to probationary teachers and which are funded by the Mentor Teacher Program can not be claimed as a reimbursement cost.

This change is being proposed by the claimant in response to a concern expressed by DOF. The DOF recommendation makes the following statement regarding this section:

Chapter 498, Statutes of 1983 only requires that a school district establish policies ensuring that a new teacher's training, assistance and evaluation needs will be recognized. It does not demand that those policies exceed whatever currently is provided by school districts to new teachers. Claims that propose reimbursement for activities beyond those required by a school district prior to adoption of "expanded" policies are essentially claims for discretionary acts. As such, these activity costs should not be reimbursable.

The DOF concern here is about the level of training that will be reimbursed. Again, this is an issue which has been decided by the commission as part of the test claim. The commission, in its statement of decision on the test claim determined that training costs are reimbursable. In addition, it is established that any claim for reimbursement of activities beyond those mandated is not acceptable and will not be reimbursed. Nor are activities which are already being reimbursed going to be doubly reimbursed. However, in response to the DOF concern and to provide clarification the claimant has suggested the new language regarding the Mentor Teacher Program. Any activities already funded through that or any other programs may not be reimbursed through these parameters and guidelines. The proposed parameters and guidelines, in Section V.B.1. clearly prohibit double funding of activities by allowing reimbursement only for "Training, assisting and evaluating probationary teachers over and above that usually provided ...". Emphasis added. Additionally, Education Code Section 44496(a)(3) prohibits a mentor teacher from participating in any evaluation of other teachers.

* * *

- B. 1. c. One third of the time spent by site administrators training, assisting or evaluating probationary teachers.

The DOF recommendation states that the proposed parameters and guidelines, in Section B.1., would provide reimbursement for an activity which is now clearly a responsibility of administrative school personnel. This activity is the evaluation of probationary teachers. The proposed parameters and guidelines indicate that one third of the time spent by site administrators training, assisting or evaluating probationary teachers is reimbursable.

According to the claimant this is not an arbitrary number because "the additional one third of the time spent by administrators during the two year probationary period performing the mandated activities (training, assistance and evaluation) is caused by performing all the mandated activities within a two year period [Section 44882(b)] rather than in the pre-Chapter 498/83 three year period of time."

Education Code Section 44882(b), in pertinent part, referred to above, shortened the probationary period for teachers as follows:

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year be classified as and become a permanent employee of the district.

Staff does not find it necessary to change this portion of the proposal. The proposed parameters and guidelines will provide reimbursement only for activities required by Chapter 498/83.

* * *

- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

- 1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code Section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

Regarding above Section V.C.1 of the proposed parameters and guidelines, DOF suggested the following language:

"These costs may be reimbursed if prior policies did not provide a procedure for parents and pupils to present complaints regarding employees or mechanisms for response or resolution to the complaints."

Prior practice has not been a determining factor in past decisions of the commission or its predecessor Board of Control. The commission has determined that a stated policy and process for complaints regarding employees of the district is, in this case, a state-mandated activity. The proposed parameters and guidelines articulate that which is required and that which is reimbursable, in accordance with the commission's fundings. There is an exclusion in this portion of the proposed parameters and guidelines for any

activities or meetings previously required by other laws. Staff asserts that the proposed language will facilitate identification and reimbursement of the mandated activities of Chapter 498/83 but will preclude payment of other functions not required by Chapter 498/83.

* * *

VII. Professional and Consultant Services.

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is ~~\$95~~ \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

Staff is suggesting the \$65 per hour limit because, according to SDE staff, teacher evaluator training of administrators has been offered at no cost through educational associations which are funded by SDE, and the training is available through commercial providers at a maximum \$500 per day rate. Therefore, it was felt that the claimant's allowance of up to \$95 per hour for contracted services was too high. The \$65 per hour maximum has been verified by staff through a telephone survey to be well within the industry average required by the State Administrative Manual for state contracts. Staff's proposal therefore, includes replacement language establishing a \$65 per hour ceiling, as indicated above. The claimant agrees with this change.

* * *

Staff has also added a Section VIII, Offsetting Savings. This is standard language for parameters and guidelines and merely guarantees that any savings the claimant realizes as a result of fulfilling the mandate will be identified and used to offset costs of the program. The claimant concurs.

* * *

Section IX, Required Certification, which was also added by staff is standard, "boilerplate" language which is needed in all parameters and guidelines to insure the validity of future claims. The claimant concurs.

Staff Recommendation

Staff recommends the adoption of staff's proposed parameters and guidelines. Staff's proposed parameters and guidelines incorporate an editorial change and language which would;

1. preclude paying teacher evaluator's salaries while they perform classroom observation;
2. limit consultant's fees to a maximum of \$65 per hour;
3. add a standard Section VIII Offsetting Savings;
4. Add a Section IX Supporting Data for Claims requiring documentation that a claimant has attempted to secure "no cost consultant services", and;
5. add a Section X Required Certification.

Exhibit D

PARAMETERS AND GUIDELINES
Education Code Section 35160.5
Chapter 498, Statutes of 1983
Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as a result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200.00 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.00.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.

a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three year period.

a. Time of district administrators spent in certification training excluding classroom observation.

b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.

c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.

d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.

B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.

a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.

b. Training materials and clerical services for probationary teachers.

c. Registration fees and travel costs of probationary teachers attending training activities.

d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to

other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty (20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

Education Code Section 44882(b), in pertinent part, referred to above, shortened the probationary period for teachers as follows:

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year be classified as and become a permanent employee of the district.

Staff does not find it necessary to change this portion of the proposal. The proposed parameters and guidelines will provide reimbursement only for activities required by Chapter 498/83.

* * *

- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code Section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

Regarding above Section V.C.1 of the proposed parameters and guidelines, DOF suggested the following language:

"These costs may be reimbursed if prior policies did not provide a procedure for parents and pupils to present complaints regarding employees or mechanisms for response or resolution to the complaints."

Prior practice has not been a determining factor in past decisions of the commission or its predecessor Board of Control. The commission has determined that a stated policy and process for complaints regarding employees of the district is, in this case, a state-mandated activity. The proposed parameters and guidelines articulate that which is required and that which is reimbursable, in accordance with the commission's fundings. There is an exclusion in this portion of the proposed parameters and guidelines for any

activities or meetings previously required by other laws. Staff asserts that the proposed language will facilitate identification and reimbursement of the mandated activities of Chapter 498/83 but will preclude payment of other functions not required by Chapter 498/83.

* * *

VII. Professional and Consultant Services.

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is ~~\$95~~ \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

Staff is suggesting the \$65 per hour limit because, according to SDE staff, teacher evaluator training of administrators has been offered at no cost through educational associations which are funded by SDE, and the training is available through commercial providers at a maximum \$500 per day rate. Therefore, it was felt that the claimant's allowance of up to \$95 per hour for contracted services was too high. The \$65 per hour maximum has been verified by staff through a telephone survey to be well within the industry average required by the State Administrative Manual for state contracts. Staff's proposal therefore, includes replacement language establishing a \$65 per hour ceiling, as indicated above. The claimant agrees with this change.

* * *

Staff has also added a Section VIII, Offsetting Savings. This is standard language for parameters and guidelines and merely guarantees that any savings the claimant realizes as a result of fulfilling the mandate will be identified and used to offset costs of the program. The claimant concurs.

* * *

Section IX, Required Certification, which was also added by staff is standard, "boilerplate" language which is needed in all parameters and guidelines to insure the validity of future claims. The claimant concurs.

Staff Recommendation

Staff recommends the adoption of staff's proposed parameters and guidelines. Staff's proposed parameters and guidelines incorporate an editorial change and language which would:

1. preclude paying teacher evaluator's salaries while they perform classroom observation;
2. limit consultant's fees to a maximum of \$65 per hour;
3. add a standard Section VIII Offsetting Savings;
4. Add a Section IX Supporting Data for Claims requiring documentation that a claimant has attempted to secure "no cost consultant services", and;
5. add a Section X Required Certification.

Exhibit E

Certification Teacher Evaluators' Demonstrated Competence

1. Summary of Chapter 498/83

This Chapter, which added Section 35160.5 to the Education Code, required the governing board of each school district, on or before December 1, 1984, to adopt rules and regulations establishing school district policies regarding teacher evaluation, training and complaints regarding employees.

On September 26, 1985, the Commission on State Mandates determined that Chapter 498/83 imposed a new program and costs on school districts and that these costs are reimbursable pursuant to Section 17561 of the Government Code.

2. Eligible Claimants

Any school district or county office of education which incurs increased costs as a result of this mandate is eligible to claim reimbursement for those costs.

3. Appropriations

Claims may only be filed with the State Controller's Office for programs that have been funded by the State Budget Act or by special legislation. To determine funding availability for the current fiscal year, refer to the schedule "Appropriation for State Mandated Cost Programs" in the "Annual Claiming Instructions for State Mandated Costs" issued in mid-September of each year to superintendents of schools.

4. Types of Claims

A. Reimbursement and Estimated Claims

An eligible claimant may file a reimbursement claim or an estimated claim as specified below. A reimbursement claim details the costs actually incurred for the previous fiscal year. An estimated claim shows the costs to be incurred for the current fiscal year.

- A claim for reimbursement or an estimate must exceed \$200 per fiscal year. However, a county superintendent of schools, as fiscal agent for the school district, may submit a combined claim in excess of \$200 on behalf of school districts within the county even if the individual district's claim does not exceed \$200. The combined claim must show the individual claim costs for each school district. Once a combined claim is filed, all subsequent claims for the same mandate must be filed in a combined form. A school district may withdraw from the combined claim form by providing a written notice to the county superintendent of schools and the Controller, at least 180 days prior to the deadline for filing the claim, of its intent to file a separate claim.

B. Filing Deadline

Refer to Item 3 "Appropriations" to determine if the program is funded for the current fiscal year. If funding is available, an estimated claim may be filed as follows:

- An estimated claim must be filed with the State Controller's Office and postmarked by **November 30** of the fiscal year in which costs are to be incurred. Timely filed estimated claims will be paid before late claims.

After having received payment for the estimated claim, the claimant must file a reimbursement claim by November 30 of the following fiscal year. If the district fails to file a reimbursement claim by November 30 of the following fiscal year, monies received must be returned to the State. If no estimated claim was filed, the district may file a reimbursement claim detailing the actual costs incurred for the fiscal year, provided there was an appropriation for the program for that fiscal year. See Item 3 above.

- A reimbursement claim must be filed with the State Controller's Office and postmarked by **November 30** following the fiscal year in which costs were incurred. If a claim is filed after the deadline, but by November 30 of the succeeding fiscal year, the approved claim will be reduced by 10% but not to exceed \$1,000. If the claim is filed more than one year after the deadline, the claim can not be accepted.

5. Reimbursable Components

The governing board of each school district was required, as a condition of receiving appropriations from the State School Fund, to adopt rules and regulations regarding teacher evaluation training and complaints regarding employees.

A. Competence in Instructional Methodology

Education Code Section 35160.5(a)(1) requires certification of personnel assigned to evaluate teachers that have demonstrated competence in instructional methodology and evaluation of teachers.

(1) Adoption of Rules and Regulations.

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies, and the annual revision of these policies are reimbursable. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(2) Teacher Evaluator Certification Training Programs

The costs of training programs provided to administrators for the purpose of meeting certification requirements adopted by the governing board are reimbursable. Eligible costs include: salaries and benefits paid to administrators during certification training; mileage, meals and materials for attending locally provided training sessions; transportation, meals and lodging for attending training not available locally; contracts for administrators to be trained locally (consultant fees, materials, travel, meals and lodging for trainers); and salaries and benefits for preparation and presentation, plus mileage, meals, clerical support and material used in training by district employees used as trainers.

Training expenses for an administrator are allowed a maximum of ten days (80 hours) in any three year period. The reimbursable travel costs of attending a local training session shall be the same as provided by the district for other district activities. The reimbursement for non-local training shall be the same as provided for business travel by employees of the State of California.

B. Probationary Certificated Employee Policies

Education Code Section 35160.5(a)(2) requires the establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance and evaluations will be recognized.

(1) Adoption of Rules and Regulations

The cost of preparation, discussion and distribution of the proposed rules and regulations, the adoption of rules and regulations establishing education policies and the annual review of these policies are reimbursable. Copies of the approved previous policy and the subsequent policy must be included with claims for reimbursement.

(2) Training, Assisting and Evaluating Probationary Teachers

The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist or evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available within the school district or county office of education, is reimbursable. Registration fees, travel costs and the cost of substitute teachers provided for probationary teachers so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester.

C. Parental Complaint Policies

Education Code Section 35160.5(a)(3) requires policies and procedures for enrolled pupils' parents or guardians to present employee complaints. The policies and procedures provide response mechanisms and, where possible, resolve the complaint.

(1) Adoption and Review of Rules and Regulations

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies and the annual policy review are reimbursable.

(2) Resolution of Complaints

The cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the claimant in compliance with Education Code Section 35160.5 are reimbursable.

These costs shall include:

- ▣ notification costs of parent and pupil complaint procedures
- ▣ claimant costs of time, mileage, supplies and specialized training to respond to parent and pupil complaints.

Meeting and activity costs required by categorical programs and/or special education rules and regulations are not eligible for this program.

6. Reimbursement Limitations

Any offsetting savings or reimbursement the claimant received from any source, as a result of this mandate, must be deducted from the amount claimed.

7. Cost Elements of a Claim

Contracted services for training evaluators are not reimbursable, unless the claimant can document that the State Department of Education was unable to provide the consultant services or the Department failed to respond to the claimant's request within the following time period. The claimant must request consultant services from the State Department of Education at least thirty calendar days prior to the need for the consultant services and the district must have been notified by the Department that the requested consultant services were not available at the time of the request. If the claimant did not receive a response to their request within twenty calendar days after the request was received by the Department, contracted service expenses are reimbursable.

The maximum reimbursable fee for contracted services in 1983/84 was \$ 65 per hour, to be adjusted annually by the GNP Deflator through the claim year. The current rate is shown on Form TE-1, Claim Summary. Claimants will receive a revised claim form each year with a revised rate. Claims which are based on annual retainer must contain a certification that the fee is no greater than the allowable maximum fee per hour.

8. Claiming Forms and Instructions

The diagram "Illustration of Claim Forms", provides a graphical presentation of forms required to be filed with a claim. A claimant may submit a computer generated report in substitution for Form TE-1 and Form TE-2, provided the format of the report and data fields contained within the report are identical to the claim forms included with these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file an estimated or reimbursement claim. The State Controller's Office will revise the manual and claim forms as necessary.

A. Form TE-2, Component/Activity Cost Detail

This form is used to segregate the detailed costs by claim component. In some mandates, specific reimbursable activities have been identified for each component. The expenses reported on this form must be supported by cost and time records. Copies of supporting documentation specified in the claiming instructions must be submitted with

the claims.

For audit purposes, all supporting documents must be retained for a period of two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

B. Form TE-1, Claim Summary

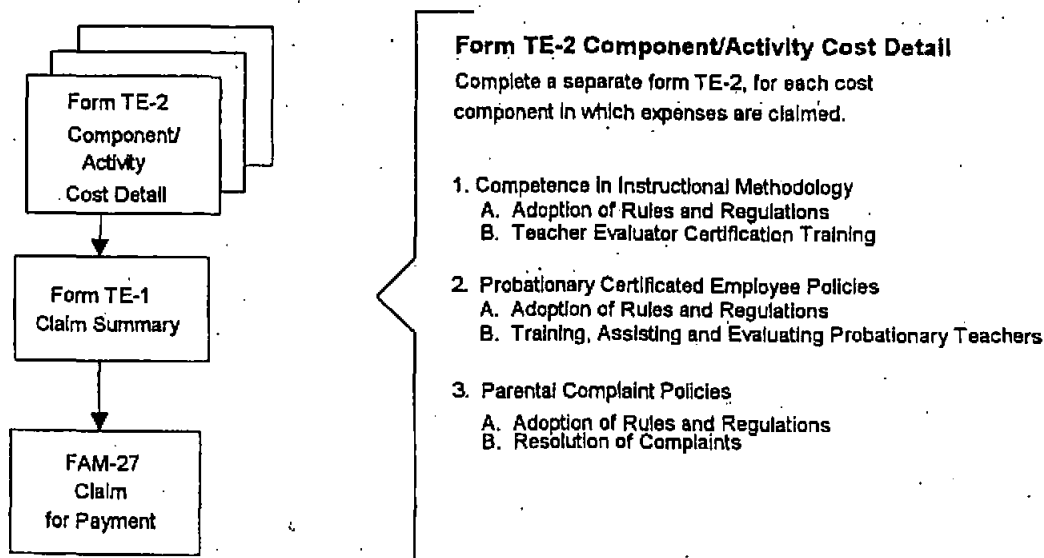
This form is used to summarize direct costs by claim component and compute allowable indirect costs for the mandate. Claim statistics shall identify the work performed for costs claimed.

School districts and local offices of education may compute the amount of indirect costs utilizing the State Department of Education's Annual Program Cost Data Report J-380 or J-580 rate, as applicable. The cost data on this form are carried forward to form FAM-27.

C. Form FAM-27, Claim for Payment

Form FAM-27 contains a certification that must be signed by an authorized representative of the district. All applicable information from form TE-1 must be carried forward to this form for the State Controller's Office to process the claim for payment.

Illustration of Claim Forms



CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence
CLAIM FOR PAYMENT

For State Controller Use only

(19) Program Number 00009

(20) Date Filed _____/_____/_____

(21) Signature Present

L
A
B
E
L

H
E
R
E

(01) Claimant Identification Number:			Reimbursement Claim Data	
(02) Mailing Address				
Claimant Name			(23)TE-1, (04)(2)(d)	
County of Location			(24)TE-1, (04)(3)(d)	
Street Address or P. O. Box			(25)TE-1, (05)(d)	
City State Zip Code			(26)TE-1, (06)	
Type of Claim	Estimated Claim	Reimbursement Claim	(27)TE-1, (11)	
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>	(28)	
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(29)	
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(30)	
Fiscal Year of Cost	(06) 19____/____	(12) 19____/____	(31)	
Total Claimed Amount	(07)	(13)	(32)	
Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)		(14)	(33)	
Less: Estimate Payment Received		(15)	(34)	
Net Claimed Amount		(16)	(35)	
Due from State	(08)	(17)	(36)	
Due to State		(18)	(37)	

(38) CERTIFICATION OF CLAIM:

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 through 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimant, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative _____

Date _____

Type or Print Name _____

Title _____

(39) Name of Contact Person for Claim _____

Telephone Number _____

() _____ Ext. _____

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE

FORM

Certification Claim Form

FAM-27

Pursuant to Government Code Section 17561

- (01) Leave blank
- (02) A set of mailing labels with the claimant's I.D. number and address have been enclosed with the claiming instructions. The mailing labels are designed to speed processing and prevent common errors that delay payment. Affix the label provided at the place indicated on form FAM-27. Cross out any errors and print the correct information on the label. Add any missing address items, except county of location and a person's name. If you didn't receive labels, print or type your agency's mailing address.
- (03) If filing an original estimated Claim, enter an " X " in the box on line (03) Estimated.
- (04) If filing an original estimated Claim on behalf of districts within the county, enter an " X " in the box on line (04) Combined.
- (05) If filing an amended claim to an original estimated or combined claim, enter an " X " in the box on line (05) Amended. Leave boxes (03) and (04) blank.
- (06) Enter the current fiscal year in which costs are to be incurred.
- (07) Enter the amount of estimated claim from form TE-1, line (11).
- (08) Enter the same amount as shown on line (07).
- (09) If filing an original reimbursement claim, enter an " X " in the box on line (09) Reimbursement.
- (10) If filing an original reimbursement claim on behalf of districts within the county, enter an " X " in the box on line (10) combined.
- (11) If filing an amended claim to an original reimbursement or combined claim on behalf of districts within the county, enter an " X " in the box on line (11) combined.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim from form TE-1, line (11).
- (14) If a reimbursement claim is filed after November 30 following the fiscal year in which costs were incurred, the claim must be reduced by a late penalty. Enter either the product of multiplying line (13) by the factor 0.10 [10% penalty] or \$1,000, whichever is less.
- (15) If filing a reimbursement claim and have previously filed an estimated claim for the same fiscal year, enter the amount received for the estimated claim, otherwise enter a zero.
- (16) Enter the result of subtracting the sum of line (14) and line (15) from line (13).
- (17) If line (16) Net Claimed Amount is positive, enter that amount on line (17) Due from State.
- (18) If line (16) Net Claimed Amount is negative, enter that amount on line (18) Due to State.
- (22) through (37) for the Reimbursement claim
- Bring forward cost information as specified in the left-hand column of lines (22) through (37) for the reimbursement claim [e.g., TE-1, (04)(1)(d), means the information is located on form TE-1, line (04)(1)(d)]. Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, (i.e., no cents). Indirect costs percentage should be shown as a whole number and without the percent symbol (i.e., 7.548% should be shown as 8). The claim cannot be processed for payment unless this data block is correct and complete.
- (38) Read the statement "Certification of Claim". If the statement is true, the claim must be dated, signed by the agency's authorized representative and must include the person's name and title, typed or printed. Claims cannot be paid unless accompanied by a signed certification.
- (39) Enter the name of the person and telephone number that this office should contact if additional information is required.

SUBMIT A SIGNED ORIGINAL AND A COPY OF FORM FAM-27 AND A COPY OF ALL OTHER FORMS AND SUPPORTING DOCUMENTS TO:

*Address, if delivery is by:
U.S. Postal Service*

KATHLEEN CONNELL
Controller of California
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250-5875

*Address, if delivery is by:
Other delivery service*

KATHLEEN CONNELL
Controller of California
Division of Accounting and Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE CLAIM SUMMARY Instructions	FORM TE-1
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- (01) Enter the name of the claimant.
- (02) Type of Claim. Check a box, Reimbursement or Estimated, to identify the type of claim being filed. Enter the fiscal year of costs.
- Form TE-1 must be filed for a reimbursement claim. Do not complete form TE-1 if you are filing an estimated claim and the estimate does not exceed the previous fiscal year's actual costs by more than 10%. Simply enter the amount of the estimated claim on form FAM-27, line (07). However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, form TE-1 must be completed and a statement attached explaining the increased costs. Without this information the high estimated claim will automatically be reduced to 110% of the previous fiscal year's actual costs.
- (03) (a) Answer yes or no.
(b) If yes, explain contract terms or annual retainer.
- (04) Reimbursable Components: For each reimbursable component, enter the totals from form TE-2, line (05) columns (d) and (e) and (f). Total each row.
- (05) Total Direct Costs. Total block (05) columns (a) through (d).
- (06) Indirect Cost Rate. Enter the indirect cost rate from the Department of Education form J-380 or J-580, as applicable, for the fiscal year of the costs.
- (07) Total Indirect Costs. Enter the result of multiplying the difference of Total Direct Costs, line (05)(d) and Contracted Services, line (05)(c) by the Indirect Cost Rate, line (06).
- (08) Total Direct and Indirect Costs. Enter the sum of Total Direct Costs, line (05)(d) and Total Indirect Costs, line (07).
- (09) Less: Offsetting Savings, if applicable. Enter the total savings experienced by the claimant as a direct result of this mandate. Submit a detailed schedule of savings with the claim.
- (10) Less: Other Reimbursements, if applicable. Enter the amount of other reimbursements received from any source (i.e., service fees collected, federal funds, other state funds, etc.) which reimbursed any portion of the mandated cost program. Submit a detailed schedule of the reimbursement sources and amounts.
- (11) Total Claimed Amount. Subtract the sum of Offsetting Savings, line (09), and Other Reimbursements, line (10), from Total Direct and Indirect Costs, line (08). Enter the remainder of this line and carry the amount forward to form FAM-27, line (13) for the Reimbursement Claim.

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE				FORM TE-1
CLAIM SUMMARY				
Instructions				
(01) Claimant	(02) Type of Claim Reimbursement <input type="checkbox"/> Estimated <input type="checkbox"/>		Fiscal Year 19__ / __	
Claim Statistics				
(03) Professional and Consultant Services Certification (a) Is the fee claimed for contracted services, including claims based on annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year? (b) If yes, explain.			Yes	No
Direct Costs		Object Accounts		
(04) Reimbursable Components:	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contracted Services	(d) Total
1. Competence in Instructional Methodology				
2. Probationary Certified Employee Policies				
3. Parental Complaint Policies				
(05) Total Direct Costs				
Indirect Costs				
(06) Indirect Cost Rate	[From J-360 or J-560]			%
(07) Total Indirect Costs	[Line (06) x ((line (05)(d) - line (05)(c))]			
(08) Total Direct and Indirect Costs	[Line (05)(d) + line (07)]			
Cost Reduction				
(09) Less: Offsetting Savings, if applicable				
(10) Less: Other Reimbursements, if applicable				
(11) Total Claimed Amount	[Line (08) - (Line (09) + Line (10))]			

MANDATED COSTS CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL	FORM TE-2
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(01) Claimant	(02) Fiscal Year Costs Were Incurred
---------------	--------------------------------------

(03) Reimbursable Component: Check only one box per form to identify the component being claimed.

1. Competence in Instructional Methodology
 2. Probationary Certificated Employee Policies
 3. Parental Complaint Policies

(04) Description of Expenses: Complete columns (a) through (f). **Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services

(05) Total	<input type="checkbox"/>	Subtotal	<input type="checkbox"/>	Page: _____ of _____
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CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL Instructions	FORM TE-2
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Reimbursable Components. Check the box which indicates the cost component being claimed. Check only one box per form. A separate form TE-2 shall be prepared for each component which applies.
- (04) Description of Expenses. The following table identifies the type of information required to support reimbursable costs. To detail costs for the component activity box "checked" in block (03), enter the employee names, position titles, a brief description of their activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, etc. Maximum reimbursable fee for contracted services is \$98.27 per hour for 1995/96 f.y. For audit purposes, all supporting documents must be retained by the claimant for a period of not less than two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

Object/ Subobject Accounts	Columns						Submit these supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	
Salaries	Employee Name	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked			
Benefits	Title Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries			
Materials and Supplies	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Consumed		
Contracted Services	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Itemized Cost of Services Performed	Invoice

- (05) Total line (04), columns (d), (e) and (f) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed for the component/activity, number each page. Enter totals from line (05), columns (d), (e) and (f) to form TE-1, block (04) columns (a), (b) and (c) in the appropriate row.

Exhibit F



S37050

**KATHLEEN CONNELL
CONTROLLER OF THE STATE OF CALIFORNIA
DIVISION OF ACCOUNTING AND REPORTING**

AUGUST 5, 1998

BOARD OF TRUSTEES
DEL MAR UNION SCHOOL DISTRICT
SAN DIEGO COUNTY
225 NINTH STREET
DEL MAR CA 92014

DEAR CLAIMANT:

RE: CERT TEACHERS EVAL CH 498/83

WE HAVE REVIEWED YOUR 1995/1996 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED	73,349.00
LESS: TOTAL ADJUSTMENTS (DETAIL ON PAGE 2)	66,877.00

CLAIM AMOUNT APPROVED	6,472.00
LESS: TOTAL PRIOR PAYMENTS (DETAIL ON PAGE 2)	32,871.00

AMOUNT DUE STATE	\$ 26,399.00

PLEASE REMIT A WARRANT IN THE AMOUNT OF \$ 26,399.00 WITHIN 30 DAYS FROM THE DATE OF THIS LETTER, PAYABLE TO THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875 WITH A COPY OF THIS LETTER. FAILURE TO REMIT THE AMOUNT DUE WILL RESULT IN OUR OFFICE PROCEEDING TO OFFSET THE AMOUNT FROM THE NEXT PAYMENTS DUE TO YOUR AGENCY FOR STATE MANDATED COST PROGRAMS.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT EDUARDO ANTONIO AT (916) 323-0755 OR IN WRITING AT THE ABOVE ADDRESS.

SINCERELY,

JEFF YEE,
MANAGER

Exhibit G

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009
 (20) Date Filed _____ / _____ / _____
 (21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number:
S37050

(02) Mailing Address

Claimant Name
DEL MAR UNION SD

County Of Location
SAN DIEGO COUNTY

Street Address or P.O. Box
225 NINTH STREET

City State Zip Code
DEL MAR CA 92014-2716

Reimbursement Claim Data	
(22) TE-1,(04)(1)(d)	791
(23) TE-2,(04)(2)(d)	63,671
(24) TE-1,(04)(3)(d)	4,802
(25) TE-1,(05)(d)	69,264
(26) TE-1,(06)	5,9600

Type of Claim	Estimated Claim	Reimbursement Claim
(03) Estimated <input type="checkbox"/> (04) Combined <input type="checkbox"/> (05) Amended <input type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(27) TE-1,(11)
	(10) Combined <input type="checkbox"/>	(28)
	(11) Amended <input type="checkbox"/>	(29)

(27) TE-1,(11)	73,349
(28)	
(29)	
(30)	

Fiscal Year of Cost (06) 19 ____ / ____ (12) 19 95 / 96 (31)

Total Claimed Amount (07) (13) \$ ~~73,349~~ **64,722** (32)

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable) (14) (33)

Less: Estimate Payment Received (15) (34)

Net Claimed Amount (16) \$ ~~73,349~~ **32,871** (35)

Due From State (08) (17) \$ 73,349 (36)

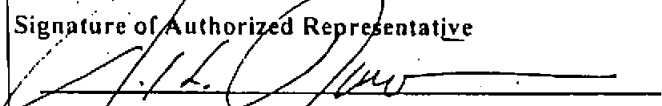
Due to State (18) **26,399** (37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

 ROBERT L. HARRIMAN
 Type or Print Name

Date
 11/19/92
 DISTRICT SUPERINTENDENT
 Title

(39) Name of Contact Person For Claim Telephone Number
 Steve Smith, Mandated Cost Systems 916-487-4435 Ext. _____

MANDATED COSTS

Certification of Teacher Evaluator's Demonstrated Competence

CLAIM SUMMARY

FORM
TE-1

(01) Claimant: S37050 DEL MAR UNION SD	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year: 19 <u>95</u> / <u>96</u>
--	--	--

Claim Statistics

(03) Professional and Consultant Services Certifications: a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year? b. If yes, explain.	Yes	No
		X

Direct Costs	Cost Elements			
(04) Reimbursable Components:	(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
1. Certification of Teacher Evaluators	491	0	300	791 491
2. Probationary Certified Employee Policies	63,671 1,240	0	0	1,240 63,671
3. Parental Complaint Policies <i>9894 - 62431</i>	4,377	0	425	4,802 437
(05) Total Direct Costs <i>9911 - 725</i>	68,539 6108	0	725	69,264 6108

Indirect Costs	
(06) Indirect Cost Rate	J-380 or J-580, as applicable
	5.9600 %
(07) Indirect Costs	[[Line (05)(d) - line (05)(c)] x line (06)] <i>9920 - 3721</i>
	<i>364</i> 4,085
(08) Total Costs:	[Line (05)(d) + line (07)]
	<i>6472</i> 73,349

Cost Reduction	
(09) Less: Offsetting Savings, if applicable	
(10) Less: Other Reimbursements, if applicable	
(11) Total Claimed Amount:	(Line(08) - [Line(09) + line(10)])
	<i>6472</i> 73,349

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DEL MAR UNION SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component:

Competence in Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING					
LITTLER, MENDELSON-ATTORNEYS	100.00	3.00			300
MCCONNELL, J/EXEC. SECRETARY	23.72	2.00	47		
SEAWARD, S/PRINCIPAL	49.43	3.00	148		
SWENERTON, J/PRINCIPAL	49.43	3.00	148		
WILSON, G/PRINCIPAL	49.43	3.00	148		

(05) Total Subtotal

Page: 1 of 1

\$ 491 0 300

MANDATED COSTS

FORM
TE-2

Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL

(1) Claimant: DEL MAR UNION SD

(2) Fiscal Year costs were incurred: 95 - 96

- (03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost.	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
BACCI, C, TEACHER	44.80	21.00	940		
BARGER, P/TEACHER	46.32	92.00	4261		
BARTLETT, K/TEACHER	49.36	60.00	2962		
BAXTER, S/TEACHER	30.50	21.00	641		
BEAUCHANE, N/SECRETARY	23.24	12.00	279		
BONNAFOUX, N/TEACHER	60.47	20.00	1209		
COX, M/SECRETARY	21.36	45.00	961		
FARMER, K/TEACHER	38.36	92.00	3529		
GITTELSON, M/TEACHER	56.77	85.00	4825		
GODSEY, A/TEACHER	33.92	92.00	3121		
HAGGERTY, A/TEACHER	41.34	30.00	1240		
JACKSON, H/TEACHER	46.81	85.00	3979		
KANTNER, H/TEACHER	35.80	21.00	751		
LANG, L/TEACHER	41.53	5.50	228		
LAURI, C/TEACHER	44.80	85.00	3808		
NELSON, S/TEACHER	57.79	85.00	4912		
ORR, J/TEACHER	41.89	72.00	3017		
PIKE, K/TEACHER	41.53	21.00	872		
PRITCHARD, S/TEACHER	32.02	92.00	2946		
QUINN, M/TEACHER	35.80	72.00	2577		
REGAN, J/TEACHER	59.74	85.00	5078		
SLEET, A/TEACHER	33.92	21.00	712		
SMITH, C/TEACHER	46.45	85.00	3948		
TEISHER, C/TEACHER	35.80	92.00	3293		
WILLIAMS, G/TEACHER	40.01	20.00	800		
WRIGHT, J/TEACHER	33.92	82.00	2782		

Salaries of Probationary Teachers are not reimbursed.

PT

1240
53,571

(05) Total Subtotal

Page: 1 of 1

Chapter 498/83

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DEL MAR UNION SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
BEAUCHANE, N/SECRETARY	23.24	2.00	46		
COX, M/SECRETARY	21.36	2.00	43		
LITTLER, MENDELSON-ATTORNEYS	100.00	4.25			425
ROSS, B/SECRETARY	23.24	25.00	581		
SEAWARD, S/PRINCIPAL	49.43	17.00	840		
SWENERTON, J/PRINCIPAL	49.43	50.00	2472		
WILSON, G/PRINCIPAL	49.43	8.00	395		

(05) Total Subtotal

Page: 1 of 1

\$ 4,377 0 425

Exhibit H

March 29, 1999

Jeff Yee
Manager, Local Reimbursement Section
Division of Accounting and Reporting
State Controller's Office
P.O. Box 942850
Sacramento, CA 94250-5875

RE: Reconsideration Request (CTE 98-80)

Dear Mr. Yee:

The Del Mar Union School District, Claimant ID S37050 received a letter dated August 5, 1998 that disallowed costs on its 1995/96 Certification of Teacher Evaluator's Demonstrated Competence Chapter 498/83 claim as follows:

1)	Training Time for Non-probationary Teachers	\$ 34,714
2A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$ 28,855
2B)	4 hours Training Time Disallowed for Probationary Teachers	\$ 2,583
3)	Contracted Services	\$ 725
	Total	\$ 66,877

On August 31, 1998 one of my staff met with Eduardo Antonio to obtain the composition of this adjustment and to copy the work papers used in reviewing this claim.

Issue #1 - Training Time for Non-probationary Teachers (Trainers) Disallowed:

District personnel with the assigned responsibility to train and assist probationary teachers were disallowed. The State Controller's Office Claiming Instructions for this program states that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, (not including the site principal, ... used to train, assist or evaluate probationary teachers are reimbursable."

In reviewing the work papers provided by your office, it is clear that salary and benefits of employees that were used to train and assist probationary teachers were disallowed. It appears that all teachers listed on the claim were assumed to be probationary teachers. In addition, our office has no record of receiving a request for additional information on this claim.

Please note that the Probationary Certificated Employees Policies component code is H2B. We have attached a detailed report with component code H2B, that itemizes the source of all charges to this component and the documentation to support these charges. Also, we have identified these Non-Probationary Teacher (Trainers) on the attached claim with a "T". These costs should be reinstated.

Issue #2 A & B - Probationary Teacher Time Disallowed:

The Claiming Instructions and Parameters & Guidelines are silent on whether the time spent by probationary teachers is reimbursable. We feel strongly that these are legitimate costs of the mandate and that they are reimbursable. The State Controller's Office Claiming Instructions state that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable".

A) The time spent by probationary teachers receiving additional training and assistance would be included as a cost of training, assisting and evaluating probationary teachers.

B) In addition, the district requires its probationary teachers to attend 4 hours each fiscal year for teacher training. These training sessions exceed what is provided to permanent teachers and there are costs incurred by the district.

There is an identifiable increased cost to the school district for worked by probationary teachers and worked specifically attributable to the mandate of probationary teacher training. Recent rulings by the Commission on State Mandates on test claims that involve teacher training costs have indicated that if the district incurs an increased cost of some kind (i.e. substitutes, stipends, overtime pay or an extended work year) then this identifiable increased cost would be reimbursable.

The probationary teachers are identified on the attached claim with a "P1" for 1st year teachers or "P2" for 2nd year teachers.

Issue #3 - Contracted Services Disallowed:

Our records indicate that the required invoices for contracted services were sent to your office with the claim. I also have our signed transmittal form that shows your office's receipt of the claim and attached backup documentation. Prior to sending your office any claim that requires supporting documentation, we double check to make sure that we have attached the required backup.

Comments on the claim do not acknowledge receipt of these invoices, nor an explanation as to why these claimable costs were denied under the "Competence in Instructional Methodology" and "Parental Complaint Policies" component. We have resubmitted these invoices with the following comments:

According to the claiming instructions for the following component:

Competence in Instructional Methodology

"The costs of training programs provided to administrators for the purpose of meeting certification requirements adopted by the governing board are reimbursable. Eligible Costs include...contracts for administrators to be trained locally (consultant fees, materials, travel, meals and lodging for trainers)..."

The costs of Del Mar Unified School District using Littler, Mendelson, Fastiff, Tichy & Mathiason, Consultants, in the area of certifying administrators to be teacher evaluators was disallowed. Your office found the costs for the three principals to be involved in this three hour training to be reimbursable; however, you disallowed the contracted service costs for this same training. We have resubmitted the attorney bill and ask that these costs be reinstated.

According to the claiming instructions for the following component:

Parental Complaint Policies

"The cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulation by the claimant in compliance with Education Code Section 35160.5 are reimbursable."

Parental Complaint Issues Involving Legal Council

We believe the following parental complaint cases, based on the attorney bills we have submitted and per our clients verification, fall under the language of Education Code Section 35160.5:

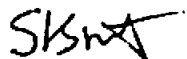
"The invoices submitted for time spent on parental complaints covered two issues. Both of the parental complaint issues were against teachers and resulted in the parents obtaining legal council. Therefore, the district consulted their legal representatives to help with these parental complaint issues. While one of the issues was quickly resolved, the second complaint issue (teacher Rybarczyk) was based on "inappropriate misconduct" directed towards a student. The district conducted an in house investigation and it was concluded that teacher Rybarczyk would receive a formal reprimand."

Conclusion:

Based on the additional information and clarifications listed above, I request that \$66,877 in incorrectly reduced costs be reinstated. Please notify me within four weeks (April 26, 1999) of the State Controller's Office's decision on this matter. In the absence of a response within four weeks, we will assume that you intend to stand by this adjustment and not reinstate these costs.

If you have any questions or need any additional information, please contact me at (916) 487-4435.

Sincerely,



Steve Smith
President
Mandated Cost Systems, Inc.

SS/KDR

Enclosures

cc: Paulette Anderson, Del Mar Union School District

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

L
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(01) Claimant Identification Number:
S37050

Reimbursement Claim Data

(02) Mailing Address

(22) TE-1,(04)(1)(d)

791

Claimant Name
DEL MAR UNION SD

(23) TE-2,(04)(2)(d)

63,671

County Of Location
SAN DIEGO COUNTY

(24) TE-1,(04)(3)(d)

4,802

Street Address or P.O. Box
225 NINTH STREET

(25) TE-1,(05)(d)

69,264

City State Zip Code
DEL MAR CA 92014-2716

(26) TE-1,(06)

5,9600

Type of Claim

Estimated Claim

Reimbursement Claim

(27) TE-1,(11)

73,349

11/19/92

(03) Estimated

(09) Reimbursement

(28)

(04) Combined

(10) Combined

(29)

(05) Amended

(11) Amended

(30)

Fiscal Year of Cost

(06) 19 /

(12) 19 95 / 96

(31)

Total Claimed Amount

(07) - -

(13) \$ 73,349
6472

(32) *✓*

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable)

(14)

(33)

Less: Estimate Payment Received

(15)

(34)

Net Claimed Amount

(16) \$ 32871
26399
93,349

(35)

Due From State

(08)

(17) \$ 93,349

(36)

Due to State

(18) 26399

(37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative
Robert L. Harriman
ROBERT L. HARRIMAN
Type or Print Name

Date
11/19/92
DISTRICT SUPERINTENDENT
Title

(39) Name of Contact Person For Claim Telephone Number
Steve Smith, Mandated Cost Systems 916-487-4435 Ext.

MANDATED COSTS

**FORM
TE-1**

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY**

(01) Claimant:
S37050
DEL MAR UNION SD

(02) Type of Claim: Reimbursement Estimated
Fiscal Year: 19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:	Yes	No
a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?		X
b. If yes, explain.		

Direct Costs	Cost Elements			
	(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
(04) Reimbursable Components:				
1. Certification of Teacher Evaluators	491	0	300	791
2. Probationary Certified Employee Policies	53,671	0	0	53,671
3. Parental Complaint Policies	4,377	0	425	4,802
(05) Total Direct Costs	60,539	0	725	69,264

Handwritten notes: 9894 - 602431, 9911 - 725, 6108

Indirect Costs		
(06) Indirect Cost Rate	J-380 or J-580, as applicable	5.9600 %
(07) Indirect Costs	{[Line (05)(d) - line (05)(c)] x line (06)}	364
(08) Total Costs:	{Line (05)(d) + line (07)}	73,349

Handwritten notes: 9920 - 3721, 6472

Cost Reduction

(09) Less: Offsetting Savings, if applicable		
(10) Less: Other Reimbursements, if applicable		
(11) Total Claimed Amount:	{Line(08) - [Line(09) + line(10)]}	6472

Handwritten note: 73,349

MANDATED COSTS Certification of Teacher Evaluator's Demonstrated Competence COMPONENT / ACTIVITY COST DETAIL	FORM TE-2
---	--------------------------------

(01) Claimant: DEL MAR UNION SD	(02) Fiscal Year costs were incurred: 95 - 96
---------------------------------	---

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies.

(04) Description of Expense: Complete columns (a) through (f). Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING					
LITTLER, MENDELSON-ATTORNEYS	100.00	3.00			300
MCCONNELL, J/EXEC. SECRETARY	23.72	2.00	47		
SEAWARD, S/PRINCIPAL	49.43	3.00	148		
SWENERTON, J/PRINCIPAL	49.43	3.00	148		
WILSON, G/PRINCIPAL	49.43	3.00	148		

(05) Total <input checked="" type="checkbox"/>	Subtotal <input type="checkbox"/>	Page: <u>1</u> of <u>1</u>	\$ 491	0	300
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MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DEL MAR UNION SD

(02) Fiscal Year costs were incurred: 95 - 96

- (03) Reimbursable Component:
- Competence in Instructional Methodology
 - Probationary Certificated Employee Policies
 - Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
P BACCI, C/TEACHER	44.80	21.00	940	<i>Salaries of Probationary Teachers are not reimbursable</i> PT	
P2 BARGER, P/TEACHER	46.32	92.00	4261		
T BARTLETT, K/TEACHER	49.36	60.00	2962		
P1 BAXTER, S/TEACHER	30.50	21.00	641		
T BEAUCHANE, N/SECRETARY	23.24	12.00	279		
T BONNAFOUX, N/TEACHER	60.47	20.00	1209		
T COX, M/SECRETARY	21.36	45.00	961		
P1 FARMER, K/TEACHER	38.36	92.00	3529		
T GITTELSON, M/TEACHER	56.77	85.00	4825		
P1 GODSEY, A/TEACHER	33.92	92.00	3121		
T HAGGERTY, A/TEACHER	41.34	30.00	1240		
T JACKSON, H/TEACHER	46.81	85.00	3979		
P1 KANTNER, H/TEACHER	35.80	21.00	751		
P1 LANG, L/TEACHER	41.53	5.50	228		
T LAURI, C/TEACHER	44.80	85.00	3808		
T NELSON, S/TEACHER	57.79	85.00	4912		
P2 ORR, J/TEACHER	41.89	72.00	3017		
P PIKE, K/TEACHER	41.53	21.00	872		
P2 PRITCHARD, S/TEACHER	32.02	92.00	2946		
P1 QUINN, M/TEACHER	35.80	72.00	2577		
T REGAN, J/TEACHER	59.74	85.00	5078		
P1 SLEET, A/TEACHER	33.92	21.00	712		
T SMITH, C/TEACHER	46.45	85.00	3948		
P1 TEISHER, C/TEACHER	35.80	92.00	3293		
T WILLIAMS, G/TEACHER	40.01	20.00	800		
P1 WRIGHT, J/TEACHER	33.92	82.00	2782		
			1240		

(05) Total Subtotal

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DEL MAR UNION SD

(02) Fiscal Year costs were incurred: 95 - 96

- (03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
BEAUCHANE, N/SECRETARY	23.24	2.00	46		
COX, M/SECRETARY	21.36	2.00	43		
LITTLER, MENDELSON-ATTORNEYS	100.00	4.25			425
ROSS, B/SECRETARY	23.24	25.00	581		
SEAWARD, S/PRINCIPAL	49.43	17.00	840		
SWENERTON, J/PRINCIPAL	49.43	50.00	2472		
WILSON, G/PRINCIPAL	49.43	8.00	395		

(05) Total Subtotal

Page: 1 of 1

\$ 4,377 0 425

Issue 1

Issue 2A

Issue 2B

Non-Probationary
Teacher Time

Probationary
Teacher Time

4 hours training
time for
Probationary Teachers

21902.00
 12209.00
 40225.00
 11240.00
 31279.00
 21313.00
 11912.00
 31750.00
 11111.00

11111.00
 11111.00
 11111.00
 31329.00
 31121.00
 1731.00
 223.00
 1117.00
 111.00
 11111.00
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 11111.00

indirect costs

indirect costs

indirect costs

total

total

total

Issue 3

Contracted
Services

11111.00

total

issue 2B 2,331.30

total
ISSUE 2A

Exhibit I



KATHLEEN CONNELL
 Controller of the State of California

April 27, 1999

Mr. Steve Smith
 President
 Mandated Cost Systems, Inc.
 2275 Watt Avenue, Suite C
 Sacramento, CA 95825

Dear Mr. Smith:

RE: NOTICE OF CLAIM ADJUSTMENT
 DEL MAR UNION SCHOOL DISTRICT
 CHAPTER 498/83 CERTIFICATION OF TEACHER EVALUATORS
 FISCAL YEAR 1995-1996

This is in reply to your letter dated March 29, 1999 regarding the above claim for reimbursement of mandated cost program. The result of our review is as follows:

Amount Claimed		\$94,660
Adjustment to Claim:		
<i>Probationary Certificated Employee Policies</i>		
The amount of \$42,360 for salaries and benefits of probationary teachers in training is disallowed.	-\$42,360	
Parameters and guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities.		
Sub-total on Adjustment for Direct Costs		-\$42,360
Adjustment of Indirect Costs	(\$4,085-\$1,603)	-2,482
Total Adjustment for Claim		-\$44,842
Approved Claim		\$49,818
Less: Prior Payment of 5/15/97		-32,871
Amount Due Claimant		\$16,947

SACRAMENTO 3301 C Street, Suite 501, Sacramento, CA 95816 (916) 445-8717
 Mailing Address: P.O. Box 942850, Sacramento, CA 94250

April 27, 1999

If you have any questions, please contact Eduardo Antonio at (916) 323-0755 or in writing at the State Controller's Office, Attn: Local Reimbursements Section, Division of Accounting and Reporting, P.O. Box 942850, Sacramento, CA 94250-5875.

Sincerely,



JEFF YEE, Manager
Local Reimbursements Section

JY:ea

cc: Paulette Anderson, Del Mar Union School District

Exhibit J

October 12, 2001



Eduardo Antonio
Local Reimbursement Section
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250-5875

RE: **Del Mar Union School District: S37050**
SCO Notice of Claim Adjustment: April 27, 1999
Chapter 498/83 Certification of Teacher Evaluators: 1995/96

Dear Mr. Antonio:

In reviewing the State Controller's Office "Notice of Claim Adjustment" letter for Del Mar Union School District's Teacher Evaluator claim, we have found a \$13,404 discrepancy. According to our records and the review process used by SCO, this amount should be reinstated to the district.

In our March 29, 1999, letter to SCO, we requested that the following amounts be reinstated to the original claim:

1)	Training Time for Non-probationary Teachers	\$	34,714
2A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$	28,855
2B)	4 hours Training Time Disallowed for Probationary Teachers	\$	2,583
3)	Contracted Services	\$	725
	Total	\$	66,877

The April 27, 1999, SCO "Notice of Claim Adjustment" letter indicated that \$44,842 in Probationary Teacher time costs were to be disallowed. This amount is \$13,404 higher than our amount indicated of \$31,438. In addition, on March 29, 1999, we sent in log sheets to support: probationary teacher trainer and contracted service costs. The final SCO letter made no mention of these two areas being further reduced for insufficient documentation.

In conclusion, we have several Teacher Evaluator reconsideration requests on file in which the SCO reinstated all costs other than the time claimed for probationary teacher training. If SCO was using the same review criteria for Del Mar Union SD as they had used for other claimants, then the final approved claim amount should have been \$63,222 and not \$49,818. Mandated Cost Systems, Inc. supplied SCO with all requested documentation, no further SCO requests were made and the final SCO letter did not indicate any other type of adjustment than that for probationary teacher time. Based on the information submitted, we respectfully request that \$13,404 be reinstated. Please notify me of the State Controller's Office decision on this matter.

If you have any questions, please contact me at 487-4435.

Sincerely,



Todd S. Wherry, Project Manager
Mandated Cost Systems, Inc.

Enclosures

cc: Paulette Anderson, Del Mar Union School District
Jeff Owen, Mandated Cost Systems, Inc.

Exhibit K



S37050

KATHLEEN CONNELL
 CONTROLLER OF THE STATE OF CALIFORNIA
 DIVISION OF ACCOUNTING AND REPORTING

OCTOBER 16, 2001

BOARD OF TRUSTEES
 DEL MAR UNION SCHOOL DISTRICT
 SAN DIEGO COUNTY
 225 NINTH STREET
 DEL MAR CA 92014

DEAR CLAIMANT:

RE: CERT TEACHERS EVAL CH 498/83

WE HAVE REVIEWED YOUR 1995/1996 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED	94,660.00
LESS: TOTAL ADJUSTMENTS (DETAIL ON PAGE 2)	- 31,438.00

CLAIM AMOUNT APPROVED	63,222.00
LESS: TOTAL PRIOR PAYMENTS (DETAIL ON PAGE 2)	49,818.00

AMOUNT DUE CLAIMANT	\$ 13,404.00
	=====

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT EDUARDO ANTONIO AT (916) 323-0755 OR IN WRITING AT THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875. THE PAYMENT WILL BE FORTHCOMING WITHIN 30 DAYS.

SINCERELY,

Ginny Brummels
 GINNY BRUMMELS
 MANAGER

PAGE 2

S37050

ADJUSTMENT TO CLAIM:		
CLAIM ADJUSTMENT	-	31,438.00
LESS: TOTAL ADJUSTMENTS	-	31,438.00
PRIOR PAYMENTS:		
SCHEDULE NO. MA60731A		
PAID 06-24-1999		16,947.00
SCHEDULE NO. MA60717A		
PAID 05-15-1997		32,871.00
LESS: TOTAL PRIOR PAYMENTS		49,818.00

State of California
COMMISSION ON STATE MANDATES
98 1/2 Ninth Street, Suite 300
SACRAMENTO, CA 95814
(916) 323-3562
CSM 2 (2/91)

EXHIBIT A,
TAB 5

For Official Use Only	
RECEIVED	
NOV 09 2001	
COMMISSION ON STATE MANDATES	
Claim No.	01-4136-I-45

INCORRECT REDUCTION CLAIM FORM

Local Agency or School District Submitting Claim

SARATOGA UNION ELEMENTARY SCHOOL DISTRICT, CLAIMANT ID# S43165

Contact Person
Steve Smith, Mandated Cost Systems, Inc.

Telephone No.
(916) 487-4435

Address

**20460 FORREST HILLS DRIVE
SARATOGA, CA 95070**

Representative Organization to be Notified

**Mandated Cost Systems, Inc.
2275 Watt Avenue Suite C
Sacramento, CA 95825
(916) 487-4435**

This claim alleges an incorrect reduction of a reimbursement claim filed with the State Controller's Office pursuant to section 17561 of the Government Code. This incorrect reduction claim is filed pursuant to section 17551(b) of the Government Code.

CLAIM IDENTIFICATION: Specify Statute or Executive Order

Certification of Teacher Evaluator's Demonstrated Competence Chapter 498, Statutes of 1983, Education Code Section 35160.5

<u>Fiscal Year*</u>	<u>Amount of the Incorrect Reduction</u>
1995/96	\$57,045

*More than one fiscal year may be claimed.

IMPORTANT: PLEASE SEE INSTRUCTION AND FILING REQUIREMENTS FOR COMPLETING AN INCORRECT REDUCTION CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative

Telephone No.

Steve Smith, Mandated Cost Systems, Inc.

(916) 487-4435

Signature of Authorized Representative

Date

SK Smith

11/9/01

Incorrect Reduction Claim

Saratoga Union Elementary School District, Claimant ID# S43165

Certification of Teacher Evaluators' Demonstrated Competence

Chapter 498, Statutes of 1983

COSM No. SB90-4136

1995/96 Fiscal Year

I. Brief Description of the Disallowed Costs:

The Saratoga Union Elementary School District (hereinafter "District" or "Claimant") filed a claim for reimbursement under the Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program (Chapter 498, Statutes of 1983; COSM No. SB90-4136) for fiscal year 1995/96. By letter dated December 11, 1998, the State Controller (SCO) disallowed \$59,259 of costs for training probationary teachers and associated indirect costs claimed under the Probationary Certificated Policies component of this program. We agree with \$2,214 of the total adjustment as noted within Section III of this incorrect reduction claim. However, we maintain that SCO incorrectly reduced the claim by \$57,045. The State Controller has taken the position that the parameters and guidelines "do not provide reimbursement for probationary teacher training costs." Claimant argues, as further outlined below, that the Controller incorrectly reduced its claim because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

II. The Mandate:

Chapter 498, Statutes of 1983 added section 35160.5 to the Education Code. (See Exhibit "A"). Section 35160.5 required school districts, as a condition for receipt of school apportionments, to adopt rules and regulations establishing policies regarding:

- a. The certification of the demonstrated competence of administrators who would be conducting teacher evaluations;
- b. Assurances that probationary teachers will have their needs for training, assistance, and evaluations recognized and met by the district; and
- c. Filing of parent complaints regarding district employees.

On September 20, 1984 the San Jose Unified School District filed a test claim with the Board of Control alleging that Chapter 498/83 imposed reimbursable state mandated costs. On September 26, 1985 the Commission on State Mandates approved the test claim and on October 24, 1985 adopted its Statement of Decision. (See Exhibit "B"). Parameters and guidelines for this program were originally adopted on April 24, 1986. (See Exhibit "C"). These parameters and guidelines were subsequently amended on January 24, 1991 (See Exhibit "D"). The Education Trailer Bill to the Budget Act of 1996, effective July 22, 1996, (Chapter 204, Statutes of 1996) repealed this mandate effective with the 1996/97 fiscal year. The State Controller's Office Claiming Instructions in effect for the 1995/96 claim year are attached (See Exhibit "E").

III. The District's Claim, State Controller's Review and Reconsideration

The filing deadline with the State Controller's Office for 1995/96 Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program was November 30, 1996. The late filing deadline (with requisite 10% penalty not to exceed \$1,000) was December 1, 1997. The District submitted its 1995/96 claim within the annual filing period. The District claimed costs under the three reimbursable components plus associated indirect costs of totaling \$95,265.

SCO was unable to provide an original adjustment letter. (See Exhibit "F"). Due to no adjustment letter being available, a copy of the SCO claim review working papers was obtained in order to determine the specific claim line items that were disallowed. (See Exhibit "G"). According to the SCO working papers, the reimbursable components adjusted, including indirect costs, were:

Probationary Certificated Employee Policies	\$84,809
Contracted Services	\$300

On October 13, 1998, Mandated Cost Systems, Inc., representing the District submitted a letter to SCO requesting reconsideration and reinstatement of all disallowed costs. Per an SCO fax on November 11, 1998, SCO requested further log sheet / time sheet documentation for the non-probationary teachers claimed. On November 19, 1998, Mandated Cost Systems, Inc., mailed a letter and the requested documentation to SCO. Within the letter, it was noted that "36 hours" of employee time (N. Whitcanack) was claimed incorrectly and should not have been claimed as a Non-Probationary Teacher Trainer. Therefore, we agree with an adjustment of \$2,214 (See Exhibit "H").

On December 11, 1998, SCO completed its reconsideration of its claim adjustments and issued a final adjustment letter which re-instated \$25,850 for incorrectly disallowed teacher trainers and contracted services. SCO did not reinstate any costs for probationary teachers time when receiving training. (See Exhibit "I").

IV. The Issue in Dispute:

The specific issue being disputed deals with the following question:

Is the cost of probationary teachers receiving the mandated additional training a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program?

V. Claimant's Position

Claimant argues, as further outlined below, the cost of probationary teachers receiving the mandated additional training is a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

It should be noted that the SCO disallowed probationary teacher training costs claiming the "parameters and guidelines do not provide for reimbursement" of these costs. The SCO is not claiming that these costs are excessive or unreasonable under Government Code section 17561(d). Therefore, the only issue before the COSM is whether the parameter and guidelines "provide for reimbursement" for the cost of probationary teacher training costs.

VI. The State Controller's Position

By letter dated December 11, 1998, the Controller has disallowed the cost of probationary teachers receiving the mandated additional training stating that:

"The amount of \$54,781 for salaries and benefits of probationary teachers in training is disallowed. Parameters and guidelines do not provide for reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities."

VII. Parameters and Guidelines and Claiming Instructions

A. The Parameters and Guidelines

Section V (Reimbursable Costs) of the parameters and guidelines for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education.

* * *

Registration fees and travel costs of probationary teachers attending training activities.

* * *

Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teacher's classrooms to observe teaching techniques (limited to three such visitations per semester).

B. The Claiming Instructions

Section 5 (Reimbursable Components) of the claiming instructions for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teaches, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist and evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available with the school district or county office, is reimbursable. Registration fees, travel costs, and the cost of substitute teachers provided so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester."

VIII. Claimant's Analysis

The District's claim for costs attributable to probationary teacher training can be broken down into two types of costs. "Category A" costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. "Category B" costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83.

A. Argument for Reimbursing Category A Probationary Teacher Costs

In its October 13, 1998 reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category A totaling \$54,318 should be reinstated.

Category A costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. The parameters and guidelines clearly and explicitly allow for these costs when they provide as reimbursable costs those "costs of training probationary teachers, over and above that provided to permanent teachers, are reimbursable." The COSM should be guided by the common rule of interpretation which provides that where express provisions of a rule are clear and unambiguous the explicit meaning of those provisions, interpreted in their ordinary and popular sense, controls the interpretation. (See, *Borg v. Transamerica Ins. Co.*, 47 Cal.App.4th 448, 455, 54 Cal.Rptr.2d 811).

B. Argument for Reimbursing Category B Probationary Teacher Costs

In its October 13, 1998 reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category B totaling \$2,727 should be reinstated.

Category B costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83. Specifically, as a requirement of the mandate, all first year probationary teachers work a 184 day year (one extra 8 hour day each year for teacher training) while permanent teachers work a 183 day year. The probationary teachers were paid for working the extra day.

In the case of category B costs, there is a clearly identifiable increased cost incurred by the District related to compensating probationary teachers for the additional time receiving the mandated training. The Commission on State Mandates has recently reaffirmed that these types of costs are reimbursable.

In the *Physical Performance Testing* program the Commission explicitly recognized that mandates that befall teachers create reimbursable costs if the District increases the teacher's workday or work year. In addressing this issue the Commission's Statement of Decision states in pertinent part as follows:

"The manual (State Administrative Manual) defines costs as ".....all additional expenses for which either supplemental financing or the redirection of existing staff or resources ...is required." Because the school days or school year is not extended to accommodate the time required to administer physical performance tests, there are no additional costs as defined by the manual."

"Further, the Commission found that neither the school day or the school year is extended to accommodate the time required to administer and score the physical performance tests, school districts incur no increased reimbursable costs when classroom teachers administer the physical fitness tests."

Although the Commission concluded that teacher time during the school day implementing the *Physical Performance* mandate was not reimbursable, the Commission did recognize that teacher time attending training after the regular school day is reimbursable. In support of Claimant's argument the Commission concluded that:

"Increased costs for substitute teacher time during the school day or for teacher stipends to attend training sessions outside the regular school day (after school or on Saturday) are eligible for reimbursement. However, the labor time of the teacher spent in attending training sessions during that teachers' normal classroom hours is not reimbursable." (Emphasis added).¹

By way of further support for Claimant's position, the Commission has stated in its parameters and guidelines for *American Government Course Document Requirements* that:

"Either the cost of providing a substitute teacher for each teacher who attends a training session during the teacher's normal classroom periods or the additional payments made to each teacher who attends a training session outside the teacher's normal classroom period (after school or on Saturday) is reimbursable." (Emphasis added).

The above-cited sections of Commission parameters and guidelines fully support Claimant's claim for reimbursement for those "additional payments made to each teacher who attends a training session outside the teacher's normal classroom period (after school or on Saturday)." These two programs illustrate the fact that if a district has incurred some type of identifiable increased cost related to a fixed environment employee (i.e., teachers) then that identifiable increased cost shall be considered a reimbursable mandated cost pursuant to Article XIII B, section 6 of the State Constitution whether it is substitute costs, overtime pay, stipends, or as in this case, an expanded work year specifically due to the mandate of additional training for probationary teachers.

The Claimant's argument is further bolstered by the erroneous conclusion made by the Controller that reimbursement of substitute teacher time is made "in lieu" of reimbursement for probationary teacher time attending the training. Here, the Claimant is making a claim

¹ See page 6 of the Physical Performance Testing Program parameters and guidelines adopted by the Commission on State Mandates on September 24, 1998.

for probationary teacher time attending training that occurred after the regular work day or after the end of the regular work year when a substitute teacher is not needed. With no substitute costs the Claimant is not provided any reimbursement "in lieu" of reimbursement of probationary teacher time attending the trainings. Moreover, and as outlined above, the Commission has explicitly recognized that Districts are entitled to reimbursement for both substitute teacher time (for costs incurred during the fixed environment) and other identifiable costs for teachers that occur outside the regular work day (e.g. nights, weekends, and at the end of the school year).

IX. Conclusion

Based upon the foregoing, Claimant respectfully requests that the COSM find:

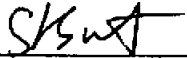
1. Claimant submitted its Certification of Teacher Evaluators' Demonstrated Competence claims for reimbursement in compliance with the State Controller's claiming instructions.
2. Claimant submitted the requisite documentation in support of its claim for reimbursement.
3. That the State Controller incorrectly reduced claimant's reimbursement claim when it disallowed costs for training probationary teachers claimed under the Probationary Certificated Policies component of this program.

Claimant respectfully requests that the COSM determine that SCO incorrectly reduced the claimant's Teacher Evaluator claim and direct Commission Staff, in accordance with COSM's regulations, to submit a letter to the Controller requesting that the costs of the claim be reinstated.

CERTIFICATION

I certify by my signature below that the statements made in this document are true and correct of my own knowledge, or as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on November 9, 2001, at Sacramento, CA.



Steve Smith, Mandated Cost Systems, Inc.

Exhibit A

Code, to read:

35160.5. On or before December 1, 1984, the governing board of each school district shall, as a condition for the receipt of school apportionments from the State School Fund, adopt rules and regulations establishing school district policies as they relate to the following:

(a) Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(b) The establishment of district policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district.

(c) The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district. These policies and procedures shall provide for appropriate mechanisms to respond to and where possible to resolve, the complaints. These policies and procedures shall be established in consultation with employee organizations.

1 Code, to read:

2 35160.5. On or before December 1, 1984, the
3 governing board of each school district shall, as a
4 condition for the receipt of school apportionments from
5 the State School Fund, adopt rules and regulations
6 establishing school district policies as they relate to the
7 following:

8 (a) Certification that personnel assigned to evaluate
9 teachers have demonstrated competence in instructional
10 methodologies and evaluation for teachers they are
11 assigned to evaluate. The determination of whether
12 school personnel meet the district's adopted policies shall
13 be made by the governing board.

14 (b) The establishment of district policies ensuring that
15 each probationary certificated employee is assigned to a
16 school within the district with assurances that his or her
17 status as a new teacher and his or her potential needs for
18 training, assistance, and evaluations will be recognized by
19 the district.

20 (c) The establishment of policies and procedures
21 which parents or guardians of pupils enrolled in the
22 district may use to present complaints regarding
23 employees of the district. These policies and procedures
24 shall provide for appropriate mechanisms to respond to
25 and where possible to resolve, the complaints. These
26 policies and procedures shall be established in
27 consultation with employee organizations.

28 The governing board of each school district shall
29 annually review the school district policies adopted
30 pursuant to the requirements of this section.

31 SEC. 13. Section 39363 of the Education Code, as
32 amended to read:

33 39363. The funds derived from the sale of surplus
34 property shall be used for capital outlay or for costs of
35 maintenance of school district property that the
36 governing board of the school district determines will not
37 recur within a five-year period. Proceeds from a lease of
38 school district property with an option to purchase may
39 be deposited into a restricted fund for the routine repair
40 and maintenance of district facilities, as defined by the

State Allocation Board, for up to a five-year period. In
addition, the proceeds may be deposited in the general
fund of the district for any general fund purpose if the
school district governing board and the State Allocation
Board have determined that the district has no
anticipated need for additional sites or building
construction for the five-year period following such sale
or lease, and the district has no major deferred
maintenance requirements.

SEC. 14. Section 42238 of the Education Code is
repealed.

SEC. 15. Section 42238 is added to the Education
Code, to read:

(a) For the 1983-84 fiscal year, the county
superintendent of schools shall determine a revenue limit
for each school district in the county pursuant to this
section.

(b) The base revenue limit for the 1983-84 fiscal year
shall be determined by adding the following amounts:

(1) The revenue limit per unit of average daily
attendance for the 1982-83 fiscal year determined
pursuant to Item 6100-101-001 of the Budget Act of 1982.

(2) The inflation adjustment specified in Section
42238.1.

(3) The equalization adjustment specified in Section
42238.4.

(c) The base revenue limit for each district
determined in subdivision (b) shall be multiplied by the
district average daily attendance computed as specified
in Section 42238.5.

(d) The amount determined in subdivision (c) shall
be increased by the minimum revenue guarantee
adjustment specified in Section 42238.2.

(e) The Superintendent of Public Instruction shall
apportion to each school district the amount determined
in this section less the sum of:

(1) The district's property tax revenue received
pursuant to Chapter 6 (commencing with Section 95) of
Part 0.5 of the Revenue and Taxation Code.

(2) The amount, if any, received pursuant to Part 18.5

003

Exhibit B

Hearing: 10/24/85
Date Filed: 09/20/84
Staff: Rose Mary Swart
WP 0592A

Proposed Statement of Decision
Adopted Mandate
(Chapter 498, Statutes of 1983)
Teacher Evaluator's Demonstrated Competence

The Commission on State Mandates, at its September 26, 1985 hearing, determined that a reimbursable mandate exists in Chapter 498, Statutes of 1983, Education Code Section 35160.5.

Member Creighton moved to find a mandate. Members Aceituno, Carlyle and Creighton voted aye, Chairman Huff voted no. The motion carried.

BEFORE THE
COMMISSION ON STATE MANDATES

CLAIM OF:

SAN JOSE UNIFIED SCHOOL DISTRICT

Claimant

SB 90-4136

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on September 26, 1985, in Sacramento, California, during a regularly scheduled meeting of the commission. William A. Doyle appeared on behalf of the San Jose Unified School District.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

FINDINGS OF FACT

1. The test claim was filed with the Board of Control on September 20, 1984, by the San Jose Unified School District.

2. The subject of the claim is Statutes of 1983, Chapter 498 (Education Code section 35160.5).

3. Chapter 498, Statutes of 1983, added Education Code section 35160.5 which requires the following actions in order for districts to receive school apportionments. On or before December 1, 1984, each school district shall adopt rules and regulations establishing district policy regarding:

(a) certification that teacher evaluators have demonstrated competence in methodologies needed to evaluate teachers.

(b) district policies ensuring that all new, probationary teachers are assigned to schools where their potential special needs for training, assistance and evaluations will be met.

(c) policies which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Section 35160.5 also requires the governing board of each school district to annually review the policies adopted pursuant to the section.

4. The claimant incurred costs as a result of training teacher evaluators to meet the newly adopted standards as specified in Finding 3.

5. None of the requisites for denying a claim, as specified in Government Code section 17556, subdivision (a), were established.

DETERMINATION OF ISSUES

1. The commission has jurisdiction to decide the claim under authority of Government Code section 17630.

2. The commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore the commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

3. The commission determined that only the higher level of service required by section 35160.5 in each school district is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

4. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

Exhibit C

Hearing: 4/24/86
SB 90-4136
Staff: Rose Mary Swart
WP 1029A

PROPOSED PARAMETERS AND GUIDELINES
Chapter 498, Statutes of 1983
Education Code Section 35160.5
Certification of Teacher Evaluators' Demonstrated Competence

EXECUTIVE SUMMARY

Chapter 498, Statutes of 1983 created a state mandate in Education Code Section 35160.5 by requiring that in order to receive apportionments, school districts adopt rules establishing district policy regarding: certification of teacher evaluators' demonstrated competence, probationary teachers, and a complaint process which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Commission staff has suggested amendments to the claimant's proposed parameters and guidelines, and recommends that the commission adopt the parameters and guidelines as amended. The claimant agrees with staff's proposed parameters and guidelines.

The Department of Finance (DOF) has suggested changes to staff's proposed parameters and guidelines.

Claimant

San José Unified School District

Chronology

- 9/20/84 Claim filed with Board of Control.
- 10/12/84 Claim continued pending Board of Control decision regarding multiple filings issue for Chapter 498/83; and, due to transition to Commission on State Mandates.
- 3/21/85 Claim continued due to lack of input from State Department of Education (SDE).
- 5/25/85 Claim continued due to lack of input from SDE.
- 7/25/85 Commission on State Mandates hearing cancelled.

- 8/22/85 Claim held-over to 9/26/85 hearing due to tie-vote.
- 9/26/85 Mandate approved by Commission on State Mandates.
- 10/24/85 Statement of Decision adopted (Attachment E).
- 12/2/85 Proposed parameters and guidelines submitted by San Jose Unified School District.
- 1/13/86 Conference to discuss proposed parameters and guidelines.
- 1/31/86 Amended proposed parameters and guidelines submitted by San Jose Unified School District (Attachment C).
- 3/27/86 Claim continued by the commission due to late filing of recommendation by DOF (Attachment F).

Statement of Claim

Chapter 498, Statutes of 1983 (Attachment B) required school districts to adopt rules and regulations to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers. School districts must also adopt rules to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible, resolve the complaints.

Staff Analysis

Staff is recommending several changes to the claimant's proposed parameters and guidelines (Attachment C).

A complete set of staff's proposed parameters and guidelines are attached (Attachment A).

Following is a summary and analysis of staff's suggested changes and DOF's suggested changes to the claimant's proposal. Additions are shown by underlining, deletions by strikeout. Staff agrees with and has added the claimant's suggested language in Sections V., B., 1, and IX., of this proposal. The claimant submitted this proposed language (Attachment G) in its rebuttal to the DOF recommendation.

Section III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code Section 2208.5, that incurred mandated costs as a result of implementing Chapter 498/83, Education Code Section 35160.5.

Since Chapter 498/83 affected numerous code sections, it is important for accuracy and clarity to include the affected code section(s) in any description or discussion of the impact of Chapter 498/83. This is a nonsubstantive change.

* * *

Section V. Reimbursable Costs

A., 2., a. Time of district administrators spent in certification training excluding classroom observation ~~(including classroom observation when it is pay by the training package).~~

Staff proposes: 1) deletion of language from this section which would reimburse for "classroom observation" and; 2) a specific exclusion statement precluding such payment. Staff is making this proposal because classroom observation is part of the administrator's usual responsibility and a basic function of the job. It is important for administrators to practice the skills they have acquired in training, but according to staff of SDE, administrators typically practice this, and other skills, on the job. School administrators are actually performing two functions by incorporating the practice into their usual work. Since the administrator is continuing the same work routine which took place prior to the certification training, it seems unreasonable to expect this time to be recognized as a function mandated by Chapter 498/83. At this point the administrators are back at work and providing the services for which they are paid. The claimant agrees with this change.

However, DOF asserts in its recommendation that Chapter 498/83, Education Code Section 35160.5 does not require that administrators participate in any training (Attachment F). Staff would point out that this issue was addressed by the commission during the test claim phase of this mandate. The commission decided that Chapter 498/83 does require that training be provided for administrators functioning as teacher evaluators. See the commission's Statement of Decision, Attachment E, Part I, 3., (b), which addresses this issue. Therefore, since the matter has previously been resolved by the commission, staff will not address it in this analysis.

* * *

V. B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. The cost of services or activities provided to probationary teachers and which are funded by the Mentor Teacher Program can not be claimed as a reimbursement cost.

This change is being proposed by the claimant in response to a concern expressed by DOF. The DOF recommendation makes the following statement regarding this section:

Chapter 498, Statutes of 1983 only requires that a school district establish policies ensuring that a new teacher's training, assistance and evaluation needs will be recognized. It does not demand that those policies exceed whatever currently is provided by school districts to new teachers. Claims that propose reimbursement for activities beyond those required by a school district prior to adoption of "expanded" policies are essentially claims for discretionary acts. As such, these activity costs should not be reimbursable.

The DOF concern here is about the level of training that will be reimbursed. Again, this is an issue which has been decided by the commission as part of the test claim. The commission, in its statement of decision on the test claim determined that training costs are reimbursable. In addition, it is established that any claim for reimbursement of activities beyond those mandated is not acceptable and will not be reimbursed. Nor are activities which are already being reimbursed going to be doubly reimbursed. However, in response to the DOF concern and to provide clarification the claimant has suggested the new language regarding the Mentor Teacher Program. Any activities already funded through that or any other programs may not be reimbursed through these parameters and guidelines. The proposed parameters and guidelines, in Section V.B.1. clearly prohibit double funding of activities by allowing reimbursement only for "Training, assisting and evaluating probationary teachers over and above that usually provided ...". Emphasis added. Additionally, Education Code Section 44496(a)(3) prohibits a mentor teacher from participating in any evaluation of other teachers.

* * *

- B. 1. c. One third of the time spent by site administrators training, assisting or evaluating probationary teachers.

The DOF recommendation states that the proposed parameters and guidelines, in Section B.1., would provide reimbursement for an activity which is now clearly a responsibility of administrative school personnel. This activity is the evaluation of probationary teachers. The proposed parameters and guidelines indicate that one third of the time spent by site administrators training, assisting or evaluating probationary teachers is reimbursable.

According to the claimant this is not an arbitrary number because "the additional one third of the time spent by administrators during the two year probationary period performing the mandated activities (training, assistance and evaluation) is caused by performing all the mandated activities within a two year period [Section 44882(b)] rather than in the pre-Chapter 498/83 three year period of time."

Education Code Section 44882(b), in pertinent part, referred to above, shortened the probationary period for teachers as follows:

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year be classified as and become a permanent employee of the district.

Staff does not find it necessary to change this portion of the proposal. The proposed parameters and guidelines will provide reimbursement only for activities required by Chapter 498/83.

* * *

- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code Section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

Regarding above Section V.C.1 of the proposed parameters and guidelines, DOF suggested the following language:

"These costs may be reimbursed if prior policies did not provide a procedure for parents and pupils to present complaints regarding employees or mechanisms for response or resolution to the complaints."

Prior practice has not been a determining factor in past decisions of the commission or its predecessor Board of Control. The commission has determined that a stated policy and process for complaints regarding employees of the district is, in this case, a state-mandated activity. The proposed parameters and guidelines articulate that which is required and that which is reimbursable, in accordance with the commission's findings. There is an exclusion in this portion of the proposed parameters and guidelines for any

activities or meetings previously required by other laws. Staff asserts that the proposed language will facilitate identification and reimbursement of the mandated activities of Chapter 498/83 but will preclude payment of other functions not required by Chapter 498/83.

* * *

VII. Professional and Consultant Services.

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$95 65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

Staff is suggesting the \$65 per hour limit because, according to SDE staff, teacher evaluator training of administrators has been offered at no cost through educational associations which are funded by SDE, and the training is available through commercial providers at a maximum \$500 per day rate. Therefore, it was felt that the claimant's allowance of up to \$95 per hour for contracted services was too high. The \$65 per hour maximum has been verified by staff through a telephone survey to be well within the industry average required by the State Administrative Manual for state contracts. Staff's proposal therefore, includes replacement language establishing a \$65 per hour ceiling, as indicated above. The claimant agrees with this change.

* * *

Staff has also added a Section VIII, Offsetting Savings. This is standard language for parameters and guidelines and merely guarantees that any savings the claimant realizes as a result of fulfilling the mandate will be identified and used to offset costs of the program. The claimant concurs.

* * *

Section IX, Required Certification, which was also added by staff is standard, "boilerplate" language which is needed in all parameters and guidelines to insure the validity of future claims. The claimant concurs.

Staff Recommendation

Staff recommends the adoption of staff's proposed parameters and guidelines. Staff's proposed parameters and guidelines incorporate an editorial change and language which would:

1. preclude paying teacher evaluator's salaries while they perform classroom observation;
2. limit consultant's fees to a maximum of \$65 per hour;
3. add a standard Section VIII Offsetting Savings;
4. Add a Section IX Supporting Data for Claims requiring documentation that a claimant has attempted to secure "no cost consultant services", and;
5. add a Section X Required Certification.

Exhibit D

PARAMETERS AND GUIDELINES
Education Code Section 35160.5
Chapter 498, Statutes of 1983
Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as a result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200.00 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.00.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.

a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three year period.

a. Time of district administrators spent in certification training excluding classroom observation.

b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.

c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.

d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.

B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.

a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.

b. Training materials and clerical services for probationary teachers.

c. Registration fees and travel costs of probationary teachers attending training activities.

d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to

other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty (20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

Exhibit E

Certification Teacher Evaluators' Demonstrated Competence

1. Summary of Chapter 498/83

This Chapter, which added Section 35160.5 to the Education Code, required the governing board of each school district, on or before December 1, 1984, to adopt rules and regulations establishing school district policies regarding teacher evaluation, training and complaints regarding employees.

On September 26, 1985, the Commission on State Mandates determined that Chapter 498/83 imposed a new program and costs on school districts and that these costs are reimbursable pursuant to Section 17561 of the Government Code.

2. Eligible Claimants

Any school district or county office of education which incurs increased costs as a result of this mandate is eligible to claim reimbursement for those costs.

3. Appropriations

Claims may only be filed with the State Controller's Office for programs that have been funded by the State Budget Act or by special legislation. To determine funding availability for the current fiscal year, refer to the schedule "Appropriation for State Mandated Cost Programs" in the "Annual Claiming Instructions for State Mandated Costs" issued in mid-September of each year to superintendents of schools.

4. Types of Claims

A. Reimbursement and Estimated Claims

An eligible claimant may file a reimbursement claim or an estimated claim as specified below. A reimbursement claim details the costs actually incurred for the previous fiscal year. An estimated claim shows the costs to be incurred for the current fiscal year.

- A claim for reimbursement or an estimate must exceed \$200 per fiscal year. However, a county superintendent of schools, as fiscal agent for the school district, may submit a combined claim in excess of \$200 on behalf of school districts within the county even if the individual district's claim does not exceed \$200. The combined claim must show the individual claim costs for each school district. Once a combined claim is filed, all subsequent claims for the same mandate must be filed in a combined form. A school district may withdraw from the combined claim form by providing a written notice to the county superintendent of schools and the Controller, at least 180 days prior to the deadline for filing the claim, of its intent to file a separate claim.

B. Filing Deadline

Refer to Item 3 "Appropriations" to determine if the program is funded for the current fiscal year. If funding is available, an estimated claim may be filed as follows:

- An estimated claim must be filed with the State Controller's Office and postmarked by **November 30** of the fiscal year in which costs are to be incurred. Timely filed estimated claims will be paid before late claims.

After having received payment for the estimated claim, the claimant must file a reimbursement claim by **November 30** of the following fiscal year. If the district fails to file a reimbursement claim by **November 30** of the following fiscal year, monies received must be returned to the State. If no estimated claim was filed, the district may file a reimbursement claim detailing the actual costs incurred for the fiscal year, provided there was an appropriation for the program for that fiscal year. See Item 3 above.

- A reimbursement claim must be filed with the State Controller's Office and postmarked by **November 30** following the fiscal year in which costs were incurred. If a claim is filed after the deadline, but by **November 30** of the succeeding fiscal year, the approved claim will be reduced by 10% but not to exceed \$1,000. If the claim is filed more than one year after the deadline, the claim can not be accepted.

5. Reimbursable Components

The governing board of each school district was required, as a condition of receiving appropriations from the State School Fund, to adopt rules and regulations regarding teacher evaluation training and complaints regarding employees.

A. Competence in Instructional Methodology

Education Code Section 35160.5(a)(1) requires certification of personnel assigned to evaluate teachers that have demonstrated competence in instructional methodology and evaluation of teachers.

(1) Adoption of Rules and Regulations.

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies, and the annual revision of these policies are reimbursable. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(2) Teacher Evaluator Certification Training Programs

The costs of training programs provided to administrators for the purpose of meeting certification requirements adopted by the governing board are reimbursable. Eligible costs include: salaries and benefits paid to administrators during certification training; mileage, meals and materials for attending locally provided training sessions; transportation, meals and lodging for attending training not available locally; contracts for administrators to be trained locally (consultant fees, materials, travel, meals and lodging for trainers); and salaries and benefits for preparation and presentation, plus mileage, meals, clerical support and material used in training by district employees used as trainers.

Training expenses for an administrator are allowed a maximum of ten days (80 hours) in any three year period. The reimbursable travel costs of attending a local training session shall be the same as provided by the district for other district activities. The reimbursement for non-local training shall be the same as provided for business travel by employees of the State of California.

B. Probationary Certificated Employee Policies

Education Code Section 35160.5(a)(2) requires the establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance and evaluations will be recognized.

(1) Adoption of Rules and Regulations

The cost of preparation, discussion and distribution of the proposed rules and regulations, the adoption of rules and regulations establishing education policies and the annual review of these policies are reimbursable. Copies of the approved previous policy and the subsequent policy must be included with claims for reimbursement.

(2) Training, Assisting and Evaluating Probationary Teachers

The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist or evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available within the school district or county office of education, is reimbursable. Registration fees, travel costs and the cost of substitute teachers provided for probationary teachers so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester.

C. Parental Complaint Policies

Education Code Section 35160.5(a)(3) requires policies and procedures for enrolled pupils' parents or guardians to present employee complaints. The policies and procedures provide response mechanisms and, where possible, resolve the complaint.

(1) Adoption and Review of Rules and Regulations

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies and the annual policy review are reimbursable.

(2) Resolution of Complaints

The cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the claimant in compliance with Education Code Section 35160.5 are reimbursable.

These costs shall include:

- ▣ notification costs of parent and pupil complaint procedures
- ▣ claimant costs of time, mileage, supplies and specialized training to respond to parent and pupil complaints.

Meeting and activity costs required by categorical programs and/or special education rules and regulations are not eligible for this program.

6. Reimbursement Limitations

Any offsetting savings or reimbursement the claimant received from any source, as a result of this mandate, must be deducted from the amount claimed.

7. Cost Elements of a Claim

Contracted services for training evaluators are not reimbursable, unless the claimant can document that the State Department of Education was unable to provide the consultant services or the Department failed to respond to the claimant's request within the following time period. The claimant must request consultant services from the State Department of Education at least thirty calendar days prior to the need for the consultant services and the district must have been notified by the Department that the requested consultant services were not available at the time of the request. If the claimant did not receive a response to their request within twenty calendar days after the request was received by the Department, contracted service expenses are reimbursable.

The maximum reimbursable fee for contracted services in 1983/84 was \$ 65 per hour, to be adjusted annually by the GNP Deflator through the claim year. The current rate is shown on Form TE-1, Claim Summary. Claimants will receive a revised claim form each year with a revised rate. Claims which are based on annual retainer must contain a certification that the fee is no greater than the allowable maximum fee per hour.

8. Claiming Forms and Instructions

The diagram "Illustration of Claim Forms", provides a graphical presentation of forms required to be filed with a claim. A claimant may submit a computer generated report in substitution for Form TE-1 and Form TE-2, provided the format of the report and data fields contained within the report are identical to the claim forms included with these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file an estimated or reimbursement claim. The State Controller's Office will revise the manual and claim forms as necessary.

A. Form TE-2, Component/Activity Cost Detail

This form is used to segregate the detailed costs by claim component. In some mandates, specific reimbursable activities have been identified for each component. The expenses reported on this form must be supported by cost and time records. Copies of supporting documentation specified in the claiming instructions must be submitted with

the claims.

For audit purposes, all supporting documents must be retained for a period of two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

B. Form TE-1, Claim Summary

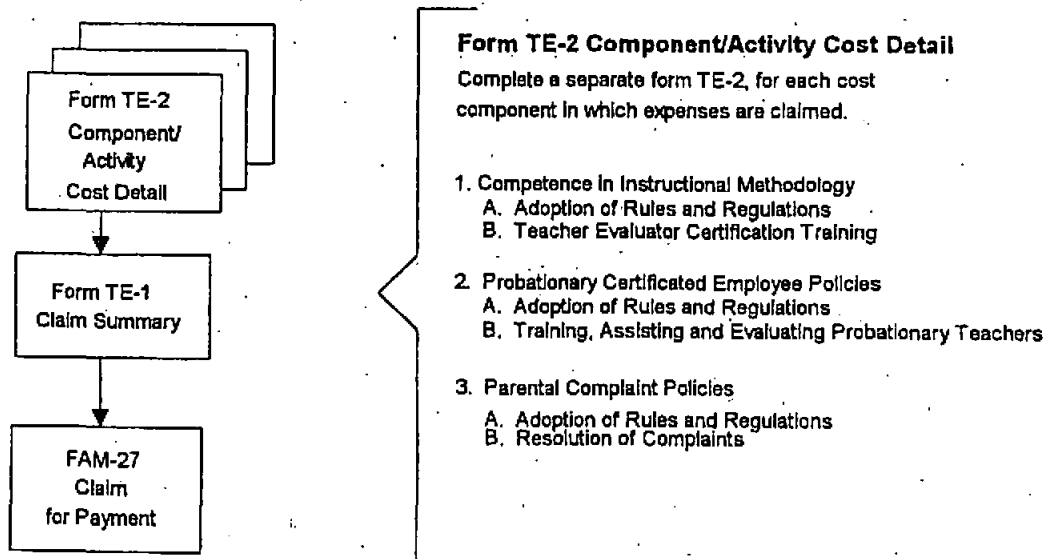
This form is used to summarize direct costs by claim component and compute allowable indirect costs for the mandate. Claim statistics shall identify the work performed for costs claimed.

School districts and local offices of education may compute the amount of indirect costs utilizing the State Department of Education's Annual Program Cost Data Report J-380 or J-580 rate, as applicable. The cost data on this form are carried forward to form FAM-27.

C. Form FAM-27, Claim for Payment

Form FAM-27 contains a certification that must be signed by an authorized representative of the district. All applicable information from form TE-1 must be carried forward to this form for the State Controller's Office to process the claim for payment.

Illustration of Claim Forms



CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM FOR PAYMENT**

For State Controller Use only

(19) Program Number 00009

(20) Date Filed _____/_____/_____

(21) Signature Present

Reimbursement Claim Data

(01) Claimant Identification Number: _____

(02) Mailing Address _____

Claimant Name _____

County of Location _____

Street Address or P. O. Box _____

City _____

State _____

Zip Code _____

(22) TE-1, (04)(1)(d) _____

(23) TE-1, (04)(2)(d) _____

(24) TE-1, (04)(3)(d) _____

(25) TE-1, (05)(d) _____

(26) TE-1, (06) _____

Type of Claim

Estimated Claim

Reimbursement Claim

(03) Estimated

(09) Reimbursement

(04) Combined

(10) Combined

(05) Amended

(11) Amended

(27) TE-1, (11) _____

(28) _____

(29) _____

(30) _____

Fiscal Year of Cost

(06) 19_____/_____

(12) 19_____/_____

(31) _____

Total Claimed Amount

(07) _____

(13) _____

(32) _____

Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)

(14) _____

(33) _____

Less: Estimate Payment Received

(15) _____

(34) _____

Net Claimed Amount

(16) _____

(35) _____

Due from State

(08) _____

(17) _____

(36) _____

Due to State

(18) _____

(37) _____

(38) CERTIFICATION OF CLAIM:

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 through 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimant, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative _____

Date _____

Type or Print Name _____

Title _____

(39) Name of Contact Person for Claim _____

Telephone Number _____

() _____ Ext. _____

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE

FORM

Certification Claim Form

FAM-27

Pursuant to Government Code Section 17561

- (01) Leave blank
- (02) A set of mailing labels with the claimant's I.D. number and address have been enclosed with the claiming instructions. The mailing labels are designed to speed processing and prevent common errors that delay payment. Affix the label provided at the place indicated on form FAM-27. Cross out any errors and print the correct information on the label. Add any missing address items, except county of location and a person's name. If you didn't receive labels, print or type your agency's mailing address.
- (03) If filing an original estimated Claim, enter an "X" in the box on line (03) Estimated.
- (04) If filing an original estimated Claim on behalf of districts within the county, enter an "X" in the box on line (04) Combined.
- (05) If filing an amended claim to an original estimated or combined claim, enter an "X" in the box on line (05) Amended. Leave boxes (03) and (04) blank.
- (06) Enter the current fiscal year in which costs are to be incurred.
- (07) Enter the amount of estimated claim from form TE-1, line (11).
- (08) Enter the same amount as shown on line (07).
- (09) If filing an original reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) If filing an original reimbursement claim on behalf of districts within the county, enter an "X" in the box on line (10) combined.
- (11) If filing an amended claim to an original reimbursement or combined claim on behalf of districts within the county, enter an "X" in the box on line (11) combined.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim from form TE-1, line (11).
- (14) If a reimbursement claim is filed after November 30 following the fiscal year in which costs were incurred, the claim must be reduced by a late penalty. Enter either the product of multiplying line (13) by the factor 0.10 [10% penalty] or \$1,000, whichever is less.
- (15) If filing a reimbursement claim and have previously filed an estimated claim for the same fiscal year, enter the amount received for this estimated claim, otherwise enter a zero.
- (16) Enter the result of subtracting the sum of line (14) and line (15) from line (13).
- (17) If line (16) Net Claimed Amount is positive, enter that amount on line (17) Due from State.
- (18) If line (16) Net Claimed Amount is negative, enter that amount on line (18) Due to State.
- (22) through (37) for the Reimbursement claim

Bring forward cost information as specified in the left-hand column of lines (22) through (37) for the reimbursement claim [e.g., TE-1, (04)(1)(d), means the information is located on form TE-1, line (04)(1)(d)]. Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, (i.e., no cents). Indirect costs percentage should be shown as a whole number and without the percent symbol (i.e., 7.548% should be shown as 8). The claim cannot be processed for payment unless this data block is correct and complete.

- (38) Read the statement "Certification of Claim". If the statement is true, the claim must be dated, signed by the agency's authorized representative and must include the person's name and title, typed or printed. Claims cannot be paid unless accompanied by a signed certification.
- (39) Enter the name of the person and telephone number that this office should contact if additional information is required.

SUBMIT A SIGNED ORIGINAL AND A COPY OF FORM FAM-27 AND A COPY OF ALL OTHER FORMS AND SUPPORTING DOCUMENTS TO:

*Address, if delivery is by:
U.S. Postal Service*

KATHLEEN CONNELL
Controller of California
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250-5875

*Address, if delivery is by:
Other delivery service*

KATHLEEN CONNELL
Controller of California
Division of Accounting and Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE CLAIM SUMMARY Instructions	FORM TE-1
--	----------------------------

- (01) Enter the name of the claimant.
- (02) Type of Claim. Check a box, Reimbursement or Estimated, to identify the type of claim being filed. Enter the fiscal year of costs.
- Form TE-1 must be filed for a reimbursement claim. Do not complete form TE-1 if you are filing an estimated claim and the estimate does not exceed the previous fiscal year's actual costs by more than 10%. Simply enter the amount of the estimated claim on form FAM-27, line (07). However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, form TE-1 must be completed and a statement attached explaining the increased costs. Without this information the high estimated claim will automatically be reduced to 110% of the previous fiscal year's actual costs.
- (03) (a) Answer yes or no.
(b) If yes, explain contract terms or annual retainer.
- (04) Reimbursable Components. For each reimbursable component, enter the totals from form TE-2, line (05) columns (d) and (e) and (f). Total each row.
- (05) Total Direct Costs. Total block (05) columns (a) through (d).
- (06) Indirect Cost Rate. Enter the indirect cost rate from the Department of Education form J-380 or J-580, as applicable, for the fiscal year of the costs.
- (07) Total Indirect Costs. Enter the result of multiplying the difference of Total Direct Costs, line (05)(d) and Contracted Services, line (05)(c) by the Indirect Cost Rate, line (06).
- (08) Total Direct and Indirect Costs. Enter the sum of Total Direct Costs, line (05)(d) and Total Indirect Costs, line (07).
- (09) Less: Offsetting Savings, if applicable. Enter the total savings experienced by the claimant as a direct result of this mandate. Submit a detailed schedule of savings with the claim.
- (10) Less: Other Reimbursements, if applicable. Enter the amount of other reimbursements received from any source (i.e., service fees collected, federal funds, other state funds, etc.) which reimbursed any portion of the mandated cost program. Submit a detailed schedule of the reimbursement sources and amounts.
- (11) Total Claimed Amount. Subtract the sum of Offsetting Savings, line (09), and Other Reimbursements, line (10), from Total Direct and Indirect Costs, line (08). Enter the remainder of this line and carry the amount forward to form FAM-27, line (13) for the Reimbursement Claim.

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE				FORM TE-1
CLAIM SUMMARY				
Instructions				
(01) Claimant	(02) Type of Claim Reimbursement <input type="checkbox"/> Estimated <input type="checkbox"/>		Fiscal Year 19__/__	
Claim Statistics				
(03) Professional and Consultant Services Certification (a) Is the fee claimed for contracted services, including claims based on annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year? (b) If yes, explain.			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
Direct Costs		Object Accounts		
(04) Reimbursable Components: 1. Competence in Instructional Methodology 2. Probationary Certified Employee Policies 3. Parental Complaint Policies		(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contracted Services
		(d) Total		
(05) Total Direct Costs				
Indirect Costs				
(06) Indirect Cost Rate		[From J-380 or J-580]		%
(07) Total Indirect Costs		[Line (06) x ((line (05)(d) - line (05)(c))]		
(08) Total Direct and Indirect Costs		[Line (05)(d) + line (07)]		
Cost Reduction				
(09) Less: Offsetting Savings, if applicable				
(10) Less: Other Reimbursements, if applicable				
(11) Total Claimed Amount		[Line (08) - (Line (09) + Line (10))]		

MANDATED COSTS CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL	FORM TE-2
---	----------------------------

(01) Claimant	(02) Fiscal Year Costs Were Incurred
---------------	--------------------------------------

(03) Reimbursable Component: Check only one box per form to identify the component being claimed.

1. Competence in Instructional Methodology

2. Probationary Certificated Employee Policies

3. Parental Complaint Policies

(04) Description of Expenses: Complete columns (a) through (f) **Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services

(05) Total	<input type="text"/>	Subtotal	<input type="text"/>	Page: _____ of _____	
------------	----------------------	----------	----------------------	----------------------	--

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL Instructions	FORM TE-2
---	----------------------------

- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Reimbursable Components. Check the box which indicates the cost component being claimed. Check only one box per form. A separate form TE-2 shall be prepared for each component which applies.
- (04) Description of Expenses. The following table identifies the type of information required to support reimbursable costs. To detail costs for the component activity box "checked" in block (03), enter the employee names, position titles, a brief description of their activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, etc. Maximum reimbursable fee for contracted services is \$98.27 per hour for 1995/96 f.y. For audit purposes, all supporting documents must be retained by the claimant for a period of not less than two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

Object/ Subobject Accounts	Columns						Submit these supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	
Salaries	Employee Name	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked			
Benefits	Title Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries			
Materials and Supplies	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Consumed		
Contracted Services	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Itemized Cost of Services Performed	Invoice

- (05) Total line (04), columns (d), (e) and (f) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed for the component/activity, number each page. Enter totals from line (05), columns (d), (e) and (f) to form TE-1, block (04) columns (a), (b) and (c) in the appropriate row.

Exhibit F

Exhibit "F" Explanation

Upon reviewing files for this program at the State Controller's Office on August 31, 1998, we were not able to obtain the original adjustment letters. Original adjustment amounts were calculated based upon the State Controller's Office work papers (please see Exhibit "G").

Exhibit G

SEP 10 1998

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009
 (20) Date Filed ___ / ___ / ___
 (21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number:
S43165
 (02) Mailing Address
 Claimant Name
SARATOGA UNION ELEMENTARY SD
 County Of Location
SANTA CLARA
 Street Address or P.O. Box
20460 FORREST HILLS DR.
 City State Zip Code
SARATOGA CA 95070

Reimbursement Claim Data	
(22) TE-1,(04)(1)(d)	940
(23) TE-2,(04)(2)(d)	79,265
(24) TE-1,(04)(3)(d)	7,847
(25) TE-1,(05)(d)	88,052
(26) TE-1,(06)	8,2200
(27) TE-1,(11)	95,265
(28)	
(29)	
(30)	
(31)	
(32)	
(33)	
(34)	
(35)	
(36)	
(37)	

Type of Claim	Estimated Claim	Reimbursement Claim
85109 (03) Estimated <input type="checkbox"/> (04) Combined <input type="checkbox"/> (05) Amended <input type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>
	(10) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>
	(11) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>
(06) Fiscal Year of Cost	19 ___ / ___	(12) 19 95 / 95
(07) Total Claimed Amount		(13) \$ 95,265 ^{10,560}
Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable)		(14)
Less: Estimate Payment Received		(15) 42692
Net Claimed Amount		(16) \$ 95,265 ³²⁵³⁶
(08) Due From State		(17) \$ 95,265
Due to State		(18) 32536

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative: Ellen D. Tipton Date: 11-25-96
 ELLEN D. TIPTON BUSINESS MANAGER
 Type or Print Name Title

(39) Name of Contact Person For Claim: Steve Smith, Mandated Cost Systems Telephone Number: 916-487-4435 Ext. _____

MANDATED COSTS

**FORM
TE-1**

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY**

(01) Claimant: S43165 SARATOGA UNION ELEMENTARY SD	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year: 19 <u>95</u> / <u>96</u>
--	--	--

Claim Statistics

(03) Professional and Consultant Services Certifications:

	Yes	No
a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?		X
b. If yes, explain.		

Direct Costs	Cost Elements			
(04) Reimbursable Components:	(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
1. Certification of Teacher Evaluators	940	0	0	940
2. Probationary Certified Employee Policies	79,265 898	0	0	79,265 898
3. Parental Complaint Policies	7,547	0	300	7,847
(05) Total Direct Costs	87,752 9385	0	300	88,052 9385

Indirect Costs

(06) Indirect Cost Rate: J-380 or J-580, as applicable. 8.2200 %

(07) Indirect Costs: $\{[Line (05)(d) - line (05)(c)] \times line (06)\}$. 2,213

(08) Total Costs: $\{Line (05)(d) + line (07)\}$. 95,265

Cost Reduction

(09) Less: Offsetting Savings, if applicable

(10) Less: Other Reimbursements, if applicable

(11) Total Claimed Amount: $\{Line(08) - [Line(09) + line(10)]\}$. 10,570

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95 - 96

- (03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING BORGESON, D/ASSISTANT PRINCIPAL BROOKS, S/PRINCIPAL DERBY, D/PRINCIPAL LEVY-KLAYMAN, L/PRINCIPAL OGDEN, L/PRINCIPAL	42.30 44.62 49.33 49.38 49.38	4.00 4.00 4.00 4.00 4.00	169 178 197 198 198		

(05) Total Subtotal

MANDATED COSTS

**FORM
TE-2**

Certification of Teacher Evaluator's Demonstrated Competence

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
ALJEANDRO, M/TEACHER	49.43	21.00	1038		
ANDERSON, L/TEACHER	44.96	34.00	1529		
BACON, G/TEACHER	39.82	13.00	518		
BORGESON, D/ASSISTANT PRINCIPAL	42.30	15.00	635		
BROTHERS, B/SECRETARY	22.43	1.50	34		
CALDER, B/TEACHER	61.86	36.00	2227		
COOPER, A/TEACHER	46.27	105.00	4859		
COVEY, S/TEACHER	50.35	48.50	2442		
CRALL, M/TEACHER	43.49	144.00	6263		
DORAN, S/TEACHER	33.37	107.00	3571		
DOVALA, P/TEACHER	34.91	48.50	1693		
EVANS, J/TEACHER	33.37	186.00	6207		
FORD, D/TEACHER	39.82	16.50	657		
FORTSON, C/SECRETARY	23.21	3.00	70		
HEDRICKS, A/SECRETARY	18.37	3.00	55		
HELLAR, D/TEACHER	33.31	3.00	100		
HUE, E/TEACHER	39.82	110.50	4399		
JACKOWSKI, V/TEACHER	35.54	13.00	462		
JOHNSON-SELIGA, K/TEACHER	40.13	10.00	401		
KUMMERER, C/TEACHER	47.08	132.00	6215		
MCDONALD, K/TEACHER	33.37	45.00	1502		
MCKENNA, K/TEACHER	33.37	174.00	5807		
MEDIEROS, B/TEACHER	36.17	13.00	470		
MILLER, S/TEACHER	37.69	63.50	2393		
OKADA, J/TEACHER	54.38	72.00	3915		
PEABODY, C/SECRETARY	21.54	2.00	43		
PIERCE, H/TEACHER	42.69	36.00	1537		
POLITO, E/TEACHER	34.91	16.50	576		
RAYNAUD, T-COORDINATOR	59.36	32.00	1900		
SAFINE, B/TEACHER	33.37	48.50	1619		
SCHWARY, A/TEACHER	36.46	45.00	1641		
SLICK, M/TEACHER	45.81	39.00	1786		

(05) Total Subtotal

Page: 1 of 1

\$ 66,564

0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f):

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
SNIDER, L/TEACHER	48.82	78.00	3808		
WALL, D/SECRETARY	20.26	3.00	61		
WARD, L/TEACHER	36.17	104.00	3761		
WHITCANACK, N/COUNSELOR	57.48	36.00	2069		
WHITFORD, D/TEACHER	42.29	71.00	3002		

898

(05) Total Subtotal

Page: 1 of 1

12,701 0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **SARATOGA UNION ELEMENTARY SD** (02) Fiscal Year costs were incurred: **95-96**

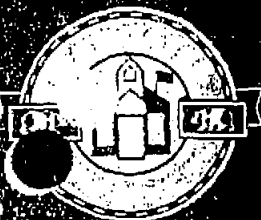
(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f). Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
BORGESON, D/ASSISTANT PRINCIPAL	42.30	12.00	508		
BROOKS, S/PRINCIPAL	44.62	14.25	636		
BROTHERS, B/SECRETARY	22.43	3.75	84		
DERBY, D/PRINCIPAL	49.33	12.00	592		
FORTSON, C/SECRETARY	23.21	5.92	137		
HEDRICKS, A/SECRETARY	18.37	1.17	21		
KAY & STEVENS-ATTORNEYS	100.00	3.00			300
LEVY-KLAYMAN, L/PRINCIPAL	49.38	36.58	1806		
OGDEN, L/PRINCIPAL	49.38	12.00	593		
PEABODY, C/SECRETARY	21.54	3.25	70		
WALL, D/SECRETARY	20.26	11.17	226		
WHITCANACK, N/COUNSELOR	57.48	50.00	2874		

(05) Total Subtotal Page: 1 of 1 \$ 7,547 0 300

Exhibit H



October 13, 1998

2275 Watt Avenue,
Suite C
Sacramento, CA 95825
916-487-4435 phone
916-487-9662 fax

222 West Carmen Lane
Suite 101
Santa Maria, CA 93458
805-922-1471 phone
805-922-7143 fax

3167 Bechellr Lane,
Suite 202
Redding, CA 96002
530-224-7255 phone
530-224-9548 fax

11835 W. Olympic Blvd.,
Suite 680E
Los Angeles, CA 90064
310-477-4749 phone
310-477-5356 fax

Jeff Yee
Manager, Local Reimbursement Section
Division of Accounting and Reporting
State Controller's Office
P.O. Box 942850
Sacramento, CA 94250-5875

RE: **Reconsideration Request (CTE 98-6)**

Dear Mr. Yee:

The **Saratoga Union Elementary School District, Claimant ID S43165** received an adjustment that disallowed costs on its **1995/96 Certification of Teacher Evaluator's Demonstrated Competence Chapter 498/83** claim as follows:

1)	Training Time for Non-probationary Teachers Disallowed	\$ 27,764
2A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$ 54,318
2B)	1 day Training Time Disallowed for 1 st year Probationary Teachers	\$ 2,727
3)	Contracted Services	\$ 300
	Total	\$ 85,109

On August 31, 1998 one of my staff met with Eduardo Antonio to obtain the composition of this adjustment and to copy the work papers used in reviewing this claim.

Issue #1 - Training Time for Non-probationary Teachers (Trainers) Disallowed:

District personnel with the assigned responsibility to train and assist probationary teachers were disallowed. The State Controller's Office Claiming Instructions for this program states that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, (not including the site principal, ... used to train, assist or evaluate probationary teachers are reimbursable."

In reviewing the work papers provided by your office, it is clear that salary and benefits of employees that were used to train and assist probationary teachers were disallowed. It appears that all teachers listed on the claim were assumed to be probationary teachers. In addition, our office has no record of receiving a request for additional information on this claim.

These employees are identified on the attached claim with a "T". These costs should be reinstated.

Issue #2 A & B - Probationary Teacher Time Disallowed:

The Claiming Instructions and Parameters & Guidelines are silent on whether the time spent by probationary teachers is reimbursable. We feel strongly that these are legitimate costs of the mandate and that they are reimbursable. The State Controller's Office Claiming Instructions state that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable".

A) The time spent by probationary teachers receiving additional training and assistance would be included as a cost of training, assisting and evaluating probationary teachers.

B) In addition, the district requires its first year probationary teachers (P1) to work one extra 8 hour day each fiscal year for teacher training. Permanent teachers work a 183 day work year, while the probationary teachers (P1) work a 184 work year. This training session exceeds what is provided to permanent teachers.

There is an identifiable increased cost to the school district for this extra day worked by probationary teachers and this extra day worked is specifically attributable to the mandate of probationary teacher training. Recent Commission on State Mandates rulings on test claims that involve teacher training costs have indicated that if the district incurs an increased cost of some kind (i.e. substitutes, stipends, overtime pay or an extended work year) then this identifiable increased cost would be reimbursable.

The probationary teachers are identified on the attached claim with a "P1" for 1st year teachers or "P2" for 2nd year teachers.

Issue #3 - Contracted Services Disallowed:

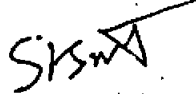
Our records indicate that the required invoices for contracted services were sent to your office with the claim. I also have our signed transmittal form that shows your office's receipt of the claim and attached backup documentation. Prior to sending your office any claim that requires supporting documentation, we double check to make sure that we have attached the required backup. We have re-submitted these invoices with this letter.

Conclusion:

Based on the additional information and clarifications listed above, I request that \$85,109 in incorrectly reduced costs be reinstated. Please notify me within three weeks (November 3, 1998) of the State Controller's Office's decision on this matter. In the absence of a response within three weeks, we will assume that you intend to stand by this adjustment and not reinstate these costs.

If you have any questions or need any additional information, please contact me at (916) 487-4435.

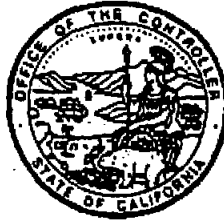
Sincerely,



Steve Smith
President
Mandated Cost Systems, Inc.

Enclosures

cc: Ellen Tipton, Saratoga Union Elementary School District



KATHLEEN CONNELL

California State Controller

FACSIMILE COVER PAGE

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To	Fax No.	Date
STEVE SMITH	(916) 487-9662	11-13-98
Organization		
SARATOGA UNION ELEMENTARY SCHOOL DIST		
From	Telephone No.	No. of pages including cover
EDUARDO	(916) 323-0755	1

Comments/Special instructions

PLEASE SUBMIT COPIES OF LOGSHEET /TIMESHEET FOR NON-PROBATIONARY TEACHERS FOR CERTIFICATION OF TEACHER EVALUATORS PROGRAM (1995-96) FOR THE ABOVE ORGANIZATION AS SOON AS POSSIBLE.

IF THERE ARE PROBLEMS WITH THE COPIES RECEIVED, PLEASE NOTIFY

TELEPHONE NO.

STATE CONTROLLER'S SACRAMENTO OFFICE FACSIMILE NUMBER: (916) 323-4807 OR (916) 323-6527

Original will not follow

Original will follow:

- Regular Mail
- Federal Express
- Hand Delivery
- Certified Mail

California State Controller's Office
3301 C Street, Suite 501
Sacramento, CA 95816
(916) 445-8717



2275 Watt Avenue,
Suite C
Sacramento, CA 95825
916-487-4435 phone
916-487-9662 fax

222 West Carmen Lane
Suite 101
Santa Maria, CA 93458
805-922-1471 phone
805-922-7143 fax

3161 Bechelli Lane,
Suite 202
Redding, CA 96002
530-224-7255 phone
530-224-9548 fax

11835 W. Olympic Blvd.,
Suite 680E
Los Angeles, CA 90064
310-477-4749 phone
310-477-5356 fax

Date: November 19, 1998
To: Eduardo Antonio, State Controller's Office
From: Steve Smith, President *SS*
CC: Ellen Tipton, Saratoga Union Elementary School District

Claimant: Saratoga Union Elementary School District, S43165
Program: Certification of Teacher Evaluators, Chapters 498/83
Fiscal Year: 1995/96

Per your request dated November 13, 1998, you asked that we submit time sheets and log sheets for time spent by Non-Probationary Teachers claimed under the Probationary Certificated Employees Policies component for the Certification of Teacher Evaluators (1995/96), Chapters 498/83 Program. Please note that the Probationary Certificated Employees Policies component code is H2B. We have attached a detailed report that itemizes the source of all charges to this component and the requested documentation.

Upon reviewing the supporting documentation for N. Whitcanack, we found that the 36 hours claimed under the component "Probationary Certificated Employee Policies" was a data entry error. Therefore, N. Whitcanack should not have been claimed as a Non-Probationary Teacher Trainer under this component.

Since your request did not specify which Non-Probationary Teacher log sheets you would need, the documentation enclosed is for those district employees whose hours were disallowed during your claim review and addressed in our October 13, Reconsideration Request.

If you have any further questions or need further clarification, please call Todd Wherry, Project Manager, at 916-487-4435.

CLAIM FOR PAYMENT

SEP 10 1998

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number: **843165**

(02) Mailing Address

Claimant Name
SARATOGA UNION ELEMENTARY SD

County Of Location
SANTA CLARA

Street Address or P.O. Box
20460 FORREST HILLS DR.

City State Zip Code
SARATOGA CA 95070

Reimbursement Claim Data

(22) TE-1,(04)(1)(d) 940

(23) TE-2,(04)(2)(d) 79,265

(24) TE-1,(04)(3)(d) 7,847

(25) TE-1,(05)(d) 88,052

(26) TE-1,(06) 8,2200

Type of Claim Estimated Claim Reimbursement Claim

85109

(03) Estimated

(04) Combined

(05) Amended

(09) Reimbursement

(10) Combined

(11) Amended

(27) TE-1,(11) 95,265

(28)

(29)

(30)

Fiscal Year of Cost (06) 19 /

(12) 19 95 / 96

(31)

Total Claimed amount (07)

(13) \$ 95,265

(32)

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable) (14)

(33)

Less: Estimate Payment Received (15)

(34)

Net Claimed Amount (16)

\$ 32536

(35)

Due From State (08)

(17) \$ 95,265

(36)

Due to State (18)

32536

(37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

Date

Ellen D. Tipton

11-25-96

ELLEN D. TIPTON

BUSINESS MANAGER

Type or Print Name

Title

(39) Name of Contact Person For Claim

Telephone Number

Steve Smith, Mandated Cost Systems

916-487-4435

Ext.

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-1

CLAIM SUMMARY

(01) Claimant:
 S43165
 SARATOGA UNION ELEMENTARY SD

(02) Type of Claim: Reimbursement Estimated
 Fiscal Year: 19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:	Yes	No
		X

a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?

b. If yes, explain.

Direct Costs **Cost Elements**

(04) Reimbursable Components:	(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
1. Certification of Teacher Evaluators	940	0	0	940
2. Probationary Certified Employee Policies	898 79,265	0	0	898 79,265
3. Parental Complaint Policies	7,547	0	300	7,847 7,547
(05) Total Direct Costs	87,752 9894 - 78367 9385	0	300	88,052 9385

Indirect Costs *9911 - 300 ←*

(06) Indirect Cost Rate	J-380 or J-580, as applicable	8.2200 %
(07) Indirect Costs	{[Line (05)(d) - line (05)(c)] x line (06)}	<i>9920 - 6447</i> 2,213 771 -
(08) Total Costs:	[Line (05)(d) + line (07)]	95,265 <i>10,576</i>

Cost Reduction

(09) Less: Offsetting Savings, if applicable	
(10) Less: Other Reimbursements, if applicable	
(11) Total Claimed Amount:	{Line(08) - [Line(09) + line(10)]}

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING					
BORGESON, D/ASSISTANT PRINCIPAL	42.30	4.00	169		
BROOKS, S/PRINCIPAL	44.62	4.00	178		
DERBY, D/PRINCIPAL	49.33	4.00	197		
LEVY-KLAYMAN, L/PRINCIPAL	49.38	4.00	198		
OGDEN, L/PRINCIPAL	49.38	4.00	198		

(05) Total Subtotal

Page 1 of 1

\$ 940 0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
P2 ALJEANDRO, M/TEACHER	49.43	21.00	1038		
T ANDERSON, L/TEACHER	44.96	34.00	1529		
P2 BACON, G/TEACHER	39.82	13.00	518		
BORGESON, D/ASSISTANT PRINCIPAL	42.30	15.00	635		
BROTHERS, B/SECRETARY	22.43	1.50	34		
T CALDER, B/TEACHER	61.86	36.00	2227		
P1 COOPER, A/TEACHER	46.27	105.00	4859		
P1 COVEY, S/TEACHER	50.35	48.50	2442		
T CRALL, M/TEACHER	43.49	144.00	6263		
P1 DORAN, S/TEACHER	33.37	107.00	3571		
P1 DOVALA, P/TEACHER	34.91	48.50	1693		
P1 EVANS, J/TEACHER	33.37	186.00	6207		
P2 FORD, D/TEACHER	39.82	16.50	657		
FORTSON, C/SECRETARY	23.21	3.00	70		
HEDRICKS, A/SECRETARY	18.37	3.00	55		
HELLAR, D/TEACHER	33.31	3.00	100		
P1 HUE, E/TEACHER	39.82	110.50	4399		
P2 JACKOWSKI, V/TEACHER	35.54	13.00	462		
P2 JOHNSON-SELIGA, K/TEACHER	40.13	10.00	401		
T KUMMERER, C/TEACHER	47.08	132.00	6215		
P MCDONALD, K/TEACHER	33.37	45.00	1502		
P MCKENNA, K/TEACHER	33.37	174.00	5807		
P2 MEDIEROS, B/TEACHER	36.17	13.00	470		
P MILLER, S/TEACHER	37.69	63.50	2393		
T OKADA, J/TEACHER	54.38	72.00	3915		
PEABODY, C/SECRETARY	21.54	2.00	43		
T PIERCE, H/TEACHER	42.69	36.00	1537		
P2 POLITO, E/TEACHER	34.91	16.50	576		
T RAYNAUD, T-COORDINATOR	59.36	32.00	1900		
P1 SAFINE, B/TEACHER	33.37	48.50	1619		
F1 SCHWARY, A/TEACHER	36.46	45.00	1641		
P2 SLICK, M/TEACHER	45.81	39.00	1786		

(05) Total Subtotal

Page 451 of 1

\$ 66,564 0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
P SNIDER, L/TEACHER	48.82	78.00	3808		
WALL, D/SECRETARY	20.26	3.00	61		
P WARD, L/TEACHER	36.17	104.00	3761		
T WHITCANACK, N/COUNSELOR	57.48	36.00	2069		
P WHITFORD, D/TEACHER	42.29	71.00	3002		

898

(05) Total Subtotal

\$ 12,701 0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
BORGESON, D/ASSISTANT PRINCIPAL	42.30	12.00	508		
BROOKS, S/PRINCIPAL	44.62	14.25	636		
BROTHERS, B/SECRETARY	22.43	3.75	84		
DERBY, D/PRINCIPAL	49.33	12.00	592		
FORTSON, C/SECRETARY	23.21	5.92	137		
HEDRICKS, A/SECRETARY	18.37	1.17	21		
KAY & STEVENS-ATTORNEYS	100.00	3.00			300
LEVY-KLAYMAN, L/PRINCIPAL	49.38	36.58	1806		
OGDEN, L/PRINCIPAL	49.38	12.00	593		
PEABODY, C/SECRETARY	21.54	3.25	70		
WALL, D/SECRETARY	20.26	11.17	226		
WHITCANACK, N/COUNSELOR	57.48	50.00	2874		

(05) Total Subtotal

Page: 1 of 1

\$ 7,547 0 300

Exhibit I



KATHLEEN CONNELL
 Controller of the State of California

December 11, 1998

Mr. Steve Smith
 President
 Mandated Cost Systems, Inc.
 2275 Watt Avenue, Suite C
 Sacramento, CA 95825

Dear Mr. Smith:

RE: NOTICE OF CLAIM ADJUSTMENT
 SARATOGA UNION ELEMENTARY SCHOOL DISTRICT
 CHAPTER 498/83 CERTIFICATION OF TEACHER EVALUATORS
 FISCAL YEAR 1995-96

This is in reply to your letters dated October 13, 1998 and November 19, 1998 regarding the above claim for reimbursement of mandated cost program. The result of our review is as follows:

Amount Claimed		\$95,265
Adjustment to Claim:		
<i>Probationary Certificated Employee Policies</i>		
The amount of \$54,781 for salaries and benefits of probationary teachers in training is disallowed.	-\$54,781	
Parameters and guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities.		
Sub-total on Adjustment for Direct Costs		-\$54,781
Adjustment of Indirect Costs	(\$7,213-\$2,735)	-4,478
Total Adjustment for Claim		<u>-\$59,259</u>
Approved Claim		\$36,006
Less: Prior Payment of 5/15/97		-42,692
Amount Due State		<u><u>-\$6,686</u></u>

SACRAMENTO 3301 C Street, Suite 501, Sacramento, CA 95816 (916) 445-8717
 Mailing Address: P.O. Box 942850, Sacramento, CA 94250

December 11, 1998

If you have any questions, please contact Eduardo Antonio at (916) 323-0755 or in writing at the State Controller's Office, Attn: Local Reimbursements Section, Division of Accounting and Reporting, P.O. Box 942850, Sacramento, CA 94250-5875.

Sincerely,



JEFF YEE, Manager
Local Reimbursements Section

JY:ea

cc: Ellen Tipton, Saratoga Union Elementary School District

State of California
COMMISSION ON STATE MANDATES
980 Ninth Street, Suite 300
SACRAMENTO, CA 95814
(916) 323-3562
CSM 2 (2/91)

EXHIBIT A,
TAB 6

For Official Use Only	
RECEIVED	
NOV 09 2001	
COMMISSION ON STATE MANDATES	
Claim No:	01-4136-30-416

INCORRECT REDUCTION CLAIM FORM

Local Agency or School District Submitting Claim

MERCED CITY ELEMENTARY SCHOOL DISTRICT, CLAIMANT ID# S24070

Contact Person
Steve Smith, Mandated Cost Systems, Inc.

Telephone No.
(916) 487-4435

Address

**444 W 23RD STREET
MERCED, CA 95340**

Representative Organization to be Notified

**Mandated Cost Systems, Inc.
2275 Watt Avenue Suite C
Sacramento, CA 95825
(916) 487-4435**

This claim alleges an incorrect reduction of a reimbursement claim filed with the State Controller's Office pursuant to section 17561 of the Government Code. This incorrect reduction claim is filed pursuant to section 17551(b) of the Government Code.

CLAIM IDENTIFICATION: Specify Statute or Executive Order

Certification of Teacher Evaluator's Demonstrated Competence Chapter 498, Statutes of 1983, Education Code Section 35160.5

<u>Fiscal Year*</u>	<u>Amount of the Incorrect Reduction</u>
1995/96	\$39,018

*More than one fiscal year may be claimed.

IMPORTANT: PLEASE SEE INSTRUCTION AND FILING REQUIREMENTS FOR COMPLETING AN INCORRECT REDUCTION CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative

Steve Smith, Mandated Cost Systems, Inc.

Telephone No.

(916) 487-4435

Signature of Authorized Representative

Steve Smith

Date

11/9/01

Incorrect Reduction Claim

Merced City Elementary School District, Claimant ID# S24070

Certification of Teacher Evaluators' Demonstrated Competence

Chapter 498, Statutes of 1983

COSM No. SB90-4136

1995/96 Fiscal Year

I. Brief Description of the Disallowed Costs:

The Merced City Elementary School District (hereinafter "District" or "Claimant") filed a claim for reimbursement under the Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program (Chapter 498, Statutes of 1983; COSM No. SB90-4136) for fiscal year 1995/96. By letter dated December 30, 1998, the State Controller (SCO) disallowed \$39,018 of costs for training probationary teachers and associated indirect costs claimed under the Probationary Certificated Policies component of this program. The State Controller has taken the position that the parameters and guidelines "do not provide reimbursement for probationary teacher training costs." Claimant argues, as further outlined below, that the Controller incorrectly reduced its claim because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

II. The Mandate:

Chapter 498, Statutes of 1983 added section 35160.5 to the Education Code. (See Exhibit "A"). Section 35160.5 required school districts, as a condition for receipt of school apportionments, to adopt rules and regulations establishing policies regarding:

- a. The certification of the demonstrated competence of administrators who would be conducting teacher evaluations;
- b. Assurances that probationary teachers will have their needs for training, assistance, and evaluations recognized and met by the district; and
- c. Filing of parent complaints regarding district employees.

On September 20, 1984 the San Jose Unified School District filed a test claim with the Board of Control alleging that Chapter 498/83 imposed reimbursable state mandated costs. On September 26, 1985 the Commission on State Mandates approved the test claim and on October 24, 1985 adopted its Statement of Decision. (See Exhibit "B"). Parameters and guidelines for this program were originally adopted on April 24, 1986. (See Exhibit "C"). These parameters and guidelines were subsequently amended on January 24, 1991 (See Exhibit "D"). The Education Trailer Bill to the Budget Act of 1996, effective July 22, 1996, (Chapter 204, Statutes of 1996) repealed this mandate effective with the 1996/97 fiscal year. The State Controller's Office Claiming Instructions in effect for the 1995/96 claim year are attached (See Exhibit "E").

III. The District's Claim, State Controller's Review and Reconsideration

The filing deadline with the State Controller's Office for 1995/96 Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program was November 30, 1996. The late filing deadline (with requisite 10% penalty not to exceed \$1,000) was December 1, 1997. The District submitted its 1995/96 claim within the annual filing period. The District claimed costs under the three reimbursable components plus associated indirect costs of totaling \$83,776.

In a letter dated August 5, 1998, SCO denied \$63,393 in claimed costs. (See Exhibit "F"). The reasons cited for the adjustments were :

Indirect Costs Overstated	\$1,133
No Supporting Documentation	\$24,375
Non-Reimbursable Item	\$37,885

Due to the lack of specificity in this letter, a copy of the SCO claim review working papers was obtained in order to determine the specific claim line items that were disallowed. (See Exhibit "G").

On October 13, 1998, Mandated Cost Systems, Inc., representing the District submitted a letter to SCO requesting reconsideration and reinstatement of all disallowed costs (See Exhibit "H").

On December 30, 1998 SCO completed its reconsideration of its claim adjustments and issued a final adjustment letter which did not reinstate any costs for probationary teachers time when receiving training. (See Exhibit "I").

IV. The Issue in Dispute:

The specific issue being disputed deals with the following question:

Is the cost of probationary teachers receiving the mandated additional training a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program?

V. Claimant's Position

Claimant argues, as further outlined below, the cost of probationary teachers receiving the mandated additional training is a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

It should be noted that the SCO disallowed probationary teacher training costs claiming the "parameters and guidelines do not provide for reimbursement" of these costs. The SCO is not claiming that these costs are excessive or unreasonable under Government Code section 17561(d). Therefore, the only issue before the COSM is whether the parameter and guidelines "provide for reimbursement" for the cost of probationary teacher training costs.

VI. The State Controller's Position

By letter dated December 30, 1998 the Controller has disallowed the cost of probationary teachers receiving the mandated additional training stating that:

"The amount of \$37,885 for salaries and benefits of probationary teachers in training is disallowed. Parameters and guidelines do not provide for reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities."

VII. Parameters and Guidelines and Claiming Instructions

A. The Parameters and Guidelines

Section V (Reimbursable Costs) of the parameters and guidelines for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education.

* * *

Registration fees and travel costs of probationary teachers attending training activities.

* * *

Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teacher's classrooms to observe teaching techniques (limited to three such visitations per semester).

B. The Claiming Instructions

Section 5 (Reimbursable Components) of the claiming instructions for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teaches, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist and evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available with the school district or county office, is reimbursable. Registration fees, travel costs, and the cost of substitute teachers provided so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester."

VIII. Claimant's Analysis

The District's claim for costs attributable to probationary teacher training can be broken down into two types of costs. "Category A" costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. "Category B" costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83.

A. Argument for Reimbursing Category A Probationary Teacher Costs

In its October 13, 1998 reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category A totaling \$27,353 should be reinstated.

Category A costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. The parameters and guidelines clearly and explicitly allow for these costs when they provide as reimbursable costs those "costs of training probationary teachers, over and above that provided to permanent teachers, are reimbursable." The COSM should be guided by the common rule of interpretation which provides that where express provisions of a rule are clear and unambiguous the explicit meaning of those provisions, interpreted in their ordinary and popular sense, controls the interpretation. (See, *Borg v. Transamerica Ins. Co.*, 47 Cal.App.4th 448, 455, 54 Cal.Rptr.2d 811).

B. Argument for Reimbursing Category B Probationary Teacher Costs

In its October 13, 1998 reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category B totaling \$11,665 should be reinstated.

Category B costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83. Specifically, as a requirement of the mandate, all first year probationary teachers work a 186 day year (two extra 7.5 hour days each year for teacher training) while permanent teachers work a 184 day year. The probationary teachers were paid for working the two extra days.

In the case of category B costs, there is a clearly identifiable increased cost incurred by the District related to compensating probationary teachers for the additional time receiving the mandated training. The Commission on State Mandates has recently reaffirmed that these types of costs are reimbursable.

In the *Physical Performance Testing* program the Commission explicitly recognized that mandates that befall teachers create reimbursable costs if the District increases the teacher's workday or work year. In addressing this issue the Commission's Statement of Decision states in pertinent part as follows:

"The manual (State Administrative Manual) defines costs as ".....all additional expenses for which either supplemental financing or the redirection of existing staff or resources ...is required." Because the school days or school year is not extended to accommodate the time

required to administer physical performance tests, there are no additional costs as defined by the manual.”

“Further, the Commission found that neither the school day or the school year is extended to accommodate the time required to administer and score the physical performance tests, school districts incur no increased reimbursable costs when classroom teachers administer the physical fitness tests.”

Although the Commission concluded that teacher time during the school day implementing the *Physical Performance* mandate was not reimbursable, the Commission did recognize that teacher time attending training after the regular school day is reimbursable. In support of Claimant’s argument the Commission concluded that:

“Increased costs for substitute teacher time during the school day or for teacher stipends to attend training sessions outside the regular school day (after school or on Saturday) are eligible for reimbursement. However, the labor time of the teacher spent in attending training sessions during that teachers’ normal classroom hours is not reimbursable.” (Emphasis added).¹

By way of further support for Claimant’s position, the Commission has stated in its parameters and guidelines for *American Government Course Document Requirements* that:

“Either the cost of providing a substitute teacher for each teacher who attends a training session during the teacher’s normal classroom periods or the additional payments made to each teacher who attends a training session outside the teacher’s normal classroom period (after school or on Saturday) is reimbursable.” (Emphasis added).

The above-cited sections of Commission parameters and guidelines fully support Claimant’s claim for reimbursement for those “additional payments made to each teacher who attends a training session outside the teacher’s normal classroom period (after school or on Saturday).” These two programs illustrate the fact that if a district has incurred some type of identifiable increased cost related to a fixed environment employee (i.e., teachers) then that identifiable increased cost shall be considered a reimbursable mandated cost pursuant to Article XIII B, section 6 of the State Constitution whether it is substitute costs, overtime pay, stipends, or as in this case, an expanded work year specifically due to the mandate of additional training for probationary teachers.

The Claimant’s argument is further bolstered by the erroneous conclusion made by the Controller that reimbursement of substitute teacher time is made “in lieu” of reimbursement for probationary teacher time attending the training. Here, the Claimant is making a claim for probationary teacher time attending training that occurred after the regular work day or after the end of the regular work year when a substitute teacher is not needed. With no substitute costs the Claimant is not provided any reimbursement “in lieu” of reimbursement

¹ See page 6 of the Physical Performance Testing Program parameters and guidelines adopted by the Commission on State Mandates on September 24, 1998.

of probationary teacher time attending the trainings. Moreover, and as outlined above, the Commission has explicitly recognized that Districts are entitled to reimbursement for **both** substitute teacher time (for costs incurred during the fixed environment) and other identifiable costs for teachers that occur outside the regular work day (e.g. nights, weekends, and at the end of the school year).

IX. Conclusion

Based upon the foregoing; Claimant respectfully requests that the COSM find:

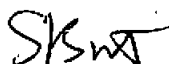
1. Claimant submitted its Certification of Teacher Evaluators' Demonstrated Competence claims for reimbursement in compliance with the State Controller's claiming instructions.
2. Claimant submitted the requisite documentation in support of its claim for reimbursement.
3. That the State Controller incorrectly reduced claimant's reimbursement claim when it disallowed costs for training probationary teachers claimed under the Probationary Certificated Policies component of this program.

Claimant respectfully requests that the COSM determine that SCO incorrectly reduced the claimant's Teacher Evaluator claim and direct Commission Staff, in accordance with COSM's regulations, to submit a letter to the Controller requesting that the costs of the claim be reinstated.

CERTIFICATION

I certify by my signature below that the statements made in this document are true and correct of my own knowledge, or as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on November 9, 2001, at Sacramento, CA.



Steve Smith, Mandated Cost Systems, Inc.

Exhibit A

Code, to read:

35160.5. On or before December 1, 1984, the governing board of each school district shall, as a condition for the receipt of school apportionments from the State School Fund, adopt rules and regulations establishing school district policies as they relate to the following:

(a) Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(b) The establishment of district policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district.

(c) The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district. These policies and procedures shall provide for appropriate mechanisms to respond to and where possible to resolve, the complaints. These policies and procedures shall be established in consultation with employee organizations.

1 Code, to read:

2 35160.5. On or before December 1, 1984, the
3 governing board of each school district shall, as
4 condition for the receipt of school apportionments from
5 the State School Fund, adopt rules and regulations
6 establishing school district policies as they relate to the
7 following:

8 (a) Certification that personnel assigned to evaluate
9 teachers have demonstrated competence in instructional
10 methodologies and evaluation for teachers they are
11 assigned to evaluate. The determination of whether
12 school personnel meet the district's adopted policies shall
13 be made by the governing board.

14 (b) The establishment of district policies ensuring that
15 each probationary certificated employee is assigned to a
16 school within the district with assurances that his or her
17 status as a new teacher and his or her potential needs for
18 training, assistance, and evaluations will be recognized by
19 the district.

20 (c) The establishment of policies and procedures
21 which parents or guardians of pupils enrolled in the
22 district may use to present complaints regarding
23 employees of the district. These policies and procedures
24 shall provide for appropriate mechanisms to respond to
25 and where possible to resolve, the complaints. These
26 policies and procedures shall be established in
27 consultation with employee organizations.

28 The governing board of each school district shall
29 annually review the school district policies adopted
30 pursuant to the requirements of this section.

31 SEC. 13. Section 39363 of the Education Code, is
32 amended to read:

33 39363. The funds derived from the sale of surplus
34 property shall be used for capital outlay or for costs of
35 maintenance of school district property that the
36 governing board of the school district determines will not
37 recur within a five-year period. Proceeds from a lease of
38 school district property with an option to purchase may
39 be deposited into a restricted fund for the routine repair
40 and maintenance of district facilities, as defined by the

State Allocation Board, for up to a five-year period. In
addition, the proceeds may be deposited in the general
fund of the district for any general fund purpose if the
school district governing board and the State Allocation
Board have determined that the district has no
anticipated need for additional sites or building
construction for the five-year period following such sale
or lease, and the district has no major deferred
maintenance requirements.

SEC. 14. Section 42238 of the Education Code is
repealed.

SEC. 15. Section 42238 is added to the Education
Code, to read:

(a) For the 1983-84 fiscal year, the county
superintendent of schools shall determine a revenue limit
for each school district in the county pursuant to this
section.

(b) The base revenue limit for the 1983-84 fiscal year
shall be determined by adding the following amounts:

(1) The revenue limit per unit of average daily
attendance for the 1982-83 fiscal year determined
pursuant to Item 6100-101-001 of the Budget Act of 1982.

(2) The inflation adjustment specified in Section
42238.1.

(3) The equalization adjustment specified in Section
42238.4.

(c) The base revenue limit for each district
determined in subdivision (b) shall be multiplied by the
district average daily attendance computed as specified
in Section 42238.5.

(d) The amount determined in subdivision (c) shall
be increased by the minimum revenue guarantee
adjustment specified in Section 42238.2.

(e) The Superintendent of Public Instruction shall
apportion to each school district the amount determined
in this section less the sum of:

(1) The district's property tax revenue received
pursuant to Chapter 6 (commencing with Section 95) of
Part 0.5 of the Revenue and Taxation Code.

(2) The amount, if any, received pursuant to Part 18.5

Exhibit B

Hearing: 10/24/85
Date Filed: 09/20/84
Staff: Rose Mary Swart
WP 0592A

Proposed Statement of Decision
Adopted Mandate
(Chapter 498, Statutes of 1983)
Teacher Evaluator's Demonstrated Competence

The Commission on State Mandates, at its September 26, 1985 hearing, determined that a reimbursable mandate exists in Chapter 498, Statutes of 1983, Education Code Section 35160.5.

Member Creighton moved to find a mandate. Members Aceituno, Carlyle and Creighton voted aye, Chairman Huff voted no. The motion carried.

BEFORE THE
COMMISSION ON STATE MANDATES

CLAIM OF:

SAN JOSE UNIFIED SCHOOL DISTRICT

Claimant

SB 90-4136

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on September 26, 1985, in Sacramento, California, during a regularly scheduled meeting of the commission. William A. Doyle appeared on behalf of the San Jose Unified School District.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

FINDINGS OF FACT

1. The test claim was filed with the Board of Control on September 20, 1984, by the San Jose Unified School District.

2. The subject of the claim is Statutes of 1983, Chapter 498 (Education Code section 35160.5).

3. Chapter 498, Statutes of 1983, added Education Code section 35160.5 which requires the following actions in order for districts to receive school apportionments. On or before December 1, 1984, each school district shall adopt rules and regulations establishing district policy regarding:

(a) certification that teacher evaluators have demonstrated competence in methodologies needed to evaluate teachers.

(b) district policies ensuring that all new, probationary teachers are assigned to schools where their potential special needs for training, assistance and evaluations will be met.

(c) policies which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Section 35160.5 also requires the governing board of each school district to annually review the policies adopted pursuant to the section.

4. The claimant incurred costs as a result of training teacher evaluators to meet the newly adopted standards as specified in Finding 3.

5. . . . None of the requisites for denying a claim, as specified in Government Code section 17556, subdivision (a), were established.

DETERMINATION OF ISSUES

1. The commission has jurisdiction to decide the claim under authority of Government Code section 17630.

2. The commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore the commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

3. The commission determined that only the higher level of service required by section 35160.5 in each school district is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

4. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

Exhibit C

Hearing: 4/24/86
SB 90-4136
Staff: Rose Mary Swart
WP 1029A

PROPOSED PARAMETERS AND GUIDELINES
Chapter 498, Statutes of 1983
Education Code Section 35160.5
Certification of Teacher Evaluators' Demonstrated Competence

EXECUTIVE SUMMARY

Chapter 498, Statutes of 1983 created a state mandate in Education Code Section 35160.5 by requiring that in order to receive apportionments, school districts adopt rules establishing district policy regarding: certification of teacher evaluators' demonstrated competence, probationary teachers, and a complaint process which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Commission staff has suggested amendments to the claimant's proposed parameters and guidelines, and recommends that the commission adopt the parameters and guidelines as amended. The claimant agrees with staff's proposed parameters and guidelines.

The Department of Finance (DOF) has suggested changes to staff's proposed parameters and guidelines.

Claimant

San Jose Unified School District

Chronology

- 9/20/84 Claim filed with Board of Control.
- 10/12/84 Claim continued pending Board of Control decision regarding multiple filings issue for Chapter 498/83; and, due to transition to Commission on State Mandates.
- 3/21/85 Claim continued due to lack of input from State Department of Education (SDE).
- 5/25/85 Claim continued due to lack of input from SDE.
- 7/25/85 Commission on State Mandates hearing cancelled.

- 8/22/85 Claim held-over to 9/26/85 hearing due to tie-vote.
- 9/26/85 Mandate approved by Commission on State Mandates.
- 10/24/85 Statement of Decision adopted (Attachment E).
- 12/2/85 Proposed parameters and guidelines submitted by San Jose Unified School District.
- 1/13/86 Conference to discuss proposed parameters and guidelines.
- 1/31/86 Amended proposed parameters and guidelines submitted by San Jose Unified School District (Attachment C).
- 3/27/86 Claim continued by the commission due to late filing of recommendation by DOF (Attachment F).

Statement of Claim

Chapter 498, Statutes of 1983 (Attachment B) required school districts to adopt rules and regulations to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers. School districts must also adopt rules to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible, resolve the complaints.

Staff Analysis

Staff is recommending several changes to the claimant's proposed parameters and guidelines (Attachment C).

A complete set of staff's proposed parameters and guidelines are attached (Attachment A).

Following is a summary and analysis of staff's suggested changes and DOF's suggested changes to the claimant's proposal. Additions are shown by underlining, deletions by strikeout. Staff agrees with and has added the claimant's suggested language in Sections V., B., 1, and IX., of this proposal. The claimant submitted this proposed language (Attachment G) in its rebuttal to the DOF recommendation.

Section III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code Section 2208.5, that incurred mandated costs as a result of implementing Chapter 498/83, Education Code Section 35160.5.

Since Chapter 498/83 affected numerous code sections, it is important for accuracy and clarity to include the affected code section(s) in any description or discussion of the impact of Chapter 498/83. This is a nonsubstantive change.

* * *

Section V. Reimbursable Costs

A., 2., a. Time of district administrators spent in certification training excluding classroom observation ~~(including classroom observation when it is paid by the training package).~~

Staff proposes: 1) deletion of language from this section which would reimburse for "classroom observation" and; 2) a specific exclusion statement precluding such payment. Staff is making this proposal because classroom observation is part of the administrator's usual responsibility and a basic function of the job. It is important for administrators to practice the skills they have acquired in training, but according to staff of SDE, administrators typically practice this, and other skills, on the job. School administrators are actually performing two functions by incorporating the practice into their usual work. Since the administrator is continuing the same work routine which took place prior to the certification training, it seems unreasonable to expect this time to be recognized as a function mandated by Chapter 498/83. At this point the administrators are back at work and providing the services for which they are paid. The claimant agrees with this change.

However, DOF asserts in its recommendation that Chapter 498/83, Education Code Section 35160.5 does not require that administrators participate in any training (Attachment F). Staff would point out that this issue was addressed by the commission during the test claim phase of this mandate. The commission decided that Chapter 498/83 does require that training be provided for administrators functioning as teacher evaluators. See the commission's Statement of Decision, Attachment E, Part I, 3., (b), which addresses this issue. Therefore, since the matter has previously been resolved by the commission, staff will not address it in this analysis.

* * *

V. B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. The cost of services or activities provided to probationary teachers and which are funded by the Mentor Teacher Program can not be claimed as a reimbursement cost.

This change is being proposed by the claimant in response to a concern expressed by DOF. The DOF recommendation makes the following statement regarding this section:

Chapter 498, Statutes of 1983 only requires that a school district establish policies ensuring that a new teacher's training, assistance and evaluation needs will be recognized. It does not demand that those policies exceed whatever currently is provided by school districts to new teachers. Claims that propose reimbursement for activities beyond those required by a school district prior to adoption of "expanded" policies are essentially claims for discretionary acts. As such, these activity costs should not be reimbursable.

The DOF concern here is about the level of training that will be reimbursed. Again, this is an issue which has been decided by the commission as part of the test claim. The commission, in its statement of decision on the test claim determined that training costs are reimbursable. In addition, it is established that any claim for reimbursement of activities beyond those mandated is not acceptable and will not be reimbursed. Nor are activities which are already being reimbursed going to be doubly reimbursed. However, in response to the DOF concern and to provide clarification the claimant has suggested the new language regarding the Mentor Teacher Program. Any activities already funded through that or any other programs may not be reimbursed through these parameters and guidelines. The proposed parameters and guidelines, in Section V.B.1. clearly prohibit double funding of activities by allowing reimbursement only for "Training, assisting and evaluating probationary teachers over and above that usually provided ...". Emphasis added. Additionally, Education Code Section 44496(a)(3) prohibits a mentor teacher from participating in any evaluation of other teachers.

* * *

- B. 1. c. One third of the time spent by site administrators training, assisting or evaluating probationary teachers.

The DOF recommendation states that the proposed parameters and guidelines, in Section B.1., would provide reimbursement for an activity which is now clearly a responsibility of administrative school personnel. This activity is the evaluation of probationary teachers. The proposed parameters and guidelines indicate that one third of the time spent by site administrators training, assisting or evaluating probationary teachers is reimbursable.

According to the claimant this is not an arbitrary number because "the additional one third of the time spent by administrators during the two year probationary period performing the mandated activities (training, assistance and evaluation) is caused by performing all the mandated activities within a two year period [Section 44882(b)] rather than in the pre-Chapter 498/83 three year period of time."

Education Code Section 44882(b), in pertinent part, referred to above, shortened the probationary period for teachers as follows:

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year be classified as and become a permanent employee of the district.

Staff does not find it necessary to change this portion of the proposal. The proposed parameters and guidelines will provide reimbursement only for activities required by Chapter 498/83.

* * *

- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

- 1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code Section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

Regarding above Section V.C.1 of the proposed parameters and guidelines, DOF suggested the following language:

"These costs may be reimbursed if prior policies did not provide a procedure for parents and pupils to present complaints regarding employees or mechanisms for response or resolution to the complaints."

Prior practice has not been a determining factor in past decisions of the commission or its predecessor Board of Control. The commission has determined that a stated policy and process for complaints regarding employees of the district is, in this case, a state-mandated activity. The proposed parameters and guidelines articulate that which is required and that which is reimbursable, in accordance with the commission's fundings. There is an exclusion in this portion of the proposed parameters and guidelines for any

activities or meetings previously required by other laws. Staff asserts that the proposed language will facilitate identification and reimbursement of the mandated activities of Chapter 498/83 but will preclude payment of other functions not required by Chapter 498/83.

* * *

VII. Professional and Consultant Services.

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is ~~\$95~~ \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

Staff is suggesting the \$65 per hour limit because, according to SDE staff, teacher evaluator training of administrators has been offered at no cost through educational associations which are funded by SDE, and the training is available through commercial providers at a maximum \$500 per day rate. Therefore, it was felt that the claimant's allowance of up to \$95 per hour for contracted services was too high. The \$65 per hour maximum has been verified by staff through a telephone survey to be well within the industry average required by the State Administrative Manual for state contracts. Staff's proposal therefore, includes replacement language establishing a \$65 per hour ceiling, as indicated above. The claimant agrees with this change.

* * *

Staff has also added a Section VIII, Offsetting Savings. This is standard language for parameters and guidelines and merely guarantees that any savings the claimant realizes as a result of fulfilling the mandate will be identified and used to offset costs of the program. The claimant concurs.

* * *

Section IX, Required Certification, which was also added by staff is standard, "boilerplate" language which is needed in all parameters and guidelines to insure the validity of future claims. The claimant concurs.

Staff Recommendation

Staff recommends the adoption of staff's proposed parameters and guidelines. Staff's proposed parameters and guidelines incorporate an editorial change and language which would:

1. preclude paying teacher evaluator's salaries while they perform classroom observation;
2. limit consultant's fees to a maximum of \$65 per hour;
3. add a standard Section VIII Offsetting Savings;
4. Add a Section IX Supporting Data for Claims requiring documentation that a claimant has attempted to secure "no cost consultant services", and;
5. add a Section X Required Certification.

Exhibit D

PARAMETERS AND GUIDELINES
Education Code Section 35160.5
Chapter 498, Statutes of 1983
Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as a result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200.00 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.00.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.

a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three year period.

a. Time of district administrators spent in certification training excluding classroom observation.

b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.

c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.

d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.

B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.

a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.

b. Training materials and clerical services for probationary teachers.

c. Registration fees and travel costs of probationary teachers attending training activities.

d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to

other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty (20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

Education Code Section 44882(b), in pertinent part, referred to above, shortened the probationary period for teachers as follows:

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year be classified as and become a permanent employee of the district.

Staff does not find it necessary to change this portion of the proposal. The proposed parameters and guidelines will provide reimbursement only for activities required by Chapter 498/83.

* * *

- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code Section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

Regarding above Section V.C.1 of the proposed parameters and guidelines, DOF suggested the following language:

"These costs may be reimbursed if prior policies did not provide a procedure for parents and pupils to present complaints regarding employees or mechanisms for response or resolution to the complaints."

Prior practice has not been a determining factor in past decisions of the commission or its predecessor Board of Control. The commission has determined that a stated policy and process for complaints regarding employees of the district is, in this case, a state-mandated activity. The proposed parameters and guidelines articulate that which is required and that which is reimbursable, in accordance with the commission's fundings. There is an exclusion in this portion of the proposed parameters and guidelines for any

activities or meetings previously required by other laws. Staff asserts that the proposed language will facilitate identification and reimbursement of the mandated activities of Chapter 498/83 but will preclude payment of other functions not required by Chapter 498/83.

* * *

VII. Professional and Consultant Services.

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$95 65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

Staff is suggesting the \$65 per hour limit because, according to SDE staff, teacher evaluator training of administrators has been offered at no cost through educational associations which are funded by SDE, and the training is available through commercial providers at a maximum \$500 per day rate. Therefore, it was felt that the claimant's allowance of up to \$95 per hour for contracted services was too high. The \$65 per hour maximum has been verified by staff through a telephone survey to be well within the industry average required by the State Administrative Manual for state contracts. Staff's proposal therefore, includes replacement language establishing a \$65 per hour ceiling, as indicated above. The claimant agrees with this change.

* * *

Staff has also added a Section VIII, Offsetting Savings. This is standard language for parameters and guidelines and merely guarantees that any savings the claimant realizes as a result of fulfilling the mandate will be identified and used to offset costs of the program. The claimant concurs.

* * *

Section IX, Required Certification, which was also added by staff is standard, "boilerplate" language which is needed in all parameters and guidelines to insure the validity of future claims. The claimant concurs.

Staff Recommendation

Staff recommends the adoption of staff's proposed parameters and guidelines. Staff's proposed parameters and guidelines incorporate an editorial change and language which would:

1. preclude paying teacher evaluator's salaries while they perform classroom observation;
2. limit consultant's fees to a maximum of \$65 per hour;
3. add a standard Section VIII Offsetting Savings;
4. Add a Section IX Supporting Data for Claims requiring documentation that a claimant has attempted to secure "no cost consultant services", and;
5. add a Section X Required Certification.

Exhibit E

Certification Teacher Evaluators' Demonstrated Competence

1. Summary of Chapter 498/83

This Chapter, which added Section 35160.5 to the Education Code, required the governing board of each school district, on or before December 1, 1984, to adopt rules and regulations establishing school district policies regarding teacher evaluation, training and complaints regarding employees.

On September 26, 1985, the Commission on State Mandates determined that Chapter 498/83 imposed a new program and costs on school districts and that these costs are reimbursable pursuant to Section 17561 of the Government Code.

2. Eligible Claimants

Any school district or county office of education which incurs increased costs as a result of this mandate is eligible to claim reimbursement for those costs.

3. Appropriations

Claims may only be filed with the State Controller's Office for programs that have been funded by the State Budget Act or by special legislation. To determine funding availability for the current fiscal year, refer to the schedule "Appropriation for State Mandated Cost Programs" in the "Annual Claiming Instructions for State Mandated Costs" issued in mid-September of each year to superintendents of schools.

4. Types of Claims

A. Reimbursement and Estimated Claims

An eligible claimant may file a reimbursement claim or an estimated claim as specified below. A reimbursement claim details the costs actually incurred for the previous fiscal year. An estimated claim shows the costs to be incurred for the current fiscal year.

- A claim for reimbursement or an estimate must exceed \$200 per fiscal year. However, a county superintendent of schools, as fiscal agent for the school district, may submit a combined claim in excess of \$200 on behalf of school districts within the county even if the individual district's claim does not exceed \$200. The combined claim must show the individual claim costs for each school district. Once a combined claim is filed, all subsequent claims for the same mandate must be filed in a combined form. A school district may withdraw from the combined claim form by providing a written notice to the county superintendent of schools and the Controller, at least 180 days prior to the deadline for filing the claim, of its intent to file a separate claim.

B. Filing Deadline

Refer to Item 3 "Appropriations" to determine if the program is funded for the current fiscal year. If funding is available, an estimated claim may be filed as follows:

- An estimated claim must be filed with the State Controller's Office and postmarked by **November 30** of the fiscal year in which costs are to be incurred. Timely filed estimated claims will be paid before late claims.

After having received payment for the estimated claim, the claimant must file a reimbursement claim by November 30 of the following fiscal year. If the district fails to file a reimbursement claim by November 30 of the following fiscal year, monies received must be returned to the State. If no estimated claim was filed, the district may file a reimbursement claim detailing the actual costs incurred for the fiscal year, provided there was an appropriation for the program for that fiscal year. See Item 3 above.

- A reimbursement claim must be filed with the State Controller's Office and postmarked by **November 30** following the fiscal year in which costs were incurred. If a claim is filed after the deadline, but by November 30 of the succeeding fiscal year, the approved claim will be reduced by 10% but not to exceed \$1,000. If the claim is filed more than one year after the deadline, the claim can not be accepted.

5. Reimbursable Components

The governing board of each school district was required, as a condition of receiving apportionments from the State School Fund, to adopt rules and regulations regarding teacher evaluation training and complaints regarding employees.

A. Competence in Instructional Methodology

Education Code Section 35160.5(a)(1) requires certification of personnel assigned to evaluate teachers that have demonstrated competence in instructional methodology and evaluation of teachers.

(1) Adoption of Rules and Regulations.

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies, and the annual revision of these policies are reimbursable. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(2) Teacher Evaluator Certification Training Programs

The costs of training programs provided to administrators for the purpose of meeting certification requirements adopted by the governing board are reimbursable. Eligible costs include: salaries and benefits paid to administrators during certification training; mileage, meals and materials for attending locally provided training sessions; transportation, meals and lodging for attending training not available locally; contracts for administrators to be trained locally (consultant fees, materials, travel, meals and lodging for trainers); and salaries and benefits for preparation and presentation, plus mileage, meals, clerical support and material used in training by district employees used as trainers.

Training expenses for an administrator are allowed a maximum of ten days (80 hours) in any three year period. The reimbursable travel costs of attending a local training session shall be the same as provided by the district for other district activities. The reimbursement for non-local training shall be the same as provided for business travel by employees of the State of California.

B. Probationary Certificated Employee Policies

Education Code Section 35160.5(a)(2) requires the establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance and evaluations will be recognized.

(1) Adoption of Rules and Regulations

The cost of preparation, discussion and distribution of the proposed rules and regulations, the adoption of rules and regulations establishing education policies and the annual review of these policies are reimbursable. Copies of the approved previous policy and the subsequent policy must be included with claims for reimbursement.

(2) Training, Assisting and Evaluating Probationary Teachers

The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist or evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available within the school district or county office of education, is reimbursable. Registration fees, travel costs and the cost of substitute teachers provided for probationary teachers so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester.

C. Parental Complaint Policies

Education Code Section 35160.5(a)(3) requires policies and procedures for enrolled pupils' parents or guardians to present employee complaints. The policies and procedures provide response mechanisms and, where possible, resolve the complaint.

(1) Adoption and Review of Rules and Regulations

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies and the annual policy review are reimbursable.

(2) Resolution of Complaints

The cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the claimant in compliance with Education Code Section 35160.5 are reimbursable.

These costs shall include:

- ☐ notification costs of parent and pupil complaint procedures
- ☐ claimant costs of time, mileage, supplies and specialized training to respond to parent and pupil complaints.

Meeting and activity costs required by categorical programs and/or special education rules and regulations are not eligible for this program.

6. Reimbursement Limitations

Any offsetting savings or reimbursement the claimant received from any source, as a result of this mandate, must be deducted from the amount claimed.

7. Cost Elements of a Claim

Contracted services for training evaluators are not reimbursable, unless the claimant can document that the State Department of Education was unable to provide the consultant services or the Department failed to respond to the claimant's request within the following time period. The claimant must request consultant services from the State Department of Education at least thirty calendar days prior to the need for the consultant services and the district must have been notified by the Department that the requested consultant services were not available at the time of the request. If the claimant did not receive a response to their request within twenty calendar days after the request was received by the Department, contracted service expenses are reimbursable.

The maximum reimbursable fee for contracted services in 1983/84 was \$ 65 per hour, to be adjusted annually by the GNP Deflator through the claim year. The current rate is shown on Form TE-1, Claim Summary. Claimants will receive a revised claim form each year with a revised rate. Claims which are based on annual retainer must contain a certification that the fee is no greater than the allowable maximum fee per hour.

8. Claiming Forms and Instructions

The diagram "Illustration of Claim Forms", provides a graphical presentation of forms required to be filed with a claim. A claimant may submit a computer generated report in substitution for Form TE-1 and Form TE-2, provided the format of the report and data fields contained within the report are identical to the claim forms included with these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file an estimated or reimbursement claim. The State Controller's Office will revise the manual and claim forms as necessary.

A. Form TE-2, Component/Activity Cost Detail

This form is used to segregate the detailed costs by claim component. In some mandates, specific reimbursable activities have been identified for each component. The expenses reported on this form must be supported by cost and time records. Copies of supporting documentation specified in the claiming instructions must be submitted with

the claims.

For audit purposes, all supporting documents must be retained for a period of two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

B. Form TE-1, Claim Summary

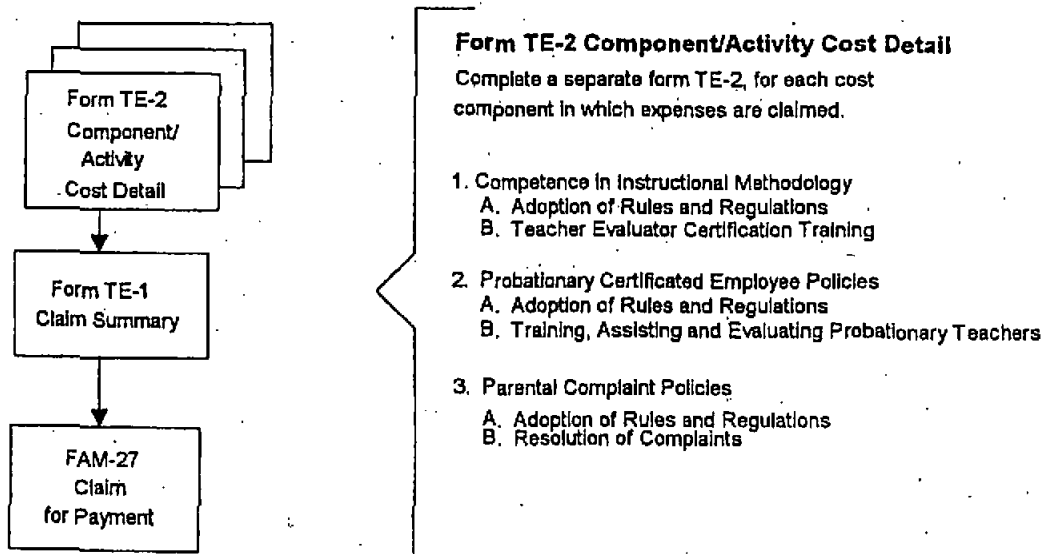
This form is used to summarize direct costs by claim component and compute allowable indirect costs for the mandate. Claim statistics shall identify the work performed for costs claimed.

School districts and local offices of education may compute the amount of indirect costs utilizing the State Department of Education's Annual Program Cost Data Report J-380 or J-580 rate, as applicable. The cost data on this form are carried forward to form FAM-27.

C. Form FAM-27, Claim for Payment

Form FAM-27 contains a certification that must be signed by an authorized representative of the district. All applicable information from form TE-1 must be carried forward to this form for the State Controller's Office to process the claim for payment.

Illustration of Claim Forms



CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence
CLAIM FOR PAYMENT

For State Controller Use only

(19) Program Number 00009

(20) Date Filed _____/_____/_____

(21) Signature Present

Reimbursement Claim Data

(01) Claimant Identification Number: _____

(02) Mailing Address _____

Claimant Name _____

County of Location _____

Street Address or P. O. Box _____

City _____ State _____ Zip Code _____

(22) TE-1, (04)(1)(d) _____

(23) TE-1, (04)(2)(d) _____

(24) TE-1, (04)(3)(d) _____

(25) TE-1, (05)(d) _____

(26) TE-1, (06) _____

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E

Type of Claim	Estimated Claim	Reimbursement Claim	
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>	(27) TE-1, (11)
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(28)
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(29)
			(30)
Fiscal Year of Cost	(06) 19_____/_____	(12) 19_____/_____	(31)
Total Claimed Amount	(07)	(13)	(32)
Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)		(14)	(33)
Less: Estimate Payment Received		(15)	(34)
Net Claimed Amount		(16)	(35)
Due from State	(08)	(17)	(36)
Due to State		(18)	(37)

(38) CERTIFICATION OF CLAIM:

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 through 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimant, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative _____ Date _____

Type or Print Name _____ Title _____
 (39) Name of Contact Person for Claim _____ Telephone Number _____
 _____ () _____ Ext. _____

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE Certification Claim Form Pursuant to Government Code Section 17561	FORM FAM-27
--	------------------------------

- (01) Leave blank
- (02) A set of mailing labels with the claimant's I.D. number and address have been enclosed with the claiming instructions. The mailing labels are designed to speed processing and prevent common errors that delay payment. Affix the label provided at the place indicated on form FAM-27. Cross out any errors and print the correct information on the label. Add any missing address items, except county of location and a person's name. If you didn't receive labels, print or type your agency's mailing address.
- (03) If filing an original estimated Claim, enter an " X " in the box on line (03) Estimated.
- (04) If filing an original estimated Claim on behalf of districts within the county, enter an " X " in the box on line (04) Combined.
- (05) If filing an amended claim to an original estimated or combined claim, enter an " X " in the box on line (05) Amended. Leave boxes (03) and (04) blank.
- (06) Enter the current fiscal year in which costs are to be incurred.
- (07) Enter the amount of estimated claim from form TE-1, line (11).
- (08) Enter the same amount as shown on line (07).
- (09) If filing an original reimbursement claim, enter an " X " in the box on line (09) Reimbursement.
- (10) If filing an original reimbursement claim on behalf of districts within the county, enter an " X " in the box on line (10) combined.
- (11) If filing an amended claim to an original reimbursement or combined claim on behalf of districts within the county, enter an " X " in the box on line (11) combined.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim from form TE-1, line (11).
- (14) If a reimbursement claim is filed after November 30 following the fiscal year in which costs were incurred, the claim must be reduced by a late penalty. Enter either the product of multiplying line (13) by the factor 0.10 [10% penalty] or \$1,000, whichever is less.
- (15) If filing a reimbursement claim and have previously filed an estimated claim for the same fiscal year, enter the amount received for the estimated claim, otherwise enter a zero.
- (16) Enter the result of subtracting the sum of line (14) and line (15) from line (13).
- (17) If line (16) Net Claimed Amount is positive, enter that amount on line (17) Due from State.
- (18) If line (16) Net Claimed Amount is negative, enter that amount on line (18) Due to State.
- (22) through (37) for the Reimbursement claim

Bring forward cost information as specified in the left-hand column of lines (22) through (37) for the reimbursement claim [e.g., TE-1, (04)(1)(d), means the information is located on form TE-1, line (04)(1)(d)]. Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, (i.e., no cents). Indirect costs percentage should be shown as a whole number and without the percent symbol (i.e., 7.548% should be shown as 8). The claim cannot be processed for payment unless this data block is correct and complete.

- (38) Read the statement "Certification of Claim". If the statement is true, the claim must be dated, signed by the agency's authorized representative and must include the person's name and title, typed or printed. Claims cannot be paid unless accompanied by a signed certification.
- (39) Enter the name of the person and telephone number that this office should contact if additional information is required.

SUBMIT A SIGNED ORIGINAL AND A COPY OF FORM FAM-27 AND A COPY OF ALL OTHER FORMS AND SUPPORTING DOCUMENTS TO:

*Address, if delivery is by:
U.S. Postal Service*

KATHLEEN CONNELL
 Controller of California
 Division of Accounting and Reporting
 P.O. Box 942850
 Sacramento, CA 94250-5875

*Address, if delivery is by:
Other delivery service*

KATHLEEN CONNELL
 Controller of California
 Division of Accounting and Reporting
 3301 C Street, Suite 500
 Sacramento, CA 95816

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE CLAIM SUMMARY Instructions	FORM TE-1
--	----------------------------

- (01) Enter the name of the claimant.
- (02) Type of Claim. Check a box, Reimbursement or Estimated, to identify the type of claim being filed. Enter the fiscal year of costs.
 Form TE-1 must be filed for a reimbursement claim. Do not complete form TE-1 if you are filing an estimated claim and the estimate does not exceed the previous fiscal year's actual costs by more than 10%. Simply enter the amount of the estimated claim on form FAM-27, line (07). However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, form TE-1 must be completed and a statement attached explaining the increased costs. Without this information the high estimated claim will automatically be reduced to 110% of the previous fiscal year's actual costs.
- (03) (a) Answer yes or no.
 (b) If yes, explain contract terms or annual retainer.
- (04) Reimbursable Components. For each reimbursable component, enter the totals from form TE-2, line (05) columns (d) and (e) and (f). Total each row.
- (05) Total Direct Costs. Total block (05) columns (a) through (d).
- (06) Indirect Cost Rate. Enter the indirect cost rate from the Department of Education form J-380 or J-580, as applicable, for the fiscal year of the costs.
- (07) Total Indirect Costs. Enter the result of multiplying the difference of Total Direct Costs, line (05)(d) and Contracted Services, line (05)(c) by the Indirect Cost Rate, line (06).
- (08) Total Direct and Indirect Costs. Enter the sum of Total Direct Costs, line (05)(d) and Total Indirect Costs, line (07).
- (09) Less: Offsetting Savings, if applicable. Enter the total savings experienced by the claimant as a direct result of this mandate. Submit a detailed schedule of savings with the claim.
- (10) Less: Other Reimbursements, if applicable. Enter the amount of other reimbursements received from any source (i.e., service fees collected, federal funds, other state funds, etc.) which reimbursed any portion of the mandated cost program. Submit a detailed schedule of the reimbursement sources and amounts.
- (11) Total Claimed Amount. Subtract the sum of Offsetting Savings, line (09), and Other Reimbursements, line (10), from Total Direct and Indirect Costs, line (08). Enter the remainder of this line and carry the amount forward to form FAM-27, line (13) for the Reimbursement Claim.

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE				FORM TE-1	
CLAIM SUMMARY					
Instructions					
(01) Claimant		(02) Type of Claim		Fiscal Year	
		Reimbursement <input type="checkbox"/>		19__ / __	
		Estimated <input type="checkbox"/>			
Claim Statistics					
(03) Professional and Consultant Services Certification				Yes	No
(a) Is the fee claimed for contracted services, including claims based on annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?					
(b) If yes, explain.					
Direct Costs			Object Accounts		
(04) Reimbursable Components:			(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contracted Services
1. Competence in Instructional Methodology					(d) Total
2. Probationary Certified Employee Policies					
3. Parental Complaint Policies					
(05) Total Direct Costs					
Indirect Costs					
(06) Indirect Cost Rate				[From J-380 or J-580]	%
(07) Total Indirect Costs				[Line (06) x ((line (05)(d) - line (05)(c)))]	
(08) Total Direct and Indirect Costs				[Line (05)(d) + line (07)]	
Cost Reduction					
(09) Less: Offsetting Savings, if applicable					
(10) Less: Other Reimbursements, if applicable					
(11) Total Claimed Amount				[Line (08) - (Line (09) + Line (10))]	

MANDATED COSTS CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL	FORM TE-2
---	----------------------------

(01) Claimant	(02) Fiscal Year Costs Were Incurred
---------------	--------------------------------------

(03) Reimbursable Component: Check only one box per form to identify the component being claimed.

1. Competence in Instructional Methodology

2. Probationary Certificated Employee Policies

3. Parental Complaint Policies

(04) Description of Expenses: Complete columns (a) through (f). **Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services

(05) Total	<input type="text"/>	Subtotal	<input type="text"/>	Page: _____ of _____			
------------	----------------------	----------	----------------------	----------------------	--	--	--

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL Instructions	FORM TE-2
--	--------------------------------

- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Reimbursable Components. Check the box which indicates the cost component being claimed. Check only one box per form. A separate form TE-2 shall be prepared for each component which applies.
- (04) Description of Expenses. The following table identifies the type of information required to support reimbursable costs. To detail costs for the component activity box "checked" in block (03), enter the employee names, position titles, a brief description of their activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, etc. Maximum reimbursable fee for contracted services is \$98.27 per hour for 1995/96 f.y. For audit purposes, all supporting documents must be retained by the claimant for a period of not less than two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

Object/ Subobject Accounts	Columns						Submit these supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	
Salaries	Employee Name	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked			
Benefits	Title Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries			
Materials and Supplies	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Consumed		
Contracted Services	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Itemized Cost of Services Performed	Invoice

- (05) Total line (04), columns (d), (e) and (f) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed for the component/activity, number each page. Enter totals from line (05), columns (d), (e) and (f) to form TE-1, block (04) columns (a), (b) and (c) in the appropriate row.

Exhibit F



S24070

**KATHLEEN CONNELL
CONTROLLER OF THE STATE OF CALIFORNIA
DIVISION OF ACCOUNTING AND REPORTING**

AUGUST 5, 1998

BOARD OF TRUSTEES
MERCED CITY ELEM SCH DIST
MERCED COUNTY
444 W 23RD ST
MERCED CA 95340

DEAR CLAIMANT:

RE: CERT TEACHERS EVAL CH 498/83

WE HAVE REVIEWED YOUR 1995/1996 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED	83,776.00
LESS: TOTAL ADJUSTMENTS (DETAIL ON PAGE 2)	- 63,393.00

CLAIM AMOUNT APPROVED	20,383.00
LESS: TOTAL PRIOR PAYMENTS (DETAIL ON PAGE 2)	37,644.00

AMOUNT DUE STATE	\$ 17,261.00
	=====

PLEASE REMIT A WARRANT IN THE AMOUNT OF \$ 17,261.00 WITHIN 30 DAYS FROM THE DATE OF THIS LETTER, PAYABLE TO THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875 WITH A COPY OF THIS LETTER. FAILURE TO REMIT THE AMOUNT DUE WILL RESULT IN OUR OFFICE PROCEEDING TO OFFSET THE AMOUNT FROM THE NEXT PAYMENTS DUE TO YOUR AGENCY FOR STATE MANDATED COST PROGRAMS.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT EDUARDO ANTONIO AT (916) 323-0755 OR IN WRITING AT THE ABOVE ADDRESS.

SINCERELY,

JEFF YEE,
MANAGER

ADJUSTMENT TO CLAIM:		
INDIRECT COSTS OVERSTATED	-	1,133.00 ✕
NO SUPPORTING DOCUMENTATION	-	24,375.00
NON-REIMBURSABLE ITEM	-	37,885.00 ✕
LESS: TOTAL ADJUSTMENTS	-	63,393.00
PRIOR PAYMENTS:		
SCHEDULE NO. MA60717A		
PAID 05-15-1997	37,462.00	
SCHEDULE NO. MA50716E		
PAID 01-26-1996	182.00	
LESS: TOTAL PRIOR PAYMENTS		37,644.00

Exhibit G

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

(01) Claimant Identification Number:
S24070

(02) Mailing Address

Claimant Name
MERCED CITY ELEMENTARY SD

County Of Location
MERCED

Street Address or P.O. Box
444 W. 23RD ST.

City State Zip Code
MERCED CA 95340

Reimbursement Claim Data

(22) TE-1,(04)(1)(d) 11,343

(23) TE-2,(04)(2)(d) 38,562

(24) TE-1,(04)(3)(d) 32,146

(25) TE-1,(05)(d) 82,051

(26) TE-1,(06) 2,9900

Type of Claim Estimated Claim Reimbursement Claim

43393

(03) Estimated
(04) Combined
(05) Amended

(09) Reimbursement
(10) Combined
(11) Amended

(27) TE-1,(11) 83,776

(28)
(29)
(30)

Fiscal Year of Cost (06) 19 / (12) 19 95 / 96

Total Claimed Amount (07) (13) \$ 20383
83,776

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable) (14)

Less: Estimate Payment Received (15) \$ 182

Net Claimed Amount (16) \$ 17261
83,594

Due From State (08) (17) \$ 83,594

Due to State (18) 17261

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive. I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative
Mona Lis
MONA LIS
Type or Print Name

Date
11/26/96
DIRECTOR, FISCAL SERVICES
Title

(39) Name of Contact Person For Claim
Steve Smith, Mandated Cost Systems

Telephone Number
916-487-4435 Ext.

MANDATED COSTS

**FORM
TE-1**

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY**

(01) Claimant:
S24070
MERCED CITY ELEMENTARY SD

(02) Type of Claim: Reimbursement Estimated
Fiscal Year: 19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:	Yes	No
		X
a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year? b. If yes, explain.		

Direct Costs	Cost Elements			
	(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
(04) Reimbursable Components:				
1. Certification of Teacher Evaluators	11,343	0	0	11,343
2. Probationary Certified Employee Policies	38,562	0	0	38,562
3. Parental Complaint Policies	7,771	0	24,375	32,146
(05) Total Direct Costs	57,676	0	84,375	82,051

Indirect Costs	9911 - 24375	19791
(06) Indirect Cost Rate	J-380 or J-580, as applicable	2.9900 %
(07) Indirect Costs	{[Line (05)(d) - line (05)(c)] x line (06)}	1,725
(08) Total Costs:	{Line (05)(d) + line (07)}	83,776

Cost Reduction	
(09) Less: Offsetting Savings, if applicable	
(10) Less: Other Reimbursements, if applicable	
(11) Total Claimed Amount:	{Line(08) - [Line(09) + line(10)]}

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: **MERCED CITY ELEMENTARY SD**

(02) Fiscal Year costs were Incurred: **95 - 96**

(03) Reimbursable Component: Competence In Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
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Page: 1 of 1

\$ 10,529 0 0

MANDATED COSTS

**FORM
TE-2**

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COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **MERCED CITY ELEMENTARY SD**

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PANYANOUVONG P/TEACHER	30.25	19.25	582		

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Page: 1 of 1

\$ 26,702 0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **MERCED CITY ELEMENTARY SD**

(02) Fiscal Year costs were incurred: **95-96**

(03) Reimbursable Component: Competence in Instructional Methodology
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 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

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(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
PHOMMAVONGSAY, K/ TEACHER	30.93	14.00	433		
POOL B/TEACHER	37.97	25.25	959		
POWER K/TEACHER	32.57	13.00	423		
PRYOR R/TEACHER	30.25	13.50	408		
ROMERO, D/ TEACHER	32.36	20.25	656		
SALDIVAR-TORRES T/TEACHER	30.00	14.00	420		
SALM, C/ TEACHER	30.08	23.75	714		
SEALE, T/ TEACHER	31.51	16.75	528		
SILVERIA L/TEACHER	23.77	40.50	963		
SODHI L/TEACHER	27.06	40.50	1096		
SOLIS, J/ TEACHER	33.76	12.00	406		
STAPP, L/ TEACHER	38.08	21.00	800		
STOCKING S/TEACHER	38.03	16.67	633		
TEJEDA A/TEACHER	30.25	17.50	530		
WALTMAN C/TEACHER	34.26	23.00	788		
WHITAKER, M/TEACHER	32.14	30.50	981		
WHITE A/TEACHER	31.71	23.50	745		
WOOD S/TEACHER	37.68	10.00	377		

(05) Total Subtotal

Page: 1 of 1

\$ 11,860

0

0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **MERCED CITY ELEMENTARY SD**

(02) Fiscal Year costs were incurred: **95-96**

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RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
ALEXANDER, D/SECRETARY	21.29	0.25	5		
ATKINSON, ANDELSON, /ATTORNEY	75.00	176.25			13221
ATKINSON, ANDELSON, /ATTORNEY	98.27	112.75			11079
ATKINSON, P/ PRINCIPAL	38.97	2.83	110		
BRANTLEY M/TEACHER	47.08	1.00	47		
BROUGHTON, I/SECTY	24.64	23.08	568		
COPE, L/ASST PRINCIPAL	42.82	3.00	128		
COPE, S/PRINCIPAL	38.97	3.50	136		
COWLES, J/PRINCIPAL	46.12	5.00	231		
DOSSETTI, A/ PRINCIPAL	43.54	9.92	433		
DOYLE, J- ASST. SUPERINTENDENT	50.80	33.17	1685		
FLORES, R/ PRINCIPAL	47.11	47.49	2237		
FREDETTE F/COUNSELOR	43.38	1.00	43		
GRAVE, T/DIRECTOR	46.90	13.00	609		
HADLEY, C/PRINCIPAL	44.58	2.25	100		
JONES M/ASSIST PRINCIPAL	42.82	4.17	179		
KRONICK, MOSKOVITZ/ATTORNEY	100.00	0.75			75
NEMOEDE, N/PRINCIPAL	49.55	7.66	379		
OWEN, S/PRINCIPAL	44.03	7.08	312		
RANK, C/ TEACHER	47.08	4.00	188		
SPICER G/ASSIST PRINC	41.96	9.08	381		

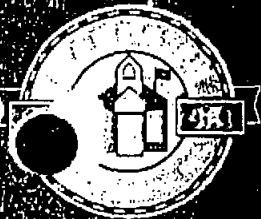
(05) Total Subtotal

Page: 1 of 1

\$ 7,771

0 24,375

Exhibit H



October 13, 1998

2275 Watt Avenue,
Suite C
Sacramento, CA 95825
916-487-4435 phone
916-487-9662 fax

222 West Carmen Lane
Suite 101
Santa Maria, CA 93458
805-922-1471 phone
805-922-7143 fax

3167 Bechell Lane,
Suite 202
Redding, CA 96002
530-224-7255 phone
530-224-9548 fax

17835 W. Olympic Blvd.,
Suite 680E
Los Angeles, CA 90064
310-477-4749 phone
310-477-5356 fax

Jeff Yee
Manager, Local Reimbursement Section
Division of Accounting and Reporting
State Controller's Office
P.O. Box 942850
Sacramento, CA 94250-5875

RE: Reconsideration Request (CTE 98-3)

Dear Mr. Yee:

The Merced City Elementary School District, Claimant ID S24070 received a letter dated August 5, 1998 that disallowed costs on its 1995/96 Certification of Teacher Evaluator's Demonstrated Competence Chapter 498/83 claim as follows:

1A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$ 27,353
1B)	2 day Training Time Disallowed for 1 st year Probationary Teachers	\$ 11,665
2)	Contracted Services	\$ 24,374
	Total	\$ 63,392

On August 31, 1998 one of my staff met with Eduardo Antonio to obtain the composition of this adjustment and to copy the work papers used in reviewing this claim.

Issue #1 A & B - Probationary Teacher Time Disallowed:

The Claiming Instructions and Parameters & Guidelines are silent on whether the time spent by probationary teachers is reimbursable. We feel strongly that these are legitimate costs of the mandate and that they are reimbursable. The State Controller's Office Claiming Instructions state that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable".

A) The time spent by probationary teachers receiving additional training and assistance would be included as a cost of training, assisting and evaluating probationary teachers.

B) In addition, the district requires its 1st year probationary teachers to work two extra 7.5 hour days each fiscal year. Permanent teachers work a 184 day work year, while the 1st year probationary teachers work a 186 day work year. These training sessions exceed what is provided to permanent teachers and there are costs incurred by the district.

There is an identifiable increased cost to the school district for these extra days worked by probationary teachers and these extra days worked are specifically attributable to the mandate of probationary teacher training. Recent Commission on State Mandates rulings on test claims that involve teacher training costs have indicated that if the district incurs an increased cost of some kind (i.e. substitutes, stipends, overtime pay or an extended work year) then this identifiable increased cost would be reimbursable.

The probationary teachers are identified on the attached claim with a "P1" for 1st year teachers or "P2" for 2nd year teachers.

Issue #2 - Contracted Services Disallowed:

Our records indicate that the required invoices for contracted services were sent to your office with the claim. I also have our signed transmittal form that shows your office's receipt of the claim and attached backup documentation. Prior to sending your office any claim that requires supporting documentation, we double check to make sure that we have attached the required backup. We have resubmitted these invoices with this letter.

According to the claiming instructions for the following component:

Parental Complaint Policies

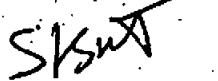
"The cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulation by the claimant in compliance with Education Code Section 35160.5 are reimbursable."

Conclusion:

Based on the additional information and clarifications listed above, I request that \$63,393 in incorrectly reduced costs be reinstated. Please notify me within three weeks (October 30, 1998) of the State Controller's Office's decision on this matter. In the absence of a response within three weeks, we will assume that you intend to stand by this adjustment and not reinstate these costs.

If you have any questions or need any additional information, please contact me at (916) 487-4435.

Sincerely,



Steve Smith
President
Mandated Cost Systems, Inc.

Enclosures

cc: Mona M. Lis, Merced City Elementary School District

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

(01) Claimant Identification Number:
S24070

(02) Mailing Address

Claimant Name

MERCED CITY ELEMENTARY SD

County Of Location

MERCED

Street Address or P.O. Box

444 W. 23RD ST.

City

MERCED

State

CA

Zip Code

95340

Reimbursement Claim Data

(22) TE-1,(04)(1)(d)

11,343

(23) TE-2,(04)(2)(d)

38,562

(24) TE-1,(04)(3)(d)

32,146

(25) TE-1,(05)(d)

82,051

(26) TE-1,(06)

2,9900

Type of Claim

Estimated Claim

Reimbursement Claim

(27) TE-1,(11)

83,776

(03) Estimated

(09) Reimbursement

(04) Combined

(10) Combined

(05) Amended

(11) Amended

Fiscal Year of Cost

(06)

19 /

(12)

95 / 96

(31)

Total Claimed Amount

(07)

(13)

\$ 20383
83,776

(32)

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable)

(14)

(33)

Less: Estimate Payment Received

(15)

\$ 182
37644

(34)

Net Claimed Amount

(16)

\$ 17261
83,594

(35)

Due From State

(08)

(17)

\$ 83,594

(36)

Due to State

(18)

17261

(37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

Mona Lis

Date

11/26/96

MONA LIS

DIRECTOR, FISCAL SERVICES

Type or Print Name

Title

(39) Name of Contact Person For Claim

Telephone Number

Steve Smith, Mandated Cost Systems

916-487-4435

Ext.

MANDATED COSTS

**FORM
TE-1**

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY**

(01) Claimant:
S24070
MERCED CITY ELEMENTARY SD

(02) Type of Claim:
Reimbursement
Estimated

Fiscal Year:
19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:	Yes	No
a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?		X
b. If yes, explain.		

Direct Costs **Cost Elements**

(04) Reimbursable Components:	(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
1. Certification of Teacher Evaluators	11,343	0	0	11,343
2. Probationary Certified Employee Policies	38,562 ⁶⁷⁷	0	0	38,562 ⁶⁷⁷
3. Parental Complaint Policies <i>9894-37885-</i>	7,771	0	24,375	32,146 ⁷⁷⁷¹
(05) Total Direct Costs	57,676 ¹⁹⁷⁹¹	0	24,375	82,051 ¹⁹⁷⁹¹

Indirect Costs *9911-24375*

(06) Indirect Cost Rate	J-380 or J-580, as applicable	2.9900 %
(07) Indirect Costs	{[Line (05)(d) - (line (05)(c)) x line (06)]}	<i>9920-1133-592-</i> 2,725
(08) Total Costs:	[Line (05)(d) + line (07)]	83,776 <i>20383-</i>

Cost Reduction

(09) Less: Offsetting Savings, if applicable	
(10) Less: Other Reimbursements, if applicable	
(11) Total Claimed Amount:	{Line(08) - [Line(09) + line(10)]}

~~83,776~~
20383

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

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MANDATED COSTS

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TE-2**

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(05) Total Subtotal

Page: 1 of 1

\$ 26,702

0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: **MERCED CITY ELEMENTARY SD**

(02) Fiscal Year costs were incurred: **95 - 96**

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
P2 PHOMMAVONGSAY, K/ TEACHER	30.93	14.00	433		
P1 POOL B/TEACHER	37.97	25.25	959		
P2 POWER K/TEACHER	32.57	13.00	423		
P2 PRYOR R/TEACHER	30.25	13.50	408		
P2 ROMERO, D/ TEACHER	32.36	20.25	656		
P2 SALDIVAR-TORRES T/TEACHER	30.00	14.00	420		
P2 SALM, C/ TEACHER	30.08	23.75	714		
P2 SEALE, T/ TEACHER	31.51	16.75	528		
P1 SILVERIA L/TEACHER	23.77	40.50	963		
P1 SODHI L/TEACHER	27.06	40.50	1096		
P2 SOLIS, J/ TEACHER	33.76	12.00	406		
P2 STAPP, L/ TEACHER	38.08	21.00	800		
P2 STOCKING S/TEACHER	38.03	16.67	633		
P2 TEJEDA A/TEACHER	30.25	17.50	530		
P1 WALTMAN C/TEACHER	34.26	23.00	788		
P1 WHITAKER, M/TEACHER	32.14	30.50	981		
P1 WHITE A/TEACHER	31.71	23.50	745		
P2 WOOD S/TEACHER	37.68	10.00	377		

(05) Total Subtotal

Page: 1 of 1

\$ 11,860 0 0

MANDATED COSTS

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Certification of Teacher Evaluator's Demonstrated Competence

TE-2

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(01) Claimant: **MERCED CITY ELEMENTARY SD**

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(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
ALEXANDER, D/SECRETARY	21.29	0.25	5		
ATKINSON, ANDELSON, /ATTORNEY	75.00	176.25			13221
ATKINSON, ANDELSON, /ATTORNEY	98.27	112.75			11079
ATKINSON, P/ PRINCIPAL	38.97	2.83	110		
BRANTLEY M/TEACHER	47.08	1.00	47		
BROUGHTON, I/SECTY	24.64	23.08	568		
COPE, L/ASST PRINCIPAL	42.82	3.00	128		
COPE, S/PRINCIPAL	38.97	3.50	136		
COWLES, J/PRINCIPAL	46.12	5.00	231		
DOSSETTI, A/ PRINCIPAL	43.54	9.92	433		
DOYLE, J- ASST. SUPERINTENDENT	50.80	33.17	1685		
FLORES, R/ PRINCIPAL	47.11	47.49	2237		
FREDETTE F/COUNSELOR	43.38	1.00	43		
GRAVE, T/DIRECTOR	46.90	13.00	609		
HADLEY, C/PRINCIPAL	44.58	2.25	100		
JONES M/ASSIST PRINCIPAL	42.82	4.17	179		
KRONICK, MOSKOVITZ/ATTORNEY	100.00	0.75			75
NEMOEDE, N/PRINCIPAL	49.55	7.66	379		
OWEN, S/PRINCIPAL	44.03	7.08	312		
RANK, C/ TEACHER	47.08	4.00	188		
SPICER G/ASSIST PRINC	41.96	9.08	381		

(05) Total Subtotal

Page: 1 of 1

\$ 7,771

0 24,375

Exhibit I



KATHLEEN CONNELL
Controller of the State of California

December 30, 1998

Mr. Steve Smith
President
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

Dear Mr. Smith:

RE: NOTICE OF CLAIM ADJUSTMENT
MERCED CITY ELEMENTARY SCHOOL DISTRICT
CHAPTER 498/83 CERTIFICATION OF TEACHER EVALUATORS
FISCAL YEAR 1995-96

This is in reply to your letter dated October 13, 1998 regarding the above claim for reimbursement of mandated cost program. The result of our review is as follows:

Amount Claimed **\$83,776**

Adjustment to Claim:

Probationary Certificated Employee Policies

The amount of \$37,885 for salaries and benefits of probationary teachers in training is disallowed. -\$37,885

Parameters and guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities.

The claim of \$24,375 for Resolution of Parental -24,375

Complaints is questionable. There was no description of services performed by attorney services as required by the mandate. The invoices submitted with the claim did not provide any indication as to number of parental complaints nor the nature of those parental complaints. In addition, invoice costs were not traceable to items listed on the tape total of \$24,374.

SACRAMENTO 3301 C Street, Suite 501, Sacramento, CA 95816 (916) 445-8717
Mailing Address: P.O. Box 942850, Sacramento, CA 94250

Sub-total on Adjustment for Direct Costs		-\$62,260
Adjustment of Indirect Costs	(\$1,725-\$592)	-1,133
Total Adjustment for Claim		-\$63,393
Approved Claim		\$20,383
Less: Prior Payment of 1/26/96 & 5/15/97		-37,644
Amount Due State		<u>-\$17,261</u>

If you have any questions, please contact Eduardo Antonio at (916) 323-0755 or in writing at the State Controller's Office, Attn: Local Reimbursements Section, Division of Accounting and Reporting, P.O. Box 942850, Sacramento, CA 94250-5875.

Sincerely,



JEFF YEE, Manager
Local Reimbursements Section

JY:ea

cc: Mona Lis, Merced City Elementary School District

State of California
COMMISSION ON STATE MANDATES
980 Ninth Street, Suite 300
SACRAMENTO, CA 95814
(916) 323-3562
CSM 2 (2/91)

EXHIBIT A,
TAB 7

RECEIVED
DEC 12 2001
COMMISSION ON STATE MANDATES
Claim No. 01-4136-1-47

INCORRECT REDUCTION CLAIM FORM

Local Agency or School District Submitting Claim

DAVIS JOINT UNIFIED SCHOOL DISTRICT, CLAIMANT ID# S57005

Contact Person
Steve Smith, Mandated Cost Systems, Inc.

Telephone No.
(916) 487-4435

Address

**526 B STREET-BUSINESS
DAVIS, CA 95616**

Representative Organization to be Notified
**Mandated Cost Systems, Inc.
2275 Watt Avenue Suite C
Sacramento, CA 95825
(916) 487-4435**

This claim alleges an incorrect reduction of a reimbursement claim filed with the State Controller's Office pursuant to section 17561 of the Government Code. This incorrect reduction claim is filed pursuant to section 17551(b) of the Government Code.

CLAIM IDENTIFICATION: Specify Statute or Executive Order

Certification of Teacher Evaluator's Demonstrated Competence Chapter 498, Statutes of 1983, Education Code Section 35160.5

<u>Fiscal Year*</u>	<u>Amount of the Incorrect Reduction</u>
1995/96	\$110,409

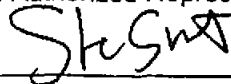
*More than one fiscal year may be claimed.

IMPORTANT: PLEASE SEE INSTRUCTION AND FILING REQUIREMENTS FOR COMPLETING AN INCORRECT REDUCTION CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative
Steve Smith, Mandated Cost Systems, Inc.

Telephone No.
(916) 487-4435

Signature of Authorized Representative



Date

12/8/2001

Incorrect Reduction Claim

Davis Joint Unified School District, Claimant ID# S57005
Certification of Teacher Evaluators' Demonstrated Competence
Chapter 498, Statutes of 1983
COSM No. SB90-4136
1995/96 Fiscal Year

I. Brief Description of the Disallowed Costs:

The Davis Joint Unified School District (hereinafter "District" or "Claimant") filed a claim for reimbursement under the Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program (Chapter 498, Statutes of 1983; COSM No. SB90-4136) for fiscal year 1995/96. By letter dated October 25, 2001, the State Controller (SCO) disallowed \$111,580 of costs for training probationary teachers and associated indirect costs claimed under the Probationary Certificated Policies component of this program. We do not challenge \$1,171 of the total adjustment as noted within Section III of this incorrect reduction claim. However, we maintain that SCO incorrectly reduced the claim by \$110,409. The State Controller has taken the position that the parameters and guidelines "do not provide reimbursement for probationary teacher training costs." Claimant argues, as further outlined below, that the Controller incorrectly reduced its claim because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

II. The Mandate:

Chapter 498, Statutes of 1983 added section 35160.5 to the Education Code (See Exhibit "A"). Section 35160.5 required school districts, as a condition for receipt of school apportionments, to adopt rules and regulations establishing policies regarding:

- a. The certification of the demonstrated competence of administrators who would be conducting teacher evaluations;
- b. Assurances that probationary teachers will have their needs for training, assistance, and evaluations recognized and met by the district; and
- c. Filing of parent complaints regarding district employees.

On September 20, 1984, the San Jose Unified School District filed a test claim with the Board of Control alleging that Chapter 498/83 imposed reimbursable state mandated costs. On September 26, 1985, the Commission on State Mandates approved the test claim and on October 24, 1985, adopted its Statement of Decision (See Exhibit "B"). Parameters and guidelines for this program were originally adopted on April 24, 1986 (See Exhibit "C"). These parameters and guidelines were subsequently amended on January 24, 1991 (See Exhibit "D"). The Education Trailer Bill to the Budget Act of 1996, effective July 22, 1996 (Chapter 204, Statutes of 1996) repealed this mandate effective with the 1996/97 fiscal year. The State Controller's Office Claiming Instructions in effect for the 1995/96 claim year are attached (See Exhibit "E").

III. The District's Claim, State Controller's Review and Reconsideration

The filing deadline with the State Controller's Office for 1995/96 Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program was November 30, 1996. The late filing deadline (with requisite 10% penalty not to exceed \$1,000) was December 1, 1997. The District submitted its 1995/96 claim within the annual filing period. The District claimed costs under the three reimbursable components plus associated indirect costs of totaling \$175,995.

In a letter dated August 5, 1998, SCO denied \$161,891 in claimed costs (See Exhibit "F"). The reasons cited for the adjustments were:

Indirect Costs Overstated	\$ 9,422
Non-Reimbursable Item	\$ 152,469

Due to the lack of specificity in this letter, a copy of the SCO claim review working papers was obtained in order to determine the specific claim line items that were disallowed (See Exhibit "G").

On October 14, 1998, Mandated Cost Systems, Inc., representing the District submitted a letter to SCO requesting reconsideration and reinstatement of all disallowed costs (See Exhibit "H").

On December 22, 1998, SCO completed its reconsideration of its claim adjustments and issued an adjustment letter which reinstated \$45,943 for incorrectly disallowed teacher trainers and parental complaint policies. SCO did not reinstate any costs for probationary teachers time when receiving training (See Exhibit "I").

Within the December 22, 1998, SCO adjustment letter, Mandated Cost Systems, Inc., discovered a \$1,171 calculation error on our behalf and a \$4,368 calculation error on behalf of SCO. On October 16, 2001, Mandated Cost Systems, Inc., addressed this error in a letter to the SCO and requested an additional \$4,368 in non-probationary teacher costs be reinstated that were originally requested in our October 14, 1998, letter (See Exhibit "J"). On October 25, 2001, SCO completed its reconsideration of the October 16, 2001, letter and issued a final adjustment letter which reinstated an additional \$4,368 (See Exhibit "K"). Note, that the final SCO adjustment letter is for \$46,813. When this adjustment amount is added to a prior payment of \$64,767 made by the claimant, it reconciles to the correct adjustment of \$111,580 (of which \$110,409 are for probationary teachers).

IV. The Issue in Dispute:

The specific issue being disputed deals with the following question:

Is the cost of probationary teachers receiving the mandated additional training a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program?

V. Claimant's Position

Claimant argues, as further outlined below, the cost of probationary teachers receiving the mandated additional training is a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program because the probationary training costs are authorized by the parameters and guidelines and

are consistent with allowable costs of a number of other reimbursement programs. It should be noted that the SCO disallowed probationary teacher training costs claiming the "parameters and guidelines do not provide for reimbursement" of these costs. The SCO is not claiming that these costs are excessive or unreasonable under Government Code section 17561(d). Therefore, the only issue before the COSM is whether the parameter and guidelines "provide for reimbursement" for the cost of probationary teacher training costs.

VI. The State Controller's Position

By letter dated December 22, 1998, the Controller has disallowed the cost of probationary teachers receiving the mandated additional training stating that:

"The amount of \$109,200 for salaries and benefits of probationary teachers in training is disallowed. Parameters and guidelines do not provide for reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities."

As previously noted in "Section III", paragraph six, of this Incorrect Reduction claim, a final adjustment letter was issued by the Controller dated October 16, 2001, reconciling the correct probationary teacher training calculation adjustment at \$110,409.

VII. Parameters and Guidelines and Claiming Instructions

A. The Parameters and Guidelines

Section V (Reimbursable Costs) of the parameters and guidelines for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education.

* * *

Registration fees and travel costs of probationary teachers attending training activities.

* * *

Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teacher's classrooms to observe teaching techniques (limited to three such visitations per semester).

B. The Claiming Instructions

Section 5 (Reimbursable Components) of the claiming instructions for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist and evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available with the school district or county office, is reimbursable. Registration fees, travel costs, and the cost of substitute teachers provided so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester."

VIII. Claimant's Analysis

The District's claim for costs attributable to probationary teacher training can be broken down into two types of costs. "Category A" costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. "Category B" costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83.

A. Argument for Reimbursing Category A Probationary Teacher Costs

In its October 14, 1998, reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category A totaling \$96,516 should be reinstated.

Category A costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. The parameters and guidelines clearly and explicitly allow for these costs when they provide as reimbursable costs those "costs of training probationary teachers, over and above that provided to permanent teachers, are reimbursable." The COSM should be guided by the common rule of interpretation which provides that where express provisions of a rule are clear and unambiguous the explicit meaning of those provisions, interpreted in their ordinary and popular sense, controls the interpretation. (See, *Borg v. Transamerica Ins. Co.*, 47 Cal.App.4th 448, 455, 54 Cal.Rptr.2d 811).

B. Argument for Reimbursing Category B Probationary Teacher Costs

In its October 14, 1998, reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category B totaling \$13,893 should be reinstated.

Category B costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83. Specifically, as a requirement of the mandate, all first year probationary teachers work a 185 day year (one extra 7 hour day each year for teacher training) while permanent teachers work a 184 day year. The probationary teachers were paid for working the extra day.

In the case of category B costs, there is a clearly identifiable increased cost incurred by the District related to compensating probationary teachers for the additional time receiving the mandated training. The Commission on State Mandates has recently reaffirmed that these types of costs are reimbursable.

In the *Physical Performance Testing* program the Commission explicitly recognized that mandates that befall teachers create reimbursable costs if the District increases the teacher's workday or work year. In addressing this issue the Commission's Statement of Decision states in pertinent part as follows:

"The manual (State Administrative Manual) defines costs as ".....all additional expenses for which either supplemental financing or the redirection of existing staff or resources ...is required." Because the school days or school year is not extended to accommodate the time required to administer physical performance tests, there are no additional costs as defined by the manual."

"Further, the Commission found that neither the school day or the school year is extended to accommodate the time required to administer and score the physical performance tests, school districts incur no increased reimbursable costs when classroom teachers administer the physical fitness tests."

Although the Commission concluded that teacher time during the school day implementing the *Physical Performance* mandate was not reimbursable, the Commission did recognize that teacher time attending training after the regular school day is reimbursable. In support of Claimant's argument the Commission concluded that:

"Increased costs for substitute teacher time during the school day or for teacher stipends to attend training sessions outside the regular school day (after school or on Saturday) are eligible for reimbursement. However, the labor time of the teacher spent in attending training sessions during that teachers' normal classroom hours is not reimbursable." (Emphasis added).¹

By way of further support for Claimant's position, the Commission has stated in its parameters and guidelines for *American Government Course Document Requirements* that:

"Either the cost of providing a substitute teacher for each teacher who attends a training session during the teacher's normal classroom periods or the additional payments made to each teacher who attends a training session outside the teacher's normal classroom period (after school or on Saturday) is reimbursable." (Emphasis added).

¹ See page 6 of the Physical Performance Testing Program parameters and guidelines adopted by the Commission on State Mandates on September 24, 1998.

The above-cited sections of Commission parameters and guidelines fully support Claimant's claim for reimbursement for those "additional payments made to each teacher who attends a training session outside the teacher's normal classroom period (after school or on Saturday)." These two programs illustrate the fact that if a district has incurred some type of identifiable increased cost related to a fixed environment employee (i.e., teachers) then that identifiable increased cost shall be considered a reimbursable mandated cost pursuant to Article XIII B, section 6 of the State Constitution whether it is substitute costs, overtime pay, stipends, or as in this case, an expanded work year specifically due to the mandate of additional training for probationary teachers.

The Claimant's argument is further bolstered by the erroneous conclusion made by the Controller that reimbursement of substitute teacher time is made "in lieu" of reimbursement for probationary teacher time attending the training. Here, the Claimant is making a claim for probationary teacher time attending training that occurred after the regular work day or after the end of the regular work year when a substitute teacher is not needed. With no substitute costs the Claimant is not provided any reimbursement "in lieu" of reimbursement of probationary teacher time attending the trainings. Moreover, and as outlined above, the Commission has explicitly recognized that Districts are entitled to reimbursement for **both** substitute teacher time (for costs incurred during the fixed environment) and other identifiable costs for teachers that occur outside the regular work day (e.g. nights, weekends, and at the end of the school year).

IX. Conclusion

Based upon the foregoing, Claimant respectfully requests that the COSM find:

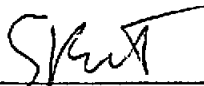
1. Claimant submitted its Certification of Teacher Evaluators' Demonstrated Competence claims for reimbursement in compliance with the State Controller's claiming instructions.
2. Claimant submitted the requisite documentation in support of its claim for reimbursement.
3. That the State Controller incorrectly reduced claimant's reimbursement claim when it disallowed costs for training probationary teachers claimed under the Probationary Certificated Policies component of this program.

Claimant respectfully requests that the COSM determine that SCO incorrectly reduced the claimant's Teacher Evaluator claim and direct Commission Staff, in accordance with COSM's regulations, to submit a letter to the Controller requesting that the costs of the claim be reinstated.

CERTIFICATION

I certify by my signature below that the statements made in this document are true and correct of my own knowledge, or as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on December 8, 2001, at Sacramento, CA.



Steve Smith, Mandated Cost Systems, Inc.

Exhibit A

Code, to read:

35160.5. On or before December 1, 1984, the governing board of each school district shall, as a condition for the receipt of school apportionments from the State School Fund, adopt rules and regulations establishing school district policies as they relate to the following:

(a) Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(b) The establishment of district policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district.

(c) The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district. These policies and procedures shall provide for appropriate mechanisms to respond to and where possible to resolve, the complaints. These policies and procedures shall be established in consultation with employee organizations.

1 Code, to read:

2 35160.5. On or before December 1, 1984, the
3 governing board of each school district shall, as a
4 condition for the receipt of school apportionments from
5 the State School Fund, adopt rules and regulations
6 establishing school district policies as they relate to the
7 following:

8 (a) Certification that personnel assigned to evaluate
9 teachers have demonstrated competence in instructional
10 methodologies and evaluation for teachers they are
11 assigned to evaluate. The determination of whether
12 school personnel meet the district's adopted policies shall
13 be made by the governing board.

14 (b) The establishment of district policies ensuring that
15 each probationary certificated employee is assigned to a
16 school within the district with assurances that his or her
17 status as a new teacher and his or her potential needs for
18 training, assistance, and evaluations will be recognized by
19 the district.

20 (c) The establishment of policies and procedures
21 which parents or guardians of pupils enrolled in the
22 district may use to present complaints regarding
23 employees of the district. These policies and procedures
24 shall provide for appropriate mechanisms to respond to
25 and where possible to resolve, the complaints. These
26 policies and procedures shall be established in
27 consultation with employee organizations.

28 The governing board of each school district shall
29 annually review the school district policies adopted
30 pursuant to the requirements of this section.

31 SEC. 13. Section 39363 of the Education Code, as
32 amended to read:

33 39363. The funds derived from the sale of surplus
34 property shall be used for capital outlay or for costs of
35 maintenance of school district property that the
36 governing board of the school district determines will not
37 recur within a five-year period. Proceeds from a lease of
38 school district property with an option to purchase may
39 be deposited into a restricted fund for the routine repair
40 and maintenance of district facilities, as defined by the

State Allocation Board, for up to a five-year period. In
addition, the proceeds may be deposited in the general
fund of the district for any general fund purpose if the
school district governing board and the State Allocation
Board have determined that the district has no
anticipated need for additional sites or building
construction for the five-year period following such sale
or lease, and the district has no major deferred
maintenance requirements.

SEC. 14. Section 42238 of the Education Code is
repealed.

SEC. 15. Section 42238 is added to the Education
Code, to read:

(a) For the 1983-84 fiscal year, the county
superintendent of schools shall determine a revenue limit
for each school district in the county pursuant to this
section.

(b) The base revenue limit for the 1983-84 fiscal year
shall be determined by adding the following amounts:

(1) The revenue limit per unit of average daily
attendance for the 1982-83 fiscal year determined
pursuant to Item 6100-101-001 of the Budget Act of 1982.

(2) The inflation adjustment specified in Section
42238.1.

(3) The equalization adjustment specified in Section
42238.4.

(c) The base revenue limit for each district
determined in subdivision (b) shall be multiplied by the
district average daily attendance computed as specified
in Section 42238.5.

(d) The amount determined in subdivision (c) shall
be increased by the minimum revenue guarantee
adjustment specified in Section 42238.2.

(e) The Superintendent of Public Instruction shall
apportion to each school district the amount determined
in this section less the sum of:

(1) The district's property tax revenue received
pursuant to Chapter 6 (commencing with Section 95) of
Part 0.5 of the Revenue and Taxation Code.

(2) The amount, if any, received pursuant to Part 18.5

Exhibit B

Hearing: 10/24/85
Date Filed: 09/20/84
Staff: Rose Mary Swart
WP 0592A

Proposed Statement of Decision
Adopted Mandate
(Chapter 498, Statutes of 1983)
Teacher Evaluator's Demonstrated Competence

The Commission on State Mandates, at its September 26, 1985 hearing, determined that a reimbursable mandate exists in Chapter 498, Statutes of 1983, Education Code Section 35160.5.

Member Creighton moved to find a mandate. Members Aceituno, Carlyle and Creighton voted aye, Chairman Huff voted no. The motion carried.

BEFORE THE
COMMISSION ON STATE MANDATES

CLAIM OF:

SAN JOSE UNIFIED SCHOOL DISTRICT

Claimant

SB 90-4136

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on September 26, 1985, in Sacramento, California, during a regularly scheduled meeting of the commission. William A. Doyle appeared on behalf of the San Jose Unified School District.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

FINDINGS OF FACT

1. The test claim was filed with the Board of Control on September 20, 1984, by the San Jose Unified School District.

2. The subject of the claim is Statutes of 1983, Chapter 498 (Education Code section 35160.5).

3. Chapter 498, Statutes of 1983, added Education Code section 35160.5 which requires the following actions in order for districts to receive school apportionments. On or before December 1, 1984, each school district shall adopt rules and regulations establishing district policy regarding:

(a) certification that teacher evaluators have demonstrated competence in methodologies needed to evaluate teachers.

(b) district policies ensuring that all new, probationary teachers are assigned to schools where their potential special needs for training, assistance and evaluations will be met.

(c) policies which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Section 35160.5 also requires the governing board of each school district to annually review the policies adopted pursuant to the section.

4. The claimant incurred costs as a result of training teacher evaluators to meet the newly adopted standards as specified in Finding 3.

5. None of the requisites for denying a claim, as specified in Government Code section 17556, subdivision (a), were established.

DETERMINATION OF ISSUES

1. The commission has jurisdiction to decide the claim under authority of Government Code section 17630.

2. The commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore the commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

3. The commission determined that only the higher level of service required by section 35160.5 in each school district is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

4. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

Exhibit C

Hearing: 4/24/86
SB 90-4136
Staff: Rose Mary Swart
WP 1029A

PROPOSED PARAMETERS AND GUIDELINES
Chapter 498, Statutes of 1983
Education Code Section 35160.5
Certification of Teacher Evaluators' Demonstrated Competence

EXECUTIVE SUMMARY

Chapter 498, Statutes of 1983 created a state mandate in Education Code Section 35160.5 by requiring that in order to receive apportionments, school districts adopt rules establishing district policy regarding: certification of teacher evaluators' demonstrated competence, probationary teachers, and a complaint process which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Commission staff has suggested amendments to the claimant's proposed parameters and guidelines, and recommends that the commission adopt the parameters and guidelines as amended. The claimant agrees with staff's proposed parameters and guidelines.

The Department of Finance (DOF) has suggested changes to staff's proposed parameters and guidelines.

Claimant

San Jose Unified School District

Chronology

- 9/20/84 Claim filed with Board of Control.
- 10/12/84 Claim continued pending Board of Control decision regarding multiple filings issue for Chapter 498/83; and, due to transition to Commission on State Mandates.
- 3/21/85 Claim continued due to lack of input from State Department of Education (SDE).
- 5/25/85 Claim continued due to lack of input from SDE.
- 7/25/85 Commission on State Mandates hearing cancelled.

- 8/22/85 Claim held-over to 9/26/85 hearing due to tie-vote.
- 9/26/85 Mandate approved by Commission on State Mandates.
- 10/24/85 Statement of Decision adopted (Attachment E).
- 12/2/85 Proposed parameters and guidelines submitted by San Jose Unified School District.
- 1/13/86 Conference to discuss proposed parameters and guidelines.
- 1/31/86 Amended proposed parameters and guidelines submitted by San Jose Unified School District (Attachment C).
- 3/27/86 Claim continued by the commission due to late filing of recommendation by DOF. (Attachment F).

Statement of Claim

Chapter 498, Statutes of 1983 (Attachment B) required school districts to adopt rules and regulations to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers. School districts must also adopt rules to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible, resolve the complaints.

Staff Analysis

Staff is recommending several changes to the claimant's proposed parameters and guidelines (Attachment C).

A complete set of staff's proposed parameters and guidelines are attached (Attachment A).

Following is a summary and analysis of staff's suggested changes and DOF's suggested changes to the claimant's proposal. Additions are shown by underlining, deletions by strikeout. Staff agrees with and has added the claimant's suggested language in Sections V., B., I, and IX., of this proposal. The claimant submitted this proposed language (Attachment G) in its rebuttal to the DOF recommendation.

Section III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code Section 2208.5, that incurred mandated costs as a result of implementing Chapter 498/83, Education Code Section 35160.5.

Since Chapter 498/83 affected numerous code sections, it is important for accuracy and clarity to include the affected code section(s) in any description or discussion of the impact of Chapter 498/83. This is a nonsubstantive change.

* * *

Section V. Reimbursable Costs

A., 2., a. Time of district administrators spent in certification training excluding classroom observation ~~(including classroom observation when it is part of the training package).~~

Staff proposes: 1) deletion of language from this section which would reimburse for "classroom observation" and; 2) a specific exclusion statement precluding such payment. Staff is making this proposal because classroom observation is part of the administrator's usual responsibility and a basic function of the job. It is important for administrators to practice the skills they have acquired in training, but according to staff of SDE, administrators typically practice this, and other skills, on the job. School administrators are actually performing two functions by incorporating the practice into their usual work. Since the administrator is continuing the same work routine which took place prior to the certification training, it seems unreasonable to expect this time to be recognized as a function mandated by Chapter 498/83. At this point the administrators are back at work and providing the services for which they are paid. The claimant agrees with this change.

However, DOF asserts in its recommendation that Chapter 498/83, Education Code Section 35160.5 does not require that administrators participate in any training (Attachment F). Staff would point out that this issue was addressed by the commission during the test claim phase of this mandate. The commission decided that Chapter 498/83 does require that training be provided for administrators functioning as teacher evaluators. See the commission's Statement of Decision, Attachment E, Part I, 3., (b), which addresses this issue. Therefore, since the matter has previously been resolved by the commission, staff will not address it in this analysis.

* * *

V. B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. The cost of services or activities provided to probationary teachers and which are funded by the Mentor Teacher Program can not be claimed as a reimbursement cost.

This change is being proposed by the claimant in response to a concern expressed by DOF. The DOF recommendation makes the following statement regarding this section:

Chapter 498, Statutes of 1983 only requires that a school district establish policies ensuring that a new teacher's training, assistance and evaluation needs will be recognized. It does not demand that those policies exceed whatever currently is provided by school districts to new teachers. Claims that propose reimbursement for activities beyond those required by a school district prior to adoption of "expanded" policies are essentially claims for discretionary acts. As such, these activity costs should not be reimbursable.

The DOF concern here is about the level of training that will be reimbursed. Again, this is an issue which has been decided by the commission as part of the test claim. The commission, in its statement of decision on the test claim determined that training costs are reimbursable. In addition, it is established that any claim for reimbursement of activities beyond those mandated is not acceptable and will not be reimbursed. Nor are activities which are already being reimbursed going to be doubly reimbursed. However, in response to the DOF concern and to provide clarification the claimant has suggested the new language regarding the Mentor Teacher Program. Any activities already funded through that or any other programs may not be reimbursed through these parameters and guidelines. The proposed parameters and guidelines, in Section V.B.1. clearly prohibit double funding of activities by allowing reimbursement only for "Training, assisting and evaluating probationary teachers over and above that usually provided ...". Emphasis added. Additionally, Education Code Section 44496(a)(3) prohibits a mentor teacher from participating in any evaluation of other teachers.

* * *

- B. 1. c. One third of the time spent by site administrators training, assisting or evaluating probationary teachers.

The DOF recommendation states that the proposed parameters and guidelines, in Section B.1., would provide reimbursement for an activity which is now clearly a responsibility of administrative school personnel. This activity is the evaluation of probationary teachers. The proposed parameters and guidelines indicate that one third of the time spent by site administrators training, assisting or evaluating probationary teachers is reimbursable.

According to the claimant this is not an arbitrary number because "the additional one third of the time spent by administrators during the two year probationary period performing the mandated activities (training, assistance and evaluation) is caused by performing all the mandated activities within a two year period [Section 44882(b)] rather than in the pre-Chapter 498/83 three year period of time."

Education Code Section 44882(b), in pertinent part, referred to above, shortened the probationary period for teachers as follows:

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year be classified as and become a permanent employee of the district.

Staff does not find it necessary to change this portion of the proposal. The proposed parameters and guidelines will provide reimbursement only for activities required by Chapter 498/83.

* * *

- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

- 1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code Section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

Regarding above Section V.C.1 of the proposed parameters and guidelines, DOF suggested the following language:

"These costs may be reimbursed if prior policies did not provide a procedure for parents and pupils to present complaints regarding employees or mechanisms for response or resolution to the complaints."

Prior practice has not been a determining factor in past decisions of the commission or its predecessor Board of Control. The commission has determined that a stated policy and process for complaints regarding employees of the district is, in this case, a state-mandated activity. The proposed parameters and guidelines articulate that which is required and that which is reimbursable, in accordance with the commission's fundings. There is an exclusion in this portion of the proposed parameters and guidelines for any

activities or meetings previously required by other laws. Staff asserts that the proposed language will facilitate identification and reimbursement of the mandated activities of Chapter 498/83 but will preclude payment of other functions not required by Chapter 498/83.

* * *

VII. Professional and Consultant Services.

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is ~~\$95~~ \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

Staff is suggesting the \$65 per hour limit because, according to SDE staff, teacher evaluator training of administrators has been offered at no cost through educational associations which are funded by SDE, and the training is available through commercial providers at a maximum \$500 per day rate. Therefore, it was felt that the claimant's allowance of up to \$95 per hour for contracted services was too high. The \$65 per hour maximum has been verified by staff through a telephone survey to be well within the industry average required by the State Administrative Manual for state contracts. Staff's proposal therefore, includes replacement language establishing a \$65 per hour ceiling, as indicated above. The claimant agrees with this change.

* * *

Staff has also added a Section VIII, Offsetting Savings. This is standard language for parameters and guidelines and merely guarantees that any savings the claimant realizes as a result of fulfilling the mandate will be identified and used to offset costs of the program. The claimant concurs.

* * *

Section IX, Required Certification, which was also added by staff is standard, "boilerplate" language which is needed in all parameters and guidelines to insure the validity of future claims. The claimant concurs.

Staff Recommendation

Staff recommends the adoption of staff's proposed parameters and guidelines. Staff's proposed parameters and guidelines incorporate an editorial change and language which would:

1. preclude paying teacher evaluator's salaries while they perform classroom observation;
2. limit consultant's fees to a maximum of \$65 per hour;
3. add a standard Section VIII Offsetting Savings;
4. Add a Section IX Supporting Data for Claims requiring documentation that a claimant has attempted to secure "no cost consultant services", and;
5. add a Section X Required Certification.

Exhibit D

PARAMETERS AND GUIDELINES
Education Code Section 35160.5
Chapter 498, Statutes of 1983
Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as a result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200.00 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.00.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.

a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three year period.

a. Time of district administrators spent in certification training excluding classroom observation.

b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.

c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.

d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.

B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.

a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.

b. Training materials and clerical services for probationary teachers.

c. Registration fees and travel costs of probationary teachers attending training activities.

d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to

other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty (20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

Education Code Section 44882(b), in pertinent part, referred to above, shortened the probationary period for teachers as follows:

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year be classified as and become a permanent employee of the district.

Staff does not find it necessary to change this portion of the proposal. The proposed parameters and guidelines will provide reimbursement only for activities required by Chapter 498/83.

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Staff Recommendation

Staff recommends the adoption of staff's proposed parameters and guidelines. Staff's proposed parameters and guidelines incorporate an editorial change and language which would:

1. preclude paying teacher evaluator's salaries while they perform classroom observation;
2. limit consultant's fees to a maximum of \$65 per hour;
3. add a standard Section VIII Offsetting Savings;
4. Add a Section IX Supporting Data for Claims requiring documentation that a claimant has attempted to secure "no cost consultant services", and;
5. add a Section X Required Certification.

Exhibit E

Certification Teacher Evaluators' Demonstrated Competence

1. Summary of Chapter 498/83

This Chapter, which added Section 35160.5 to the Education Code, required the governing board of each school district, on or before December 1, 1984, to adopt rules and regulations establishing school district policies regarding teacher evaluation, training and complaints regarding employees.

On September 26, 1985, the Commission on State Mandates determined that Chapter 498/83 imposed a new program and costs on school districts and that these costs are reimbursable pursuant to Section 17561 of the Government Code.

2. Eligible Claimants

Any school district or county office of education which incurs increased costs as a result of this mandate is eligible to claim reimbursement for those costs.

3. Appropriations

Claims may only be filed with the State Controller's Office for programs that have been funded by the State Budget Act or by special legislation. To determine funding availability for the current fiscal year, refer to the schedule "Appropriation for State Mandated Cost Programs" in the "Annual Claiming Instructions for State Mandated Costs" issued in mid-September of each year to superintendents of schools.

4. Types of Claims

A. Reimbursement and Estimated Claims

An eligible claimant may file a reimbursement claim or an estimated claim as specified below. A reimbursement claim details the costs actually incurred for the previous fiscal year. An estimated claim shows the costs to be incurred for the current fiscal year.

- A claim for reimbursement or an estimate must exceed \$200 per fiscal year. However, a county superintendent of schools, as fiscal agent for the school district, may submit a combined claim in excess of \$200 on behalf of school districts within the county even if the individual district's claim does not exceed \$200. The combined claim must show the individual claim costs for each school district. Once a combined claim is filed, all subsequent claims for the same mandate must be filed in a combined form. A school district may withdraw from the combined claim form by providing a written notice to the county superintendent of schools and the Controller, at least 180 days prior to the deadline for filing the claim, of its intent to file a separate claim.

B. Filing Deadline

Refer to Item 3 "Appropriations" to determine if the program is funded for the current fiscal year. If funding is available, an estimated claim may be filed as follows:

- An estimated claim must be filed with the State Controller's Office and postmarked by **November 30** of the fiscal year in which costs are to be incurred. Timely filed estimated claims will be paid before late claims.

After having received payment for the estimated claim, the claimant must file a reimbursement claim by November 30 of the following fiscal year. If the district fails to file a reimbursement claim by November 30 of the following fiscal year, monies received must be returned to the State. If no estimated claim was filed, the district may file a reimbursement claim detailing the actual costs incurred for the fiscal year, provided there was an appropriation for the program for that fiscal year. See Item 3 above.

- A reimbursement claim must be filed with the State Controller's Office and postmarked by **November 30** following the fiscal year in which costs were incurred. If a claim is filed after the deadline, but by November 30 of the succeeding fiscal year, the approved claim will be reduced by 10% but not to exceed \$1,000. If the claim is filed more than one year after the deadline, the claim can not be accepted.

5. Reimbursable Components

The governing board of each school district was required, as a condition of receiving appropriations from the State School Fund, to adopt rules and regulations regarding teacher evaluation training and complaints regarding employees.

A. Competence in Instructional Methodology

Education Code Section 35160.5(a)(1) requires certification of personnel assigned to evaluate teachers that have demonstrated competence in instructional methodology and evaluation of teachers.

(1) Adoption of Rules and Regulations.

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies, and the annual revision of these policies are reimbursable. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(2) Teacher Evaluator Certification Training Programs

The costs of training programs provided to administrators for the purpose of meeting certification requirements adopted by the governing board are reimbursable. Eligible costs include: salaries and benefits paid to administrators during certification training; mileage, meals and materials for attending locally provided training sessions; transportation, meals and lodging for attending training not available locally; contracts for administrators to be trained locally (consultant fees, materials, travel, meals and lodging for trainers); and salaries and benefits for preparation and presentation, plus mileage, meals, clerical support and material used in training by district employees used as trainers.

Training expenses for an administrator are allowed a maximum of ten days (80 hours) in any three year period. The reimbursable travel costs of attending a local training session shall be the same as provided by the district for other district activities. The reimbursement for non-local training shall be the same as provided for business travel by employees of the State of California.

B. Probationary Certificated Employee Policies

Education Code Section 35160.5(a)(2) requires the establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance and evaluations will be recognized.

(1) Adoption of Rules and Regulations

The cost of preparation, discussion and distribution of the proposed rules and regulations, the adoption of rules and regulations establishing education policies and the annual review of these policies are reimbursable. Copies of the approved previous policy and the subsequent policy must be included with claims for reimbursement.

(2) Training, Assisting and Evaluating Probationary Teachers

The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist or evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available within the school district or county office of education, is reimbursable. Registration fees, travel costs and the cost of substitute teachers provided for probationary teachers so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester.

C. Parental Complaint Policies

Education Code Section 35160.5(a)(3) requires policies and procedures for enrolled pupils' parents or guardians to present employee complaints. The policies and procedures provide response mechanisms and, where possible, resolve the complaint.

(1) Adoption and Review of Rules and Regulations

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies and the annual policy review are reimbursable.

(2) Resolution of Complaints

The cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the claimant in compliance with Education Code Section 35160.5 are reimbursable.

These costs shall include:

- ▣ notification costs of parent and pupil complaint procedures
- ▣ claimant costs of time, mileage, supplies and specialized training to respond to parent and pupil complaints.

Meeting and activity costs required by categorical programs and/or special education rules and regulations are not eligible for this program.

6. Reimbursement Limitations

Any offsetting savings or reimbursement the claimant received from any source, as a result of this mandate, must be deducted from the amount claimed.

7. Cost Elements of a Claim

Contracted services for training evaluators are not reimbursable, unless the claimant can document that the State Department of Education was unable to provide the consultant services or the Department failed to respond to the claimant's request within the following time period. The claimant must request consultant services from the State Department of Education at least thirty calendar days prior to the need for the consultant services and the district must have been notified by the Department that the requested consultant services were not available at the time of the request. If the claimant did not receive a response to their request within twenty calendar days after the request was received by the Department, contracted service expenses are reimbursable.

The maximum reimbursable fee for contracted services in 1983/84 was \$ 65 per hour, to be adjusted annually by the GNP Deflator through the claim year. The current rate is shown on Form TE-1, Claim Summary. Claimants will receive a revised claim form each year with a revised rate. Claims which are based on annual retainer must contain a certification that the fee is no greater than the allowable maximum fee per hour.

8. Claiming Forms and Instructions

The diagram "Illustration of Claim Forms", provides a graphical presentation of forms required to be filed with a claim. A claimant may submit a computer generated report in substitution for Form TE-1 and Form TE-2, provided the format of the report and data fields contained within the report are identical to the claim forms included with these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file an estimated or reimbursement claim. The State Controller's Office will revise the manual and claim forms as necessary.

A. Form TE-2, Component/Activity Cost Detail

This form is used to segregate the detailed costs by claim component. In some mandates, specific reimbursable activities have been identified for each component. The expenses reported on this form must be supported by cost and time records. Copies of supporting documentation specified in the claiming instructions must be submitted with

the claims.

For audit purposes, all supporting documents must be retained for a period of two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

B. Form TE-1, Claim Summary

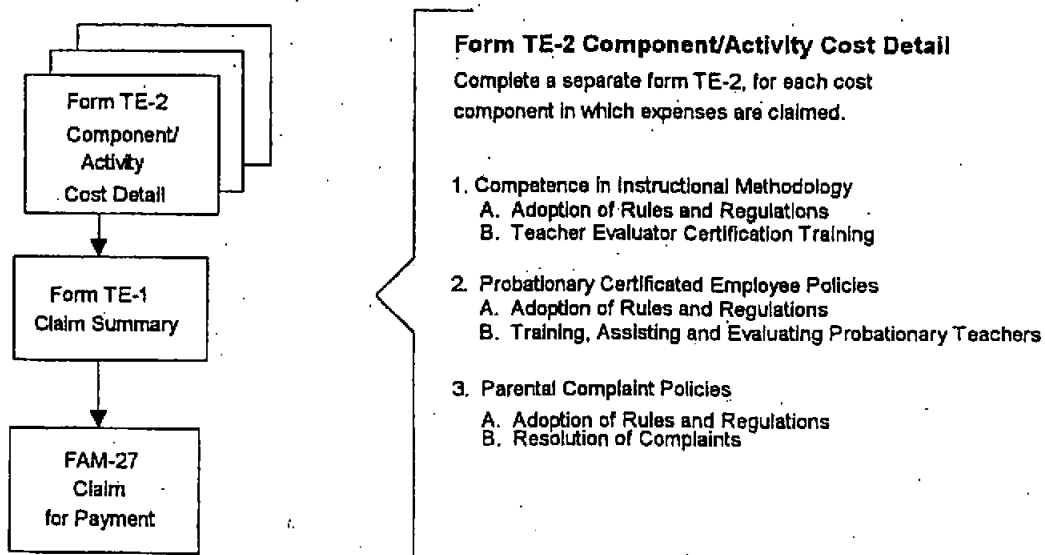
This form is used to summarize direct costs by claim component and compute allowable indirect costs for the mandate. Claim statistics shall identify the work performed for costs claimed.

School districts and local offices of education may compute the amount of indirect costs utilizing the State Department of Education's Annual Program Cost Data Report J-380 or J-580 rate, as applicable. The cost data on this form are carried forward to form FAM-27.

C. Form FAM-27, Claim for Payment

Form FAM-27 contains a certification that must be signed by an authorized representative of the district. All applicable information from form TE-1 must be carried forward to this form for the State Controller's Office to process the claim for payment.

Illustration of Claim Forms



CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM FOR PAYMENT**

For State Controller Use only

(19) Program Number 00009

(20) Date Filed _____/_____/_____

(21) Signature Present

L
A
B
E
L

H
E
R
E

(01) Claimant Identification Number:

(02) Mailing Address

Claimant Name

County of Location

Street Address or P. O. Box

City

State

Zip Code

Reimbursement Claim Data

(22) TE-1, (04)(1)(d)

(23) TE-1, (04)(2)(d)

(24) TE-1, (04)(3)(d)

(25) TE-1, (05)(d)

(26) TE-1, (06)

Type of Claim

Estimated Claim

Reimbursement Claim

(03) Estimated

(09) Reimbursement

(04) Combined

(10) Combined

(05) Amended

(11) Amended

(27) TE-1, (11)

(28)

(29)

(30)

Fiscal Year of Cost

(06) 19____/____

(12) 19____/____

(31)

Total Claimed Amount

(07)

(13)

(32)

Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)

(14)

(33)

Less: Estimate Payment Received

(15)

(34)

Net Claimed Amount

(16)

(35)

Due from State

(08)

(17)

(36)

Due to State

(18)

(18)

(37)

(38) CERTIFICATION OF CLAIM:

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 through 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimant, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

Date

Type or Print Name

Title

(39) Name of Contact Person for Claim

Telephone Number

() _____

Ext. _____

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE

FORM

Certification Claim Form

FAM-27

Pursuant to Government Code Section 17561

- (01) Leave blank
- (02) A set of mailing labels with the claimant's I.D. number and address have been enclosed with the claiming instructions. The mailing labels are designed to speed processing and prevent common errors that delay payment. Affix the label provided at the place indicated on form FAM-27. Cross out any errors and print the correct information on the label. Add any missing address items, except county of location and a person's name. If you didn't receive labels, print or type your agency's mailing address.
- (03) If filing an original estimated Claim, enter an " X " in the box on line (03) Estimated.
- (04) If filing an original estimated Claim on behalf of districts within the county, enter an " X " in the box on line (04) Combined.
- (05) If filing an amended claim to an original estimated or combined claim, enter an " X " in the box on line (05) Amended. Leave boxes (03) and (04) blank.
- (06) Enter the current fiscal year in which costs are to be incurred.
- (07) Enter the amount of estimated claim from form TE-1, line (11).
- (08) Enter the same amount as shown on line (07).
- (09) If filing an original reimbursement claim, enter an " X " in the box on line (09) Reimbursement.
- (10) If filing an original reimbursement claim on behalf of districts within the county, enter an " X " in the box on line (10) combined.
- (11) If filing an amended claim to an original reimbursement or combined claim on behalf of districts within the county, enter an " X " in the box on line (11) combined.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim from form TE-1, line (11).
- (14) If a reimbursement claim is filed after November 30 following the fiscal year in which costs were incurred, the claim must be reduced by a late penalty. Enter either the product of multiplying line (13) by the factor 0.10 [10% penalty] or \$1,000, whichever is less.
- (15) If filing a reimbursement claim and have previously filed an estimated claim for the same fiscal year, enter the amount received for the estimated claim, otherwise enter a zero.
- (16) Enter the result of subtracting the sum of line (14) and line (15) from line (13).
- (17) If line (16) Net Claimed Amount is positive, enter that amount on line (17) Due from State.
- (18) If line (16) Net Claimed Amount is negative, enter that amount on line (18) Due to State.
- (22) through (37) for the Reimbursement claim

Bring forward cost information as specified in the left-hand column of lines (22) through (37) for the reimbursement claim [e.g., TE-1, (04)(1)(d), means the information is located on form TE-1, line (04)(1)(d)]. Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, (i.e., no cents). Indirect costs percentage should be shown as a whole number and without the percent symbol (i.e., 7.548% should be shown as 8). The claim cannot be processed for payment unless this data block is correct and complete.

- (38) Read the statement "Certification of Claim". If the statement is true, the claim must be dated, signed by the agency's authorized representative and must include the person's name and title, typed or printed. Claims cannot be paid unless accompanied by a signed certification.
- (39) Enter the name of the person and telephone number that this office should contact if additional information is required.

SUBMIT A SIGNED ORIGINAL AND A COPY OF FORM FAM-27 AND A COPY OF ALL OTHER FORMS AND SUPPORTING DOCUMENTS TO:

*Address, if delivery is by:
U.S. Postal Service*

KATHLEEN CONNELL
Controller of California
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250-5875

*Address, if delivery is by:
Other delivery service*

KATHLEEN CONNELL
Controller of California
Division of Accounting and Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE CLAIM SUMMARY Instructions	FORM TE-1
--	----------------------------

- (01) Enter the name of the claimant.
- (02) Type of Claim. Check a box, Reimbursement or Estimated, to identify the type of claim being filed. Enter the fiscal year of costs.
- Form TE-1 must be filed for a reimbursement claim. Do not complete form TE-1 if you are filing an estimated claim and the estimate does not exceed the previous fiscal year's actual costs by more than 10%. Simply enter the amount of the estimated claim on form FAM-27, line (07). However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, form TE-1 must be completed and a statement attached explaining the increased costs. Without this information the high estimated claim will automatically be reduced to 110% of the previous fiscal year's actual costs.
- (03) (a) Answer yes or no.
(b) If yes, explain contract terms or annual retainer.
- (04) Reimbursable Components. For each reimbursable component, enter the totals from form TE-2, line (05) columns (d) and (e) and (f). Total each row.
- (05) Total Direct Costs. Total block (05) columns (a) through (d).
- (06) Indirect Cost Rate. Enter the indirect cost rate from the Department of Education form J-380 or J-580, as applicable, for the fiscal year of the costs.
- (07) Total Indirect Costs. Enter the result of multiplying the difference of Total Direct Costs, line (05)(d) and Contracted Services, line (05)(c) by the Indirect Cost Rate, line (06).
- (08) Total Direct and Indirect Costs. Enter the sum of Total Direct Costs, line (05)(d) and Total Indirect Costs, line (07).
- (09) Less: Offsetting Savings, if applicable. Enter the total savings experienced by the claimant as a direct result of this mandate. Submit a detailed schedule of savings with the claim.
- (10) Less: Other Reimbursements, if applicable. Enter the amount of other reimbursements received from any source (i.e., service fees collected, federal funds, other state funds, etc.) which reimbursed any portion of the mandated cost program. Submit a detailed schedule of the reimbursement sources and amounts.
- (11) Total Claimed Amount. Subtract the sum of Offsetting Savings, line (09), and Other Reimbursements, line (10), from Total Direct and Indirect Costs, line (08). Enter the remainder of this line and carry the amount forward to form FAM-27, line (13) for the Reimbursement Claim.

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE				FORM TE-1	
CLAIM SUMMARY					
Instructions					
(01) Claimant		(02) Type of Claim		Fiscal Year	
		Reimbursement <input type="checkbox"/>		19__ / __	
		Estimated <input type="checkbox"/>			
Claim Statistics					
(03) Professional and Consultant Services Certification				Yes	No
(a) Is the fee claimed for contracted services, including claims based on annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?					
(b) If yes, explain.					
Direct Costs		Object Accounts			
(04) Reimbursable Components:		(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contracted Services	(d) Total
1. Competence in Instructional Methodology					
2. Probationary Certified Employee Policies					
3. Parental Complaint Policies					
(05) Total Direct Costs					
Indirect Costs					
(06) Indirect Cost Rate		[From J-380 or J-580]			%
(07) Total Indirect Costs		[Line (06) x {(line (05)(d) - line (05)(c))}]			
(08) Total Direct and Indirect Costs		[Line (05)(d) + line (07)]			
Cost Reduction					
(09) Less: Offsetting Savings, if applicable					
(10) Less: Other Reimbursements, if applicable					
(11) Total Claimed Amount		[Line (08) - {(Line (09) + Line (10))}]			

MANDATED COSTS CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL	FORM TE-2
---	----------------------------

(01) Claimant	(02) Fiscal Year Costs Were Incurred
---------------	--------------------------------------

(03) Reimbursable Component: Check only one box per form to identify the component being claimed.

1. Competence in Instructional Methodology

2. Probationary Certificated Employee Policies

3. Parental Complaint Policies

(04) Description of Expenses: Complete columns (a) through (f).	Object Accounts
---	------------------------

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services

(05) Total <input type="checkbox"/> Subtotal <input type="checkbox"/> Page: _____ of _____	
--	--

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL Instructions	FORM TE-2
---	----------------------------

- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Reimbursable Components. Check the box which indicates the cost component being claimed. Check only one box per form. A separate form TE-2 shall be prepared for each component which applies.
- (04) Description of Expenses. The following table identifies the type of information required to support reimbursable costs. To detail costs for the component activity box "checked" in block (03), enter the employee names, position titles, a brief description of their activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, etc. Maximum reimbursable fee for contracted services is \$98.27 per hour for 1995/96 f.y. For audit purposes, all supporting documents must be retained by the claimant for a period of not less than two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

Object/ Subobject Accounts	Columns						Submit these supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	
Salaries	Employee Name	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked			
Benefits	Title Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries			
Materials and Supplies	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Consumed		
Contracted Services	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Itemized Cost of Services Performed	Invoice

- (05) Total line (04), columns (d), (e) and (f) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed for the component/activity, number each page. Enter totals from line (05), columns (d), (e) and (f) to form TE-1, block (04) columns (a), (b) and (c) in the appropriate row.

Exhibit F



557005

KATHLEEN CONNELL
CONTROLLER OF THE STATE OF CALIFORNIA
DIVISION OF ACCOUNTING AND REPORTING

AUGUST 5, 1998

BOARD OF TRUSTEES
DAVIS JT UNIF SCH DIST
YOLO COUNTY
526 B STREET
DAVIS CA 95616

DEAR CLAIMANT:

RE: CERT TEACHERS EVAL CH 498/83

WE HAVE REVIEWED YOUR 1995/1996 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED	175,995.00
LESS: TOTAL ADJUSTMENTS (DETAIL ON PAGE 2)	- 161,891.00

CLAIM AMOUNT APPROVED	14,104.00
LESS: TOTAL PRIOR PAYMENTS (DETAIL ON PAGE 2)	78,871.00

AMOUNT DUE STATE	\$ 64,767.00
	=====

PLEASE REMIT A WARRANT IN THE AMOUNT OF \$ 64,767.00 WITHIN 30 DAYS FROM THE DATE OF THIS LETTER, PAYABLE TO THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875 WITH A COPY OF THIS LETTER. FAILURE TO REMIT THE AMOUNT DUE WILL RESULT IN OUR OFFICE PROCEEDING TO OFFSET THE AMOUNT FROM THE NEXT PAYMENTS DUE TO YOUR AGENCY FOR STATE MANDATED COST PROGRAMS.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT EDUARDO ANTONIO AT (916) 323-0755 OR IN WRITING AT THE ABOVE ADDRESS.

SINCERELY,

JEFF YEE,
MANAGER

LOCAL REIMBURSEMENT SECTION
P.O. BOX 942850 SACRAMENTO, CA 94250-5875

ADJUSTMENT TO CLAIM:		
INDIRECT COSTS OVERSTATED	- 9,422.00	
NON-REIMBURSABLE ITEM	- 152,469.00	
		- 161,891.00
LESS: TOTAL ADJUSTMENTS		
PRIOR PAYMENTS:		
SCHEDULE NO. MA60717A		
PAID 05-15-1997	78,871.00	
LESS: TOTAL PRIOR PAYMENTS		78,871.00

Exhibit G

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009
 (20) Date Filed _____ / _____ / _____
 (21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number: **S57005**
 (02) Mailing Address
 Claimant Name
DAVIS JOINT UNIFIED SD
 County Of Location
YOLO
 Street Address or P.O. Box
526 B STREET
 City State Zip Code
DAVIS CA 95616

Reimbursement Claim Data

(22) TE-1,(04)(1)(d)	0
(23) TE-2,(04)(2)(d)	153,716
(24) TE-1,(04)(3)(d)	12,036
(25) TE-1,(05)(d)	165,752
(26) TE-1,(06)	6,1800

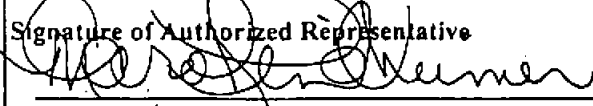
Type of Claim	Estimated Claim	Reimbursement Claim	
16/1891 (03) Estimated <input type="checkbox"/> (04) Combined <input type="checkbox"/> (05) Amended <input type="checkbox"/>	(06)	(09) Reimbursement <input checked="" type="checkbox"/>	(27) TE-1,(11) 175,995
	(07)	(10) Combined <input type="checkbox"/>	(28)
		(11) Amended <input type="checkbox"/>	(29)
			(30)
			(31)
Fiscal Year of Cost	19 ____ / ____	(12) 19 95 / 96	(32)
Total Claimed Amount	(07)	(13) \$ 175,995 ¹⁴¹⁰⁴	(33)
Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable)	(14)		(34)
Less: Estimate Payment Received	(15)	78871	(35)
Net Claimed Amount	(16)	\$ 175,995 ⁶⁴⁷⁶⁷	(36)
Due From State	(17)	\$ 175,995	(37)
Due to State	(18)	64767	

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

 M. CAROL LINDHEIMER
 Type or Print Name

Date
 12-2-96
 CONTROLLER
 Title

(19) Name of Contact Person For Claim Telephone Number
 Steve Smith, Mandated Cost Systems 916-487-4435 Ext. _____

MANDATED COSTS

**FORM
TE-1**

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY**

(01) Claimant:
S57005
DAVIS JOINT UNIFIED SD

(02) Type of Claim:
Reimbursement
Estimated

Fiscal Year:
19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:

a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?

Yes	No
	X

b. If yes, explain.

Direct Costs

Cost Elements

(04) Reimbursable Components:

1. Certification of Teacher Evaluators

(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
0	0	0	0
1981	0	0	1981
153,716	0	0	153,716
1130	0	0	12,036
12,036	0	0	12,036
151,735	0	0	1130
165,752	0	0	165,752
734	0	0	13,283

(05) Total Direct Costs

Indirect Costs

9894 - 152,469 -

(06) Indirect Cost Rate

J-380 or J-580, as applicable

6.1800 %

(07) Indirect Costs

{[Line (05)(d) - line (05)(c)] x line (06)}

9970 - 9405 - 801 - 10,243

(08) Total Costs:

[Line (05)(d) + line (07)]

175,995
14104

Cost Reduction

(09) Less: Offsetting Savings, if applicable

(10) Less: Other Reimbursements, if applicable

(11) Total Claimed Amount:

{Line(08) - [Line(09) + line(10)]}

14104 175,995

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: DAVIS JOINT UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
ADRYAN-WALLACE, A/TEACHER	22.41	52.50	1177		
ALLEGOMEN, M/TEACHER	45.35	5.00	227		
ANGEL, F/TEACHER	31.63	10.00	316		
ARMSTRONG, M/TEACHER	27.22	44.12	1201		
ARNOLD, M/TEACHER	55.52	44.12	2450		
BAZINET, J/	27.11	19.50	529		
BELL, M/TEACHER	55.52	68.62	3910		
BORGE, J/TEACHER	38.78	98.50	3820		
BRICE, A/TEACHER	42.93	50.00	2146		
BROWNELLER, P/TEACHER	33.05	59.25	1958		
BRUNSON, J/TEACHER	43.32	57.75	2501		
BRYNER, G/TEACHER	57.55	44.12	2539		
BURNETT, G/COUNSELOR	26.58	46.00	1223		
CARLSON, A/TEACHER	53.49	44.12	2360		
CHASON, W/TEACHER	53.22	94.12	5009		
CLARK, T/TEACHER	37.35	44.12	1648		
DEFRESNE, M/TEACHER	30.24	70.25	2125		
DIMELLO, D/TEACHER	30.88	52.50	1621		
DODD, J/TEACHER	36.88	46.00	1696		
FLYNN, J/TEACHER	31.63	46.00	1455		
GADISMAN, H/TEACHER	43.32	64.25	2783		
GALLAGHER, P/TEACHER	41.92	51.50	2159		
GONZALEZ, D/TEACHER	43.32	69.25	2999		
HALLBERG, S/TEACHER	57.55	44.12	2539		
HASKELL-DUVAIR, C/TEACHER	34.77	46.00	1599		
HENINGBURG, R/TEACHER	43.32	106.25	4603		
HERDLICK, S/TEACHER	30.88	69.25	2138		
HOLMES, C/TEACHER	43.32	10.00	433		
HOLTE, L/TEACHER	55.52	44.12	2450		
KALM, S/TEACHER	25.28	50.00	1264		
KING, P/TEACHER	47.48	84.12	3994		
LAMB, M/TEACHER	30.88	77.00	2377		

(05) Total Subtotal

Page: 1 of 1

\$ 69,149

0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: DAVIS JOINT UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
LEUCHARS, M/TEACHER	33.14	69.25	2294		
LINGBLOOM, P/TEACHER	32.75	75.50	2474		
LOW, E/TEACHER	35.44	59.25	2101		
MARTIN, P/TEACHER	57.83	44.12	2551		
MCCOY, M/TEACHER	53.77	44.12	2372		
MILICH, N/TEACHER	43.32	64.25	2783		
MILLAM, R/TEACHER	53.77	44.12	2372		
MORAN, D/TEACHER	30.88	50.00	1544		
NAYYAR, R/TEACHER	39.25	53.75	2110		
NEWTON, K/TEACHER	49.42	30.42	1503		
NIELSEN, L/TEACHER	46.49	44.12	2051		
PATTERSON, J/TEACHER	49.42	64.25	3175		
PATZ, N/TEACHER	43.32	19.75	855		
PEHLKE, E/TEACHER	43.32	46.00	1993		
PERRY, H/PROJ COORDINATOR	30.83	10.00	308		
PERRY, M/TEACHER	41.28	53.75	2219		
PESHETTE, A/TEACHER	49.42	44.12	2180		
PITALO, M/DIR OF CIRRIC	44.97	10.00	450		
POWELL, T/TEACHER	31.11	19.75	614		
QUENON, M/TEACHER	32.64	62.25	2030		
RICH, V/TEACHER	36.46	104.00	3792		
RICHARDS, D/TEACHER	30.08	53.75	1618		
RODDEN, R/TEACHER	45.16	44.12	1992		
RONNING, K/TEACHER	42.47	59.25	2517		
ROSS, R/TEACHER	35.35	52.50	1856		
SANDRETTO, S/TEACHER	41.28	4.00	165		
SEANEY, M/TEACHER	51.45	44.12	2270		
SELLS, B/TEACHER	56.38	104.00	5862		
SHERMAN, T/TEACHER	43.32	53.75	2328		
SIMS, M/TEACHER	43.10	53.75	2317		
STREET, K/TEACHER	18.77	52.50	985		
TAYLOR, B/TEACHER	47.76	126.33	6033		
THOMSON, F/TEACHER	46.26	67.75	3135		

(05) Total Subtotal

Page: 1 of 1

\$ 72,849

0 0

Certification of Teacher Evaluator's Demonstrated Competence

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DAVIS JOINT UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
VALENCIOH, M/TEACHER	37.21	10.00	372		
VRANA, M/TEACHER	36.14	51.50	1861		
WAID, P/TEACHER	30.88	50.00	1544		
WAYLAND, J/TEACHER	43.09	54.12	2332		
WELLS, B/PRINCIPAL	45.04	24.50	1103		
WELLS, S/TEACHER	34.10	19.00	648		
WHEELER, B/TEACHER	41.04	46.00	1888		
WILHELM, B/TEACHER	35.49	52.50	1864		
WINK, D/TEACHER	35.18	3.00	106		

1981

(05) Total Subtotal

Page: 1 of 1

\$ 12,718 0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **DAVIS JOINT UNIFIED SD**

(02) Fiscal Year costs were incurred: **95 - 96**

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
BOOCK, J/PRINCIPAL	45.04	12.50	563		
BUCHHOLTZ, J/COUNSELOR	33.34	45 50.00	1687	1500 -	
BURNETT, G/COUNSELOR	26.58	45 50.00	1229	1196 -	
COUGHRAN, C/PRINCIPAL	41.41	28.84	1195		
EINING, C/PRINCIPAL	41.41	45 50.00	2071	1863 -	
HAGEMANN, M/PRINCIPAL	45.01	45 50.00	2251	2025 -	
MAUL, B/PRINCIPAL	45.21	29.35	1327		
WELLS, B/PRINCIPAL	45.04	31.75	1430		
ZIMMERMAN, D/PRINCIPAL	45.04	4.50	203		

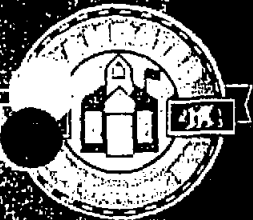
11302 -

(05) Total Subtotal

Page: 1 of 1

\$ 12,036 0 0

Exhibit H



October 14, 1998

Jeff Yee
Manager, Local Reimbursement Section
Division of Accounting and Reporting
State Controller's Office
P.O. Box 942850
Sacramento, CA 94250-5875

2275 Watt Avenue,
Suite C
Sacramento, CA 95825
916-487-4435 phone
916-487-9661 fax

222 West Carmen Lane
Suite 101
Santa Maria, CA 93458
805-922-1471 phone
805-922-7143 fax

3161 Bechelli Lane,
Suite 202
Redding, CA 96002
530-224-7255 phone
530-224-9548 fax

11835 W. Olympic Blvd.,
Suite 600E
Los Angeles, CA 90064
310-477-4749 phone
310-477-5356 fax

RE: Reconsideration Request (CTE 98-21)

Dear Mr. Yee:

The Davis Joint Unified School District, Claimant ID S57005 received a letter dated August 5, 1998 that disallowed costs on its 1995/96 Certification of Teacher Evaluator's Demonstrated Competence Chapter 498/83 claim as follows:

1)	Training Time for Non-probationary Teachers	\$ 50,703
2A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$ 96,516
2B)	1 day Training Time Disallowed for 1 st year Probationary Teachers	\$ 13,893
3)	Time in excess of 45 hours on Parental Complaint Policies	\$ 779
	Total	\$ 161,891

On August 31, 1998 one of my staff met with Eduardo Antonio to obtain the composition of this adjustment and to copy the work papers used in reviewing this claim.

Issue #1 - Training Time for Non-probationary Teachers (Trainers) Disallowed:

District personnel with the assigned responsibility to train and assist probationary teachers were disallowed. The State Controller's Office Claiming Instructions for this program states that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, (not including the site principal, ... used to train, assist or evaluate probationary teachers are reimbursable."

In reviewing the work papers provided by your office, it is clear that salary and benefits of employees that were used to train and assist probationary teachers were disallowed. It appears that all teachers listed on the claim were assumed to be probationary teachers. In addition, our office has no record of receiving a request for additional information on this claim.

These employees are identified on the attached claim with a "T". These costs should be reinstated.

Issue #2 A & B - Probationary Teacher Time Disallowed:

The Claiming Instructions and Parameters & Guidelines are silent on whether the time spent by probationary teachers is reimbursable. We feel strongly that these are legitimate costs of the mandate and that they are reimbursable. The State Controller's Office Claiming Instructions state that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable".

A) The time spent by probationary teachers receiving additional training and assistance would be included as a cost of training, assisting and evaluating probationary teachers.

B) In addition, the district requires its probationary teachers to work one extra 7 hour day each fiscal year for teacher training. Permanent teachers work a 184 day work year, while the probationary teachers work a 185 work year. These training sessions exceed what is provided to permanent teachers and there are costs incurred by the district.

There is an identifiable increased cost to the school district for this extra day worked by probationary teachers and this extra day worked is specifically attributable to the mandate of probationary teacher training. Recent rulings by the Commission on State Mandates on test claims that involve teacher training costs have indicated that if the district incurs an increased cost of some kind (i.e. substitutes, stipends, overtime pay or an extended work year) then this identifiable increased cost would be reimbursable.

The probationary teachers are identified on the attached claim with a "P1" for 1st year teachers or "P2" for 2nd year teachers.

Issue #3 - Time in excess of 45 hours on Parental Complaint Policies Disallowed:

Per the review notes for this component, the following employee time was limited to a maximum of 45 hours per school year, per employee claimed.

Employee	Time	Hourly Rate	Amount
Buchholtz, J	50.00	\$33.34	\$ 1,667

Burnett, G	50.00	\$26.58	\$ 1,329
Eining, C	50.00	\$41.41	\$ 2,071
Hagemann, M	50.00	\$45.01	\$ 2,251

This maximum appears to have been arrived at arbitrarily based on an average of 15 minutes per day. However, below these notations on some claims is the comment "assuming 1 hour per day" which would equal 180 hours. Regardless of how your office arrived at this cap, there is no basis in the Claiming Instruction or the Parameters & Guidelines for a 45 hour per year cap.

The amount of time a school district spends on the resolution of parent complaints against employees of the district is not something they can necessarily control. If the district receives a complaint, district administrators must deal with the complaint. In some cases the issue can be resolved relatively quickly while in other cases it requires many meetings and a lot of investigation time. Since the district can not control when a complaint is filed or how many are filed, it is not realistic or fair to place an arbitrary cap of 45 hours per administrator.

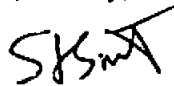
If you would like to have us send the time records for the employees, please let us know. We have no record of receiving a request for these records from your office.

Conclusion:

Based on the additional information and clarifications listed above, I request that \$161,891 in incorrectly reduced costs be reinstated. Please notify me within three weeks (November 4, 1998) of the State Controller's Office's decision on this matter. In the absence of a response within three weeks, we will assume that you intend to stand by this adjustment and not reinstate these costs.

If you have any questions or need any additional information, please contact me at (916) 487-4435.

Sincerely,



Steve Smith
President
Mandated Cost Systems, Inc.

Enclosures

cc: Carol Lindheimer, Davis Joint Unified School District



KATHLEEN CONNELL

California State Controller

FACSIMILE COVER PAGE

This document is intended only for the use of the individual to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable laws. If the recipient of this document is not the addressee (i.e., the intended recipient), you are hereby notified that you are strictly prohibited from reading, disseminating, distributing, or copying this document. If you have received this document in error, please notify the sender immediately by telephone, and we will provide further instructions about return or destruction of this document. Thank you.

To	Fax No.	Date
STEVE SMITH	(916) 487-9662	11-12-98

Organization	DAVIS JOINT UNIFIED SCHOOL DIST.	
--------------	----------------------------------	--

From	Telephone No.	No. of pages including cover
EDUARDO	(916) 323-0755	1

Comments/Special instructions

PLEASE SUBMIT LOGSHEET /TIMESHEET FOR PERSONNEL CLAIMED UNDER PARENTAL COMPLAINT POLICIES FOR CERTIFICATION OF TROUBLES PROGRAM FISCAL YEAR 1995-96 FOR THE ABOVE ORGANIZATION AS SOON AS POSSIBLE.

IF THERE ARE PROBLEMS WITH THE COPIES RECEIVED, PLEASE NOTIFY	TELEPHONE NO.
---	---------------

STATE CONTROLLER'S SACRAMENTO OFFICE FACSIMILE NUMBER: (916) 323-4807 OR (916) 323-6527

- Original will not follow
- Original will follow:
 - Regular Mail
 - Federal Express
 - Hand Delivery
 - Certified Mail

California State Controller's Office
 3301 C Street, Suite 501
 Sacramento, CA 95816
 (916) 445-8717



2275 Watt Avenue,
Suite C
Sacramento, CA 95825
916-487-4435 phone
916-487-9662 fax

222 West Carmen Lane
Suite 101
Santa Maria, CA 93458
805-922-1471 phone
805-922-7143 fax

3161 Bechelli Lane,
Suite 202
Redding, CA 96002
530-224-7255 phone
530-224-9548 fax

11835 W. Olympic Blvd.,
Suite 680E
Los Angeles, CA 90064
310-477-4749 phone
310-477-5356 fax

Date: November 18, 1998
To: Eduardo Antonio, State Controller's Office
From: Steve Smith, President *SS*
CC: Carol Lindheimer, Davis Joint Unified School District

Claimant: Davis Joint Unified School District, S57005
Program: Certification of Teacher Evaluators, Chapters 498/83
Fiscal Year: 1995/96

Per your request dated November 12, you asked that we submit time sheets and log sheets for time spent by personnel claimed under Parental Complaint Policies component of the Certification of Teacher Evaluators, Chapters 498/83 Program. Please note that the Parental Complaint component code is I3B. We have attached a detailed report that itemizes the source of all charges to this component and the requested documentation.

In addition, we have enclosed documentation for those district employees whose hours were in question on your claim review. Todd Wherry, Project Manager, left a message with you on November 16, to verify that you were not requesting documentation above these employees which were addressed in our October 14, reconsideration request letter. However, you never returned his call.

If you have any further questions or need further clarification, please call Todd Wherry, Project Manager, at 916-487-4435.

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number:
S57005

(02) Mailing Address

Claimant Name

DAVIS JOINT UNIFIED SD

County Of Location

YOLO

Street Address or P.O. Box

526 B STREET

City

DAVIS

State

CA

Zip Code

95616

Reimbursement Claim Data

(22) TE-1,(04)(1)(d)

0

(23) TE-2,(04)(2)(d)

153,716

(24) TE-1,(04)(3)(d)

12,036

(25) TE-1,(05)(d)

165,752

(26) TE-1,(06)

6,1800

Type of Claim

Estimated Claim

Reimbursement Claim

(03) Estimated

(09) Reimbursement

(04) Combined

(10) Combined

(05) Amended

(11) Amended

Fiscal Year of Cost

(06) 19 /

(12) 19 95 / 96

Total Claimed Amount

(07)

(13) \$ 14104 / 175,995

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable)

(14)

Less: Estimate Payment Received

(15) 78871

Net Claimed Amount

(16) \$ 64767 / 175,995

Due From State

(08)

(17) \$ 175,995

Due to State

(18)

64767

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

M. Carol Lindheimer

Date

12-2-96

M. CAROL LINDHEIMER

CONTROLLER

Type or Print Name

Title

(39) Name of Contact Person For Claim

Steve Smith, Mandated Cost Systems

Telephone Number

916-487-4435

Ext.

MANDATED COSTS

**FORM
TE-1**

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY**

(01) Claimant:
S57005
DAVIS JOINT UNIFIED SD

(02) Type of Claim:
Reimbursement
Estimated

Fiscal Year:
19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:

a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?

Yes	No
	X

b. If yes, explain.

Direct Costs

Cost Elements

(04) Reimbursable Components:

- Certification of Teacher Evaluators
- Probationary Certified Employee Policies
- Parental Complaint Policies

(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
0	0	0	0
1981			1981
153,716	0	0	153,716
1130			1130
12,036	0	0	12,036
151735			1130
734			165,752
13283	0	0	13283

(05) Total Direct Costs

Indirect Costs

9894 - 152469 -

(06) Indirect Cost Rate	J-380 or J-580, as applicable	6.1800 %
(07) Indirect Costs	{[Line (05)(d) - line (05)(c)] x line (06)}	9970 - 9400 - 801 - 10,243
(08) Total Costs:	[Line (05)(d) + line (07)]	175,995 14104

Cost Reduction

(09) Less: Offsetting Savings, if applicable

(10) Less: Other Reimbursements, if applicable

(11) Total Claimed Amount: {Line(08) - [Line(09) + line(10)]}

175,995
14104

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: DAVIS JOINT UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
P1 ADRYAN-WALLACE, A/TEACHER	22.41	52.50	1177		
P2 ALLEGOSSEN, M/TEACHER	45.35	5.00	227		
P2 ANGEL, F/TEACHER	31.63	10.00	316		
T ARMSTRONG, M/TEACHER	27.22	44.12	1201		
T ARNOLD, M/TEACHER	55.52	44.12	2450		
T BAZINET, J/	27.11	19.50	529		
T BELL, M/TEACHER	55.52	68.62	3810		
P1 BORGE, J/TEACHER	38.78	98.50	3820		
P1 BRICE, A/TEACHER	42.93	50.00	2146		
P1 BROWNELLER, P/TEACHER	33.05	59.25	1958		
P1 BRUNSON, J/TEACHER	43.32	57.75	2501		
T BRYNER, G/TEACHER	57.55	44.12	2539		
P1 BURNETT, G/COUNSELOR	26.58	46.00	1223		
T CARLSON, A/TEACHER	53.49	44.12	2360		
T CHASON, W/TEACHER	53.22	94.12	5009		
T CLARK, T/TEACHER	37.35	44.12	1648		
P1 DEFRESNE, M/TEACHER	30.24	70.25	2125		
P1 DIMELLO, D/TEACHER	30.88	52.50	1621		
P1 DODD, J/TEACHER	36.88	46.00	1696		
P1 FLYNN, J/TEACHER	31.63	46.00	1455		
P1 GADISMAN, H/TEACHER	43.32	64.25	2783		
P1 GALLAGHER, P/TEACHER	41.92	51.50	2159		
P1 GONZALEZ, D/TEACHER	43.32	69.25	2999		
T HALLBERG, S/TEACHER	57.55	44.12	2539		
P1 HASKELL-DUVAIR, C/TEACHER	34.77	46.00	1599		
P1 HENINGBURG, R/TEACHER	43.32	106.25	4603		
P1 HERDLICK, S/TEACHER	30.88	69.25	2138		
P2 HOLMES, C/TEACHER	43.32	10.00	433		
T HOLTE, L/TEACHER	55.52	44.12	2450		
P1 KALM, S/TEACHER	25.28	50.00	1264		
T KING, P/TEACHER	47.48	84.12	3994		
P1 LAMB, M/TEACHER	30.88	77.00	2377		

(05) Total Subtotal

Page: 1 of 1

\$ 69,149

0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DAVIS JOINT UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses.	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
P1 LEUCHARS, M/TEACHER	33.14	69.25	2294		
P1 LINGBLOOM, P/TEACHER	32.75	75.50	2474		
P1 LOW, E/TEACHER	35.44	59.25	2101		
T MARTIN, P/TEACHER	57.83	44.12	2551		
T MCCOY, M/TEACHER	53.77	44.12	2372		
P1 MILICH, N/TEACHER	43.32	64.25	2783		
T MILLAM, R/TEACHER	53.77	44.12	2372		
P1 MORAN, D/TEACHER	30.88	50.00	1544		
P1 NAYYAR, R/TEACHER	39.25	53.75	2110		
P1 NEWTON, K/TEACHER	49.42	30.42	1503		
T NIELSEN, L/TEACHER	46.49	44.12	2051		
P1 PATTERSON, J/TEACHER	49.42	64.25	3175		
P2 PATZ, N/TEACHER	43.32	19.75	855		
P1 PEHLKE, E/TEACHER	43.32	46.00	1993		
PERRY, H/PROJ COORDINATOR	30.83	10.00	308		
P1 PERRY, M/TEACHER	41.28	53.75	2219		
T PESHETTE, A/TEACHER	49.42	44.12	2180		
PITALO, M/DIR OF CIRRIC	44.97	10.00	450		
P2 POWELL, T/TEACHER	31.11	19.75	614		
P1 QUENON, M/TEACHER	32.64	62.25	2030		
P1 RICH, V/TEACHER	36.46	104.00	3792		
P1 RICHARDS, D/TEACHER	30.08	53.75	1618		
T RODDEN, R/TEACHER	45.16	44.12	1992		
P1 RONNING, K/TEACHER	42.47	59.25	2517		
P1 ROSS, R/TEACHER	35.35	52.50	1856		
P2 SANDRETTO, S/TEACHER	41.28	4.00	165		
T SEANEY, M/TEACHER	51.45	44.12	2270		
P1 SELLS, B/TEACHER	56.38	104.00	5862		
P1 SHERMAN, T/TEACHER	43.32	53.75	2328		
P1 SIMS, M/TEACHER	43.10	53.75	2317		
P1 STREET, K/TEACHER	18.77	52.50	985		
P1 TAYLOR, B/TEACHER	47.76	126.33	6033		
P1 THOMSON, F/TEACHER	46.26	67.75	3135		

(05) Total Subtotal

Page: 1 of 1

72,849

0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **DAVIS JOINT UNIFIED SD**

(02) Fiscal Year costs were incurred: **95 - 96**

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
P2 VALENCIOH, M/TEACHER	37.21	10.00	372		
P1 VRANA, M/TEACHER	36.14	51.50	1861		
P1 WAID, P/TEACHER	30.88	50.00	1544		
T WAYLAND, J/TEACHER	43.09	54.12	2332		
T WELLS, B/PRINCIPAL	45.04	24.50	1103		
P2 WELLS, S/TEACHER	34.10	19.00	648		
P1 WHEELER, B/TEACHER	41.04	46.00	1888		
P1 WILHELM, B/TEACHER	35.49	52.50	1864		
P2 WINK, D/TEACHER	35.18	3.00	106		

1981

(05) Total Subtotal

Page: 1 of 1

\$ 12,718 0 0

Chapter 498/83

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: DAVIS JOINT UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

- (03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
BOOCK, J/PRINCIPAL	45.04	12.50	563		
BUCHHOLTZ, J/COUNSELOR	33.34	45 50.00	1687	1500 -	
BURNETT, G/COUNSELOR	26.58	45 50.00	1329	1196 -	
COUGHRAN, C/PRINCIPAL	41.41	28.84	1195		
EINING, C/PRINCIPAL	41.41	45 50.00	2071	1863 -	
HAGEMANN, M/PRINCIPAL	45.01	45 50.00	2251	2025 -	
MAUL, B/PRINCIPAL	45.21	29.35	1327		
WELLS, B/PRINCIPAL	45.04	31.75	1430		
ZIMMERMAN, D/PRINCIPAL	45.04	4.50	203		
			11307 -		

(05) Total Subtotal

Page: 1 of 1

\$ 12,036 0 0

Exhibit I



KATHLEEN CONNELL
 Controller of the State of California

December 22, 1998

Mr. Steve Smith
 President
 Mandated Cost Systems, Inc.
 2275 Watt Avenue, Suite C
 Sacramento, CA 95825

Dear Mr. Smith:

RE: NOTICE OF CLAIM ADJUSTMENT
 DAVIS JOINT UNIFIED SCHOOL DISTRICT
 CHAPTER 498/83 CERTIFICATION OF TEACHER EVALUATORS
 FISCAL YEAR 1995-96

This is in reply to your letters dated October 14, 1998 and November 18, 1998 regarding the above claim for reimbursement of mandated cost program. The result of our review is as follows:

Amount Claimed	\$175,995
Adjustment to Claim:	
<i>Probationary Certificated Employee Policies</i>	
The amount of \$109,200 for salaries and benefits of probationary teachers in training is disallowed. Parameters and guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities.	-\$109,200
Sub-total on Adjustment for Direct Costs	-\$109,200
Adjustment of Indirect Costs (\$10,243-\$3,495)	-6,748
Total Adjustment for Claim	<u>-\$115,948</u>
Approved Claim	\$60,047
Less: Prior Payment of 5/15/97	-78,871
Amount Due State	<u><u>-\$18,824</u></u>

SACRAMENTO 3301 C Street, Suite 501, Sacramento, CA 95816 (916) 445-8717
 Mailing Address: P.O. Box 942850, Sacramento, CA 94250

If you have any questions, please contact Eduardo Antonio at (916) 323-0755 or in writing at the State Controller's Office, Attn: Local Reimbursements Section, Division of Accounting and Reporting, P.O. Box 942850, Sacramento, CA 94250-5875.

Sincerely,



JEFF YEE, Manager
Local Reimbursements Section

JY:ea

Exhibit J

October 16, 2001

Eduardo Antonio
Local Reimbursement Section
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250-5875

RE: **SCO Notice of Claim Adjustment: December 22, 1998**
Davis Joint Unified School District: S57005
Chapter 498/83 Certification of Teacher Evaluators: 1995/96

Dear Mr. Antonio:

In reviewing the State Controller's Office "Notice of Claim Adjustment" letter for Davis Joint Unified School District's Teacher Evaluator claim, we have found a \$4,368 discrepancy. According to our records and the review process used by SCO, this amount should be reinstated to the district.

In our October 14, 1998 letter to SCO, we requested that the following amounts be reinstated to the original claim:

1)	Training Time for Non-probationary Teachers	\$ 50,703
2A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$ 96,516
2B)	1 day Training Time Disallowed for 1 st year Probationary Teachers	\$ 13,893
3)	Time in excess of 45 hours on Parental Complaint Policies	\$ 779
	Total	\$ 161,891

The December 22, 1998, the SCO "Notice of Claim Adjustment" letter indicated that \$115,948 in Probationary Teacher time costs were disallowed. This amount is \$5,539 higher than our amounts indicated above in items 2A & 2B (\$110,409) for Probationary Teacher time claimed. In addition, SCO should have disallowed \$1,171 in principal time (B. Wells/Principal: \$45.05hr at 24.50hr) that should not be allowed as reimbursable trainer costs. In accordance with prior SCO adjustments, the final adjustment letter should have read as follows:

Amount Claimed	\$ 175,995
Adjustment to Claim: Probationary Teachers	\$ (110,409)
Adjustment to Claim: Principal Trainer Costs	\$ (1,171)
Approved Claim	\$ 64,415

In conclusion, we have several Teacher Evaluator reconsideration requests on file in which the SCO reinstated all costs other than the time claimed for probationary teacher training. If SCO was using the same review criteria for Davis Joint USD as they used for other claimants, then the final approved claim amount should have been \$64,415 and not \$60,047. Mandated Cost Systems, Inc. supplied SCO with all requested documentation (documentation sent to SCO on November 18, 1998, per SCO fax request on November 12, 1998), no further SCO requests were made and the final SCO letter did not indicate any further adjustment than that for probationary teacher time. Based on the information submitted, we respectfully request that \$4,368 be reinstated. Please notify me of the State Controller's Office decision on this matter.

If you have any questions, please contact me at 487-4435.

Sincerely,



Todd S. Wherry, Project Manager
Mandated Cost Systems, Inc.

Enclosures

cc: Aaron Shonk, Davis Joint Unified School District

Exhibit K



557005

KATHLEEN CONNELL
 CONTROLLER OF THE STATE OF CALIFORNIA
 DIVISION OF ACCOUNTING AND REPORTING

OCTOBER 25, 2001

BOARD OF TRUSTEES
 DAVIS JT UNIF SCH DIST
 YOLO COUNTY
 526 B STREET
 DAVIS CA 95616

DEAR CLAIMANT:

RE: CERT TEACHERS EVAL CH 498/83

WE HAVE REVIEWED YOUR 1995/1996 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED	175,995.00
LESS: TOTAL ADJUSTMENTS (DETAIL ON PAGE 2)	- 46,813.00

CLAIM AMOUNT APPROVED	129,182.00
LESS: TOTAL PRIOR PAYMENTS (DETAIL ON PAGE 2)	124,814.00

AMOUNT DUE CLAIMANT	\$ 4,368.00
	=====

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT EDUARDO ANTONIO AT (916) 323-0755 OR IN WRITING AT THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875. THE PAYMENT WILL BE FORTHCOMING WITHIN 30 DAYS.

SINCERELY,

Ginny Brummels
 GINNY BRUMMELS,
 MANAGER

PAGE 2

S57005

ADJUSTMENT TO CLAIM:		
CLAIM ADJUSTMENT	-	46,813.00
LESS: TOTAL ADJUSTMENTS	-	46,813.00
PRIOR PAYMENTS:		
SCHEDULE NO. MA80731A		
PAID 06-24-1999		45,943.00
SCHEDULE NO. MA60717A		
PAID 05-15-1997		78,871.00
LESS: TOTAL PRIOR PAYMENTS		124,814.00



EXHIBIT B,
TAB 1

KATHLEEN CONNELL
Controller of the State of California

February 20, 2002

RECEIVED

FEB 21 2002

**COMMISSION ON
STATE MANDATES**

Shirley Opie, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Incorrect Reduction Claims
Certification of Teacher Evaluator's Demonstrated Competence
Elk Grove Unified School District, CSM 01-4136-I-041
Education Code Section 35160.5
Statutes of 1983, Chapter 498

Dear Ms. Opie:

This letter constitutes the Controller's Office response to the above-entitled incorrect reduction claim. It appears that the issues involved in the IRCs received recently concerning this mandate are identical. Therefore, the analysis in the IRCs numbered CSM 01-4136-I-041 through CSM 01-4136-I-047 is identical. However, the responses are being submitted under separate cover to facilitate record keeping, and because the supporting documentation is slightly different in each case.

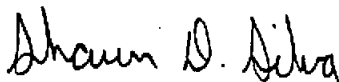
In the end, the outcome of these IRCs comes down to the terms of the Parameters & Guidelines. The Parameters & Guidelines simply do not provide for reimbursement of the wages of probationary teachers. They provide for costs related to probationary teachers such as: (1) Training, assisting, and evaluating probationary teachers (over and above that usually provided to permanent teachers); (2) Training materials and clerical services; (3) Registration fees and travel costs to attend training activities; (4) Costs of substitute teachers so that probationary teachers may attend training sessions; (5) Costs of consultants to train and assist probationary teachers, if needed. Notably absent is any reference to the salaries of probationary teachers. Since there is no provision in the Parameters & Guidelines for the reimbursement of probationary teachers salaries, these IRCs should be denied.

MAILING ADDRESS P.O. Box 942850, Sacramento, CA 94250
SACRAMENTO 300 Capitol Mall, Suite 1850, Sacramento, CA 95814 (916) 445-2636
LOS ANGELES 600 Corporate Pointe, Suite 1150, Culver City, CA 90230 (310) 342-5678

Claimant's reliance on the *Physical Performance and American Government Course Document Requirements Parameters & Guidelines* is misplaced. Although reference to other Parameters & Guidelines may be appropriate when attempting to interpret a phrase of a Parameter & Guideline, claimant is attempting to add language in this case, rather than merely interpret it. The appropriate process for that type of change would be an amendment to the Parameters & Guidelines. In fact, Stockton Unified School District submitted such a request on April 4, 1995 (Exhibit 1). Apparently, they believed that the Parameters & Guidelines did not properly address probationary teachers salaries. However, that request was ultimately withdrawn before it was ever heard (Exhibit 2). Claimant should not be allowed to circumvent the required procedures for an amendment by using an IRC to add language to a set of Parameters & Guidelines, therefore their request should be denied.

Please find attached the analysis of the Division of Accounting and Reporting (Exhibit 3), as well as relevant supporting documentation, with declaration (Exhibit 4). Exhibits referred to in DAR's analysis are either included or have already been exchanged between the parties.

Sincerely,



SHAWN D. SILVA
Staff Counsel

cc: Stephen Smith

PROOF OF SERVICE VIA FIRST CLASS UNITED STATES MAIL

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of 18 years and not a party to the within entitled action. My place of employment and business address is 300 Capitol Mall, Suite 1850, Sacramento, California 95814.

On February 20, 2002, I served the foregoing **INCORRECT REDUCTION CLAIMS OF SARATOGA, DAVIS, ELK GROVE, MERCED, MILPITAS, SANTA MARIA AND DAVIS** by causing the same to be deposited in the United States Mail to the person(s) named below at the address(es) shown:

Stephen Smith
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on February 20, 2002, at Sacramento, California.



SHAWN SILVA

Exhibit 1



STOCKTON UNIFIED SCHOOL DISTRICT

701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4124 • FAX (209) 953-4477

BUSINESS SERVICES

BOARD OF EDUCATION

JOSE A. BERNARDO
CHARLES D. BLOCH
VIGOR BRAND
LOUIS GONZALES
GLENN G. LEE
FRANK S. GROSSO
JAMES L. URBAN
SUPERINTENDENT
GARY MOHENRY

April 4, 1995

W. Helman
7/23/95



Ms. Shelly Mateo
Interim Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Ms. Mateo:

Pursuant to Title 2, California Code of Regulations, Section 1183.2 enclosed is our district's request to amend the parameters and guidelines for the Certification of Teacher Evaluator's Demonstrated Competence mandate. This mandate was enacted by Chapter 498/Statutes of 1983.

We have enclosed a narrative outlining the reasons the amendment is required as well as proposed amended parameters and guidelines. The proposed changes to the current parameters and guidelines have been underlined.

If you have any questions, please contact our consultant, Steve Smith of Mandate Cost Systems at (916) 487-4435.

Thank you for your cooperation.

Sincerely,

Norma Mearns

Norma E. Mearns
Director of Budget

NEM:cmb

enclosure:

**Justification for Amendment to the Parameters & Guidelines
for Certification of Teacher Evaluator's Demonstrated Competence
Chapter 498/Statutes of 1983**

The current Parameters & Guidelines for Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498, Statutes of 1983 do not address whether the time spent by probationary teachers receiving training, assistance or evaluation, over and above that usually provided to permanent teachers, is claimable.

We have specifically identified the following activities/costs as new programs implemented to comply with the requirements of this mandate. The increased activities required of probationary teachers as a result of this mandate are:

- 1) Probationary teacher time spent attending district sponsored training sessions that are provided specifically for probationary teachers. These sessions take place after school and prior to the start of the school year.
- 2) Probationary teacher time spent receiving assistance or training on a weekly or monthly basis, from district employees as part of the district's probationary teacher training & assistance program.

The district sponsored training sessions prior to the start of school represents a new program because most districts bring in their probationary teachers one or two days earlier than their permanent teacher to orientate them to the district and provide training specific to their needs. This is accomplished by requiring that probationary teachers work 185 day years instead of the 183 day year required of permanent teachers.

Likewise, after school district sponsored training sessions and one-on-one training received from employees with assigned responsibilities to train and assist probationary teachers represents a new program because it takes probationary teachers away from other duties that they perform outside the classroom.

Precedents in other claims

Precedents in other claims exist that provide reimbursement for time spent receiving training. These include:

- 1) The Emergency Procedures, Earthquakes and Disasters claim, Chapter 1659/Statutes of 1984 allows reimbursement for "the costs by the district of employees attending these meetings to receive instruction" (on earthquake and disaster procedures).

- 2) The Collective Bargaining claim, Chapter 961/Statutes of 1975 allows reimbursement for "reasonable costs incurred for a reasonable number of training sessions held for supervisory and management personnel regarding contract administration and the interpretation of the negotiated contract".
- 3) The Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498/Statutes of 1983 allows reimbursement for "time of district administrators spent in certification training excluding classroom observation"
- 4) District employee time receiving various training are also listed as reimbursable under the
 - a) Mandate Reimbursement Process claim, Chapter 1459/Statutes of 1984,
 - b) Credential Monitoring claim, Chapter 1376/Statutes of 1987 and
 - c) AIDS Instruction, Chapter 818/Statutes of 1991

Restrictions

We have identified other time spent by probationary teachers attributable to this mandate, however based on precedents from other claims are not requesting reimbursement for them. These are listed below and should be identified as restrictions.

- 1) In-classroom probationary teacher receiving hands-on training (In classroom teacher time restriction from the Emergency Procedures, Earthquakes & Disasters Chapter 1659/States of 1984 and AIDS Instruction, Chapter 818/Statutes of 1991)
- 2) In cases where substitutes are provided, the district can only claim the substitute cost.

Adopted: 4/24/86
Amended: 1/24/91
WP 1080A

PARAMETERS AND GUIDELINES

Education Code Section 35160.5

Chapter 498, Statutes of 1983

Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

- A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.
 - a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three-year period.
 - a. Time of district administrators spent in certification training excluding classroom observation.

 - b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.

 - c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.

 - d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

- e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.
- B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.
- 1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.
 - b. Training materials and clerical services for probationary teachers.
 - c. Registration fees and travel costs of probationary teachers attending training activities.
 - d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

- e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.
- f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year.
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probationary teacher training and assistance program.
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable.
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty

(20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

Exhibit 2



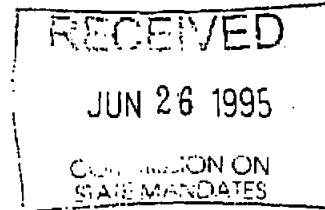
STOCKTON UNIFIED SCHOOL DISTRICT

BOARD OF EDUCATION

BUSINESS MANAGER
701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4055 • FAX (209) 953-4477

JOSE A. BERNARDO
CHARLES D. BLOCH
VICKI BRAND
LOUIS GONZALES
CLEM G. LEE
FRANK E. OROZCO
JAMES L. URBANI
SUPERINTENDENT
GARY MCHENRY

June 23, 1995



Mr. Kirk Stewart
Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Mr. Stewart:

This letter is to inform you that we are withdrawing our request dated April 4, 1995 to amend the Parameters and Guidelines for the Certification of Teacher Evaluator's Demonstrated Competence mandate. This mandate was enacted by Chapter 498/Statutes of 1983.

This request is being withdrawn because after numerous discussions with Commission Staff and other interested parties, it is clear that any positive action resulting from clarifying this issue is more than offset by the possibility that re-opening this claim could result in the entire claim being denied.

If you have any questions, please contact our consultant, Steve Smith, of Mandated Cost Systems at (916) 487-4435.

Sincerely,

Norma E. Mearns
Director of Budget

NEM:mw

Exhibit 3

**Elk Grove Unified School District
Certification of Teacher Evaluators Demonstrated Competence
Analysis of Incorrect Reduction Claim
For Fiscal Year 1995/96**

Exhibit 1: Declaration of Virginia Brummels;

Exhibit 2: Analysis of the Elk Grove Unified School District (EGUSD) Incorrect Reduction Claim (IRC);

Exhibit 3: Includes a copy of the IRC for the Certification of Teacher Evaluators Demonstrated Competence program for the EGUSD;

On November 26, 1996, the EGUSD filed an actual claim of \$312,168 for the state mandated Certification of Teacher Evaluators Demonstrated Competence (CTEDC) program. The CTEDC mandated cost claim was filed based on actual costs, and the EGUSD included costs for probationary teachers' salaries and wages in the amount of \$160,045 and indirect costs of \$9,475, for a total of \$169,520;

Exhibit 4: Includes copies of the reimbursement claim and supporting documentation;

Exhibit 5: Includes a copy of the Annual Claiming Instructions for School Districts;

The mandate was amended on January 24, 1991, to allow for reimbursement of individual administrator training, for a maximum of ten days (eighty hours in any three-year period). This amendment was considered necessary due to Chapter 498, Statutes of 1983 when the Legislature required each school district to adopt rules and regulations to certify that personnel assigned to evaluate teachers, have demonstrated specified competence in instructional methodologies to evaluate probationary teachers; to ensure that each probationary teacher was assigned to a school with assurance that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and when possible, resolve the complaints. The training reimbursement is for assistance and evaluating probationary teachers. The training of probationary teachers is not to include the cost of salaries and wages for the Mentor Teacher Program.

Reimbursement is provided for the cost of substitute teachers to allow probationary teachers to attend training activities, including visitations to other teachers' classrooms to observe teaching techniques (limit of three visits).

Elk Grove Unified School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

Exhibit 6: Includes a copy of the Commission on State Mandates' (COSM's) Parameters and Guidelines (P's & G's);

Refer to Section V., Reimbursable Costs; B states as follows:

"The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program, can not be claimed as a reimbursable cost:
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers;
 - b. Training materials and clerical services for probationary teachers;
 - c. Registration fees and travel costs of probationary teachers attending training activities;
 - d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities, including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester); and
 - e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education."

The State Controller's Office (SCO) claiming instructions (Exhibit 4) are in agreement with the adopted P's & G's in this exhibit.

Elk Grove Unified School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

Exhibit 7: Includes a copy of the SCO Notice of Claim Adjustment letter, dated December 18, 1998, and a copy of the Mandated Cost Systems, Inc. letter, dated October 11, 2001;

The SCO letter notifies the EGUSD that the amount of \$178,616 for salaries and benefits of probationary teachers in training, is disallowed. This letter further states "...P's and G's do not provide reimbursement for probationary teachers' training costs. In lieu of that, the P's and G's reimburse the cost of substitute teachers while the probationary teachers attend training activities." Subsequently, in their letter dated October 11, 2001, Mandated Cost Systems, Inc. requested reinstatement of non-probationary teacher costs of \$9,096. This resulted in the amount of disallowed costs for salaries and benefits of probationary teachers being reduced to \$110,420.

Exhibit 8: Includes a copy of a letter dated April 4, 1995, from Stockton Unified School District (SUSD);

This letter contains a narrative outlining the reasons the amendment is required and includes proposed amendments to the P's & G's to clarify reimbursement for probationary teachers' salaries and benefits. In the letter dated April 4, 1995, SUSD proposed the following amendments to the Section V., Reimbursable Costs, B. 1. of the P's and G's last amended and adopted on January 24, 1991. The proposed amendments are as follows:

- "...f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year;
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probation teacher training and assistance program;
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable;
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teachers' time."

Page 4
Elk Grove Unified School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

Exhibit 9: Includes a copy of a letter dated June 23, 1995, from SUSD;

On June 23, 1995, the Director of Budgets for SUSD corresponded in writing to Kirk Stewart, the Executive Director of the COSM, and withdrew their request for clarification due to their conversations with the COSM staff, that any positive action resulting from clarifying this issue could result in the possibility that re-opening this claim could result in the entire amendment being denied. Any questions were referred to their consultant, Steve Smith of Mandated Cost Systems. This clearly demonstrates that the reimbursement of training time for probationary teachers was on the "wish list" but was deemed not the right time to clarify the issue. The withdrawal of this action (6/23/95 letter) brings this issue of reimbursement before the COSM in the form of an incorrect reduction claim. Therefore, this is not an issue of the SCO incorrectly reducing the district's claim, but a means for the district to obtain reimbursement for what they withdrew as an amendment to the P's & G's.

Prepared by Ginny Brummels

January 29, 2002



Exhibit 4

1 OFFICE OF THE STATE CONTROLLER
2 300 Capitol Mall, Suite 1850
3 Sacramento, CA 94250
4 Telephone No.: (916) 445-6854

5 BEFORE THE
6 COMMISSION ON STATE MANDATES
7 STATE OF CALIFORNIA

8
9 INCORRECT REDUCTION CLAIM ON:

10 Certification of Teacher
11 Evaluator's Demonstrated
12 Competence

13 Education Code section 35160.5
14 Statutes of 1983, Chapter 498

15 ELK GROVE UNIFIED SCHOOL
16 DISTRICT, Claimant

No.: CSM 01-4136-I-041

AFFIDAVIT OF CUSTODIAN

17 I, Virginia Brummels make the following declarations:
18

- 19 1) I am an employee of the State Controller's Office and over
20 the age of 18 years.
- 21 2) I am currently employed as an Accounting Administrator II,
22 and have been so for the past year. Before that I was employed
23 as a Staff Management Auditor-Specialist, and Accounting
24 Administrator I Specialist and Supervisor for 14 years.
- 25 3) As a section manager in the Department of Accounting &
Reporting I have access to, and am involved in, the intake and
processing of claims for reimbursement for expenditures mandated
by the state.

1 4) I am a duly authorized custodian of records or other
2 qualified witness with authority to certify such records.

3 5) Any attached copies of records are true copies of records as
4 retained at our place of business.


5 4) The records were prepared or received by the personnel of our
6 office in the ordinary course of business at or near the time of
7 the act, condition, or event.

8 5) The records include claims for reimbursement, along with any
9 attached supporting documentation, remittance advices,
10 explanatory letters, or other documents relating to the above-
11 entitled Incorrect Reduction Claim.

12 I do declare that the above declarations are made under
13 penalty of perjury and are true and correct to the best of my
14 knowledge, and that such knowledge is based on personal
15 observation, information, or belief.

16 Date: January 28, 2002

17 OFFICE OF THE STATE CONTROLLER

18
19 By: 
20 Virginia Brummels
21 Section Manager
22 Local Reimbursement Section
23
24
25



KATHLEEN CONNELL
 Controller of the State of California

December 18, 1998

Mr. Steve Smith
 President
 Mandated Cost Systems, Inc.
 2275 Watt Avenue, Suite C
 Sacramento, CA 95825

Dear Mr. Smith:

RE: NOTICE OF CLAIM ADJUSTMENT
 ELK GROVE UNIFIED SCHOOL DISTRICT
 CHAPTER 498/83 CERTIFICATION OF TEACHER EVALUATORS
 FISCAL YEAR 1995-96

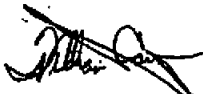
This is in reply to your letters dated October 26, 1998 and November 30, 1998 regarding the above claim for reimbursement of mandated cost program. The result of our review is as follows:

Amount Claimed		\$312,168
Adjustment to Claim:		
<i>Probationary Certificated Employee Policies</i>		
The amount of \$168,676 for salaries and benefits of probationary teachers in training is disallowed.	-\$168,676	
Parameters and guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities.		
Sub-total on Adjustment for Direct Costs		-\$168,676
Adjustment of Indirect Costs	(\$17,404-\$7,464)	-9,940
Total Adjustment for Claim		-\$178,616
Approved Claim		\$133,552
Less: Prior Payment of 1/26/96 & 5/15/97		-140,844
Amount Due State		<u><u>-\$7,292</u></u>

SACRAMENTO 3301 C Street, Suite 501, Sacramento, CA 95816 (916) 445-8717
 Mailing Address: P.O. Box 942850, Sacramento, CA 94250

If you have any questions, please contact Eduardo Antonio at (916) 323-0755 or in writing at the State Controller's Office, Attn: Local Reimbursements Section, Division of Accounting and Reporting, P.O. Box 942850, Sacramento, CA 94250-5875.

Sincerely,



for JEFF YEE, Manager
Local Reimbursements Section

JY:ea

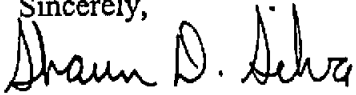
cc: James W. Knapp, Elk Grove Unified School District

February 19, 2002

To whom it may concern:

The records in this case are quite voluminous. Given the fact that the IRC appears to hinge on a legal issue, rather than factual issue, they have not been included. If any party feels they need to have a copy or copies, they will be provided upon request.

Sincerely,



SHAWN D. SILVA
Staff Counsel



EXHIBIT B,
TAB 2

KATHLEEN CONNELL
Controller of the State of California

February 20, 2002

RECEIVED

FEB 21 2002

**COMMISSION ON
STATE MANDATES**

Shirley Opie, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Incorrect Reduction Claims
Certification of Teacher Evaluator's Demonstrated Competence
Santa Maria-Bonita School District, CSM 01-4136-I-042
Education Code Section 35160.5
Statutes of 1983, Chapter 498

Dear Ms. Opie:

This letter constitutes the Controller's Office response to the above-entitled incorrect reduction claim. It appears that the issues involved in the IRCs received recently concerning this mandate are identical. Therefore, the analysis in the IRCs numbered CSM 01-4136-I-041 through CSM 01-4136-I-047 is identical. However, the responses are being submitted under separate cover to facilitate record keeping, and because the supporting documentation is slightly different in each case.

In the end, the outcome of these IRCs comes down to the terms of the Parameters & Guidelines. The Parameters & Guidelines simply do not provide for reimbursement of the wages of probationary teachers. They provide for costs related to probationary teachers such as: (1) Training, assisting, and evaluating probationary teachers (over and above that usually provided to permanent teachers); (2) Training materials and clerical services; (3) Registration fees and travel costs to attend training activities; (4) Costs of substitute teachers so that probationary teachers may attend training sessions; (5) Costs of consultants to train and assist probationary teachers, if needed. Notably absent is any reference to the salaries of probationary teachers. Since there is no provision in the Parameters & Guidelines for the reimbursement of probationary teachers salaries, these IRCs should be denied.

MAILING ADDRESS P.O. Box 942850, Sacramento, CA 94250
SACRAMENTO 300 Capitol Mall, Suite 1850, Sacramento, CA 95814 (916) 445-2636
LOS ANGELES 600 Corporate Pointe, Suite 1150, Culver City, CA 90230 (310) 342-5678

Claimant's reliance on the *Physical Performance and American Government Course Document Requirements Parameters & Guidelines* is misplaced. Although reference to other Parameters & Guidelines may be appropriate when attempting to interpret a phrase of a Parameter & Guideline, claimant is attempting to add language in this case, rather than merely interpret it. The appropriate process for that type of change would be an amendment to the Parameters & Guidelines. In fact, Stockton Unified School District submitted such a request on April 4, 1995 (Exhibit 1). Apparently, they believed that the Parameters & Guidelines did not properly address probationary teachers salaries. However, that request was ultimately withdrawn before it was ever heard (Exhibit 2). Claimant should not be allowed to circumvent the required procedures for an amendment by using an IRC to add language to a set of Parameters & Guidelines, therefore their request should be denied.

Please find attached the analysis of the Division of Accounting and Reporting (Exhibit 3), as well as relevant supporting documentation, with declaration (Exhibit 4). Exhibits referred to in DAR's analysis are either included or have already been exchanged between the parties.

Sincerely,



SHAWN D. SILVA
Staff Counsel

cc: Stephen Smith

PROOF OF SERVICE VIA FIRST CLASS UNITED STATES MAIL

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of 18 years and not a party to the within entitled action. My place of employment and business address is 300 Capitol Mall, Suite 1850, Sacramento, California 95814.

On February 20, 2002, I served the foregoing **INCORRECT REDUCTION CLAIMS OF SARATOGA, DAVIS, ELK GROVE, MERCED, MILPITAS, SANTA MARIA AND DAVIS** by causing the same to be deposited in the United States Mail to the person(s) named below at the address(es) shown:

Stephen Smith
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on February 20, 2002, at Sacramento, California.



SHAWN SILVA

Exhibit 1



STOCKTON UNIFIED SCHOOL DISTRICT

BUSINESS SERVICES

701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4124 • FAX (209) 953-4477

BOARD OF EDUCATION

JOSE A. BERNARDO
CHARLES G. BLOCH
VICIO BRAND
LOUIS GONZALES
OLEN G. LEE
FRANK E. ORRICO
JAMES L. URBAN
SUPERINTENDENT
GARY McHENRY

April 4, 1995

W. McHenry
7/23/95

RECEIVED
APR 05 1995
COMMISSION ON
STATE MANDATES

Ms. Shelly Mateo
Interim Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Ms. Mateo:

Pursuant to Title 2, California Code of Regulations, Section 1183.2 enclosed is our district's request to amend the parameters and guidelines for the Certification of Teacher Evaluator's Demonstrated Competence mandate. This mandate was enacted by Chapter 498/Statutes of 1983.

We have enclosed a narrative outlining the reasons the amendment is required as well as proposed amended parameters and guidelines. The proposed changes to the current parameters and guidelines have been underlined.

If you have any questions, please contact our consultant, Steve Smith of Mandate Cost Systems at (916) 487-4435.

Thank you for your cooperation.

Sincerely,

Norma Mearns

Norma E. Mearns
Director of Budget

NEM:cmb

enclosure:

**Justification for Amendment to the Parameters & Guidelines
for Certification of Teacher Evaluator's Demonstrated Competence
Chapter 498/Statutes of 1983**

The current Parameters & Guidelines for Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498, Statutes of 1983 do not address whether the time spent by probationary teachers receiving training, assistance or evaluation, over and above that usually provided to permanent teachers, is claimable.

We have specifically identified the following activities/costs as new programs implemented to comply with the requirements of this mandate. The increased activities required of probationary teachers as a result of this mandate are:

- 1) Probationary teacher time spent attending district sponsored training sessions that are provided specifically for probationary teachers. These sessions take place after school and prior to the start of the school year.
- 2) Probationary teacher time spent receiving assistance or training on a weekly or monthly basis, from district employees as part of the district's probationary teacher training & assistance program.

The district sponsored training sessions prior to the start of school represents a new program because most districts bring in their probationary teachers one or two days earlier than their permanent teacher to orientate them to the district and provide training specific to their needs. This is accomplished by requiring that probationary teachers work 185 day years instead of the 183 day year required of permanent teachers.

Likewise, after school district sponsored training sessions and one-on-one training received from employees with assigned responsibilities to train and assist probationary teachers represents a new program because it takes probationary teachers away from other duties that they perform outside the classroom.

Precedents in other claims

Precedents in other claims exist that provide reimbursement for time spent receiving training. These include:

- 1) The Emergency Procedures, Earthquakes and Disasters claim, Chapter 1659/Statutes of 1984 allows reimbursement for "the costs by the district of employees attending these meetings to receive instruction" (on earthquake and disaster procedures).

- D
- 2) The Collective Bargaining claim, Chapter 961/Statutes of 1975 allows reimbursement for "reasonable costs incurred for a reasonable number of training sessions held for supervisory and management personnel regarding contract administration and the interpretation of the negotiated contract".
 - 3) The Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498/Statutes of 1983 allows reimbursement for "time of district administrators spent in certification training excluding classroom observation"
 - 4) District employee time receiving various training are also listed as reimbursable under the
 - a) Mandate Reimbursement Process claim, Chapter 1459/Statutes of 1984,
 - b) Credential Monitoring claim, Chapter 1376/Statutes of 1987 and
 - c) AIDS Instruction, Chapter 818/Statutes of 1991

Restrictions

We have identified other time spent by probationary teachers attributable to this mandate, however based on precedents from other claims are not requesting reimbursement for them. These are listed below and should be identified as restrictions.

- 1) In-classroom probationary teacher receiving hands-on training (In classroom teacher time restriction from the Emergency Procedures, Earthquakes & Disasters Chapter 1659/States of 1984 and AIDS Instruction, Chapter 818/Statutes of 1991)
- 2) In cases where substitutes are provided, the district can only claim the substitute cost.

Adopted: 4/24/86
Amended: 1/24/91
WP 1080A

PARAMETERS AND GUIDELINES

Education Code Section 35160.5

Chapter 498, Statutes of 1983

Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

- A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.
 - a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three-year period.
 - a. Time of district administrators spent in certification training excluding classroom observation.
 - b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.
 - c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.
 - d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

- e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.

B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.

- a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.
- b. Training materials and clerical services for probationary teachers.
- c. Registration fees and travel costs of probationary teachers attending training activities.
- d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

- e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.
- f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year.
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probationary teacher training and assistance program.
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable.
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty

(20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

Exhibit 2



STOCKTON UNIFIED SCHOOL DISTRICT

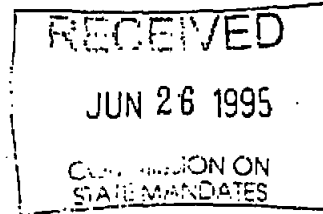
BOARD OF EDUCATION

BUSINESS MANAGER

701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4055 • FAX (209) 953-4477

JOSE A. BERNARDO
CHARLES D. BLOCH
VICKI BRAND
LOUIS GONZALES
CLEM G. LEE
FRANK E. OROZCO
JAMES L. URBANI
SUPERINTENDENT
GARY MCHENRY

June 23, 1995



Mr. Kirk Stewart
Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Mr. Stewart:

This letter is to inform you that we are withdrawing our request dated April 4, 1995 to amend the Parameters and Guidelines for the Certification of Teacher Evaluator's Demonstrated Competence mandate. This mandate was enacted by Chapter 498/Statutes of 1983.

This request is being withdrawn because after numerous discussions with Commission Staff and other interested parties, it is clear that any positive action resulting from clarifying this issue is more than offset by the possibility that re-opening this claim could result in the entire claim being denied.

If you have any questions, please contact our consultant, Steve Smith, of Mandated Cost Systems at (916) 487-4435.

Sincerely,

Norma E. Mearns
Director of Budget

NEM:mw

Exhibit 3

**Santa Maria-Bonita School District
Certification of Teacher Evaluators Demonstrated Competence
Analysis of Incorrect Reduction Claim
For Fiscal Year 1995/96**

Exhibit 1: Declaration of Virginia Brummels;

Exhibit 2: Analysis of Santa Maria-Bonita School District (SMBSD) Incorrect Reduction Claim (IRC);

Exhibit 3: Includes a copy of the IRC for the Certification of Teacher Evaluators Demonstrated Competence program for the SMBSD;

On November 26, 1997, the SMBSD filed an actual claim of \$56,142 for the state mandated Certification of Teacher Evaluators Demonstrated Competence (CTEDC) program. The CTEDC mandated cost claim was filed based on actual costs, and the SMBSD included costs for probationary teachers' salaries and wages in the amount of \$10,400 and indirect costs of \$471, for a total of \$10,871.

Exhibit 4: Includes copies of the reimbursement claim and supporting documentation;

Exhibit 5: Includes a copy of the Annual Claiming Instructions for School Districts;

The mandate was amended on January 24, 1991, to allow for reimbursement of individual administrator training, for a maximum of ten days (eighty hours in any three-year period). This amendment was considered necessary due to Chapter 498, Statutes of 1983 where the Legislature required each school district to adopt rules and regulations to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies to evaluate probationary teachers; to ensure that each probationary teacher was assigned to a school with assurance that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district, may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and when possible, resolve the complaints. The training reimbursement is for assistance and evaluating probationary teachers. The training of probationary teachers is not to include the cost of salaries and wages for the Mentor Teacher Program.

Reimbursement is provided for the cost of substitute teachers to allow probationary teachers to attend training activities, including visitations to other teachers' classrooms to observe teaching techniques (limit of three visits).

Santa Maria-Bonita School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

Exhibit 6: Includes a copy of the Commission on State Mandates' (COSM) Parameters and Guidelines (P's & G's);

Refer to Section V., Reimbursable Costs; B states as follows:

"The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost:
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers;
 - b. Training materials and clerical services for probationary teachers;
 - c. Registration fees and travel costs of probationary teachers attending training activities;
 - d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities, including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).; and
 - e. Costs of consultants provided to train and assist probationary teachers, if personnel with the required skills are not available within the school district or county office of education."

The State Controller's Office (SCO) claiming instructions (Exhibit 4) are in agreement with the adopted P's & G's in this exhibit.

Exhibit 7: Includes a copy of the SCO Notice of Claim Adjustment letter, dated April 30, 1999;

SCO letter notifies the SMBSD that the amount of \$10,871 for salaries and benefits of probationary teachers in training is disallowed. This letter further states "...P's and G's do not provide reimbursement for probationary teachers training costs. In lieu of that, the P's and G's reimburse the cost of substitute teachers while the probationary teachers attend training activities."

Exhibit 8: Includes a copy of a letter dated June 23, 1985, from Stockton Unified School District (SUSD);

This letter contains a narrative outlining the reasons the amendment is required and includes proposed amendments to the P's & G's to clarify reimbursement for probationary teachers' salaries and wages. In the letter dated April 4, 1995, SUSD proposed the following amendments to the Section V., Reimbursable Costs, B. 1. of the P's and G's last amended and adopted on January 24, 1991. The proposed amendments are as follows:

- f. Probationary teacher time spent attending district or county office sponsored raining sessions specific to probationary teachers after school or prior to the start of the school year;
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probation teacher training and assistance program;
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable; and
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teachers' time.

Exhibit 9: Includes a copy of a letter dated April 4, 1995, from SUSD;

On June 23, 1995, the Director of Budgets for SUSD corresponded in writing to Kirk Stewart, the Executive Director of the COSM, and withdrew their request for clarification due to their conversations with the COSM staff, that any positive action resulting from clarifying this issue could result in the possibility that re-opening this

Page 4

Santa Maria-Bonita School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

claim could result in the entire amendment being denied. Any questions were referred to their consultant, Steve Smith of Mandated Cost Systems. This clearly demonstrates that the reimbursement of training time for probationary teachers was on the "wish list" but was deemed not the right time to clarify the issue. The withdrawal of this action (6/23/95 letter) brings this issue of reimbursement before the COSM in the form of an incorrect reduction claim. Therefore, this is not an issue of the SCO incorrectly reducing the district's claim, but a means for the district to obtain reimbursement for what they withdrew as an amendment to the Ps & Gs.

Prepared by Ginny Brummels

January 29, 2002

[Faint, illegible text at the top of the page]

Exhibit 4

1 OFFICE OF THE STATE CONTROLLER
2 300 Capitol Mall, Suite 1850
3 Sacramento, CA 94250
4 Telephone No.: (916) 445-6854

5 BEFORE THE
6 COMMISSION ON STATE MANDATES
7 STATE OF CALIFORNIA

8
9 INCORRECT REDUCTION CLAIM ON:

10 Certification of Teacher
11 Evaluator's Demonstrated
12 Competence

13 Education Code section 35160.5
14 Statutes of 1983, Chapter 498

15 SANTA MARIA-BONITA SCHOOL
16 DISTRICT, Claimant

No.: CSM 01-4136-I-042

AFFIDAVIT OF CUSTODIAN

17 I, Virginia Brummels make the following declarations:
18

19 1) I am an employee of the State Controller's Office and over
20 the age of 18 years.

21 2) I am currently employed as an Accounting Administrator II,
22 and have been so for the past year. Before that I was employed
23 as a Staff Management Auditor-Specialist, and Accounting
24 Administrator I Specialist and Supervisor for 14 years.

25 3) As a section manager in the Department of Accounting &
Reporting I have access to, and am involved in, the intake and
processing of claims for reimbursement for expenditures mandated
by the state.

1 4) I am a duly authorized custodian of records or other
2 qualified witness with authority to certify such records.

3 5) Any attached copies of records are true copies of records as
4 retained at our place of business.

5 4) The records were prepared or received by the personnel of our
6 office in the ordinary course of business at or near the time of
7 the act, condition, or event.

8 5) The records include claims for reimbursement, along with any
9 attached supporting documentation, remittance advices,
10 explanatory letters, or other documents relating to the above-
11 entitled Incorrect Reduction Claim.

12 I do declare that the above declarations are made under
13 penalty of perjury and are true and correct to the best of my
14 knowledge, and that such knowledge is based on personal
15 observation, information, or belief.

16 Date: January 29, 2002

17 OFFICE OF THE STATE CONTROLLER

18 By: 
19

20 Virginia Brummels
21 Section Manager
22 Local Reimbursement Section
23
24
25



KATHLEEN CONNELL
Controller of the State of California

April 14, 1999

Mr. Steve Smith
President
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

Dear Mr. Smith:

RE: NOTICE OF CLAIM ADJUSTMENT
SANTA MARIA-BONITA SCHOOL DISTRICT
CHAPTER 498/83 CERTIFICATION OF TEACHER EVALUATORS
FISCAL YEAR 1995-1996

This is in reply to your letters dated March 16, 1999 regarding the above claim for reimbursement of mandated cost program. The result of our review is as follows:

Amount Claimed \$56,142

Adjustment to Claim:

Probationary Certificated Employee Policies

The amount of \$10,400 for salaries and benefits of probationary teachers in training is disallowed. -\$10,400

Parameters and guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities.

Parental Complaint Policies

The amount of \$15,628 for Contracted Services is disallowed. Review, research, revision of various standard student discipline forms and student discipline cases in light of new laws are not reimbursable under this cost component. -15,628

SACRAMENTO 3301 C Street, Suite 501, Sacramento, CA 95816 (916) 445-8717
Mailing Address: P.O. Box 942850, Sacramento, CA 94250

Sub-total on Adjustment for Direct Costs	-\$26,028
Adjustment of Indirect Costs (\$1,756-\$1,285)	-471
Total Adjustment for Claim	<u>-\$26,499</u>
Approved Claim	\$29,643
Less: Prior Payment of 11/30/95, 11/25/96 & 11/30/97	-21,376
Late Penalty	-1,000
Amount Due Claimant	<u><u>\$7,267</u></u>

If you have any questions, please contact Eduardo Antonio at (916) 323-0755 or in writing at the State Controller's Office, Attn: Local Reimbursements Section, Division of Accounting and Reporting, P.O. Box 942850, Sacramento, CA 94250-5875.

Sincerely,

for 

JEFF YEE, Manager
Local Reimbursements Section

JY:ea

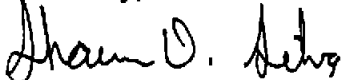
cc: Cyndi Clark, Santa Maria-Bonita School District

February 19, 2002

To whom it may concern:

The records in this case are quite voluminous. Given the fact that the IRC appears to hinge on a legal issue, rather than factual issue, they have not been included. If any party feels they need to have a copy or copies, they will be provided upon request.

Sincerely,



SHAWN D. SILVA

Staff Counsel



EXHIBIT B

TAB 3

KATHLEEN CONNELL
Controller of the State of California

February 20, 2002

RECEIVED

FEB 21 2002

**COMMISSION ON
STATE MANDATES**

Shirley Opie, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Incorrect Reduction Claims
Certification of Teacher Evaluator's Demonstrated Competence
Milpitas Unified School District, CSM 01-4136-I-043
Education Code Section 35160.5
Statutes of 1983, Chapter 498

Dear Ms. Opie:

This letter constitutes the Controller's Office response to the above-entitled incorrect reduction claim. It appears that the issues involved in the IRCs received recently concerning this mandate are identical. Therefore, the analysis in the IRCs numbered CSM 01-4136-I-041 through CSM 01-4136-I-047 is identical. However, the responses are being submitted under separate cover to facilitate record keeping, and because the supporting documentation is slightly different in each case.

In the end, the outcome of these IRCs comes down to the terms of the Parameters & Guidelines. The Parameters & Guidelines simply do not provide for reimbursement of the wages of probationary teachers. They provide for costs related to probationary teachers such as: (1) Training, assisting, and evaluating probationary teachers (over and above that usually provided to permanent teachers); (2) Training materials and clerical services; (3) Registration fees and travel costs to attend training activities; (4) Costs of substitute teachers so that probationary teachers may attend training sessions; (5) Costs of consultants to train and assist probationary teachers, if needed. Notably absent is any reference to the salaries of probationary teachers. Since there is no provision in the Parameters & Guidelines for the reimbursement of probationary teachers salaries, these IRCs should be denied.

MAILING ADDRESS P.O. Box 942850, Sacramento, CA 94250
SACRAMENTO 300 Capitol Mall, Suite 1850, Sacramento, CA 95814 (916) 445-2636
LOS ANGELES 600 Corporate Pointe, Suite 1150, Culver City, CA 90230 (310) 342-5678

Claimant's reliance on the *Physical Performance and American Government Course Document Requirements Parameters & Guidelines* is misplaced. Although reference to other Parameters & Guidelines may be appropriate when attempting to interpret a phrase of a Parameter & Guideline, claimant is attempting to add language in this case, rather than merely interpret it. The appropriate process for that type of change would be an amendment to the Parameters & Guidelines. In fact, Stockton Unified School District submitted such a request on April 4, 1995 (Exhibit 1). Apparently, they believed that the Parameters & Guidelines did not properly address probationary teachers salaries. However, that request was ultimately withdrawn before it was ever heard (Exhibit 2). Claimant should not be allowed to circumvent the required procedures for an amendment by using an IRC to add language to a set of Parameters & Guidelines, therefore their request should be denied.

Please find attached the analysis of the Division of Accounting and Reporting (Exhibit 3), as well as relevant supporting documentation, with declaration (Exhibit 4). Exhibits referred to in DAR's analysis are either included or have already been exchanged between the parties.

Sincerely,



SHAWN D. SILVA
Staff Counsel

cc: Stephen Smith

Exhibit 1



STOCKTON UNIFIED SCHOOL DISTRICT

BUSINESS SERVICES

701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4124 • FAX (209) 953-4477

BOARD OF EDUCATION

JOSE A. BERNARDO
CHARLES D. BLOCH
VICKI BRAND
LOUIS GONZALES
OLEN G. LEE
FRANK E. GROSSO
JAMES L. URSANI
SUPERINTENDENT
GARY MCHENRY

April 4, 1995

*W. Helman
7/23/95*

RECEIVED
APR 05 1995
COMMISSION ON
STATE MANDATES

Ms. Shelly Mateo
Interim Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Ms. Mateo:

Pursuant to Title 2, California Code of Regulations, Section 1183.2 enclosed is our district's request to amend the parameters and guidelines for the **Certification of Teacher Evaluator's Demonstrated Competence** mandate. This mandate was enacted by **Chapter 498/Statutes of 1983**.

We have enclosed a narrative outlining the reasons the amendment is required as well as proposed amended parameters and guidelines. The proposed changes to the current parameters and guidelines have been underlined.

If you have any questions, please contact our consultant, Steve Smith of Mandate Cost Systems at (916) 487-4435.

Thank you for your cooperation.

Sincerely,

Norma Mearns

Norma E. Mearns
Director of Budget

NEM:cmb

enclosure:

**Justification for Amendment to the Parameters & Guidelines
for Certification of Teacher Evaluator's Demonstrated Competence
Chapter 498/Statutes of 1983**

The current Parameters & Guidelines for Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498, Statutes of 1983 do not address whether the time spent by probationary teachers receiving training, assistance or evaluation, over and above that usually provided to permanent teachers, is claimable.

We have specifically identified the following activities/costs as new programs implemented to comply with the requirements of this mandate. The increased activities required of probationary teachers as a result of this mandate are:

- 1) Probationary teacher time spent attending district sponsored training sessions that are provided specifically for probationary teachers. These sessions take place after school and prior to the start of the school year.
- 2) Probationary teacher time spent receiving assistance or training on a weekly or monthly basis, from district employees as part of the district's probationary teacher training & assistance program.

The district sponsored training sessions ~~prior to the start of school~~ represents a new program because most districts bring in their probationary teachers one or two days earlier than their permanent teacher to orientate them to the district and provide training specific to their needs. This is accomplished by requiring that probationary teachers work 185 day years instead of the 183 day year required of permanent teachers.

Likewise, after school district sponsored training sessions and one-on-one training received from employees with assigned responsibilities to train and assist probationary teachers represents a new program because it takes probationary teachers away from other duties that they perform outside the classroom.

Precedents in other claims

Precedents in other claims exist that provide reimbursement for time spent receiving training. These include:

- 1) The Emergency Procedures, Earthquakes and Disasters claim, Chapter 1659/Statutes of 1984 allows reimbursement for "the costs by the district of employees attending these meetings to receive instruction" (on earthquake and disaster procedures).

- 1)
- 2) The Collective Bargaining claim, Chapter 961/Statutes of 1975 allows reimbursement for "reasonable costs incurred for a reasonable number of training sessions held for supervisory and management personnel regarding contract administration and the interpretation of the negotiated contract".
 - 3) The Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498/Statutes of 1983 allows reimbursement for "time of district administrators spent in certification training excluding classroom observation"
 - 4) District employee time receiving various training are also listed as reimbursable under the
 - a) Mandate Reimbursement Process claim, Chapter 1459/Statutes of 1984,
 - b) Credential Monitoring claim, Chapter 1376/Statutes of 1987 and
 - c) AIDS Instruction, Chapter 818/Statutes of 1991

Restrictions

We have identified other time spent by probationary teachers attributable to this mandate, however based on precedents from other claims are not requesting reimbursement for them. These are listed below and should be identified as restrictions.

- 1) In-classroom probationary teacher receiving hands-on training (In classroom teacher time restriction from the Emergency Procedures, Earthquakes & Disasters Chapter 1659/States of 1984 and AIDS Instruction, Chapter 818/Statutes of 1991)
- 2) In cases where substitutes are provided, the district can only claim the substitute cost.

Adopted: 4/24/86
Amended: 1/24/91
WP 1080A

PARAMETERS AND GUIDELINES

Education Code Section 35160.5

Chapter 498, Statutes of 1983

Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.
 - a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three-year period.
 - a. Time of district administrators spent in certification training excluding classroom observation.
 - b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.
 - c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.
 - d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

- e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.

B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.

- a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.
- b. Training materials and clerical services for probationary teachers.
- c. Registration fees and travel costs of probationary teachers attending training activities.
- d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

- e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.
- f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year.
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probationary teacher training and assistance program.
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable.
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

- 1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty

(20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

Exhibit 2



STOCKTON UNIFIED SCHOOL DISTRICT

BOARD OF EDUCATION

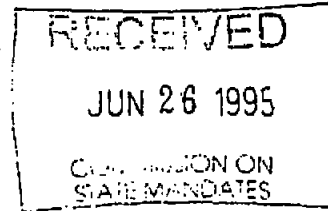
BUSINESS MANAGER

701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4055 • FAX (209) 953-4477

JOSE A. BERNARDO
CHARLES D. BLOCH
VICKI BRAND
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CLEM G. LEE
FRANK E. OROZCO
JAMES L. URBANI

SUPERINTENDENT
GARY MCHENRY

June 23, 1995



Mr. Kirk Stewart
Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Mr. Stewart:

This letter is to inform you that we are withdrawing our request dated April 4, 1995 to amend the Parameters and Guidelines for the Certification of Teacher Evaluator's Demonstrated Competence mandate. This mandate was enacted by Chapter 498/Statutes of 1983.

This request is being withdrawn because after numerous discussions with Commission Staff and other interested parties, it is clear that any positive action resulting from clarifying this issue is more than offset by the possibility that re-opening this claim could result in the entire claim being denied.

If you have any questions, please contact our consultant, Steve Smith, of Mandated Cost Systems at (916) 487-4435.

Sincerely,

Norma E. Mearns
Director of Budget

NEM:mw

Exhibit 3

**Milpitas Unified School District
Certification of Teacher Evaluators Demonstrated Competence
Analysis of Incorrect Reduction Claim
For Fiscal Year 1995/96**

FY 1995/96 Exhibit 1: Declaration of Virginia Brummels;

Exhibit 2: Analysis of the Milpitas Unified School District (MUSD) Incorrect Reduction Claim (IRC);

Exhibit 3: Includes a copy of the IRC for the Certification of Teacher Evaluators Demonstrated Competence program for the MUSD;

On November 28, 1996, the MUSD filed an actual claim of \$86,495 plus \$26,377 in amounts previously offset, equaling \$112,872 (per the State Controller's Office (SCO) Notice of Claim Adjustment Letter) for the state mandated Certification of Teacher Evaluators Demonstrated Competence (CTEDC) program. The CTEDC mandated cost claim was filed based on actual costs, and the MUSD included costs for probationary teachers' salaries and wages in the amount of \$52,727 and indirect costs of \$4,076, for a total of \$56,803.

Exhibit 4: Includes copies of the reimbursement claim and supporting documentation;

Exhibit 5: Includes a copy of the Annual Claiming Instructions for School Districts;

The mandate was amended on January 24, 1991, to allow for reimbursement of individual administrator training, for a maximum of ten days (eighty hours in any three-year period). This amendment was considered necessary due to Chapter 498, Statutes of 1983 where the Legislature required each school district to adopt rules and regulations to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies to evaluate probationary teachers; to ensure that each probationary teacher was assigned to a school with assurance that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints. The training reimbursement is for assistance and evaluating probationary teachers. The training of probationary teachers is not to include the cost of salaries and wages for the Mentor Teacher Program.

Reimbursement is provided for the cost of substitute teachers to allow probationary teachers to attend training activities, including visitations to other teachers' classrooms to observe teaching techniques (limit of three visits).

Exhibit 6: Includes a copy of the Commission on State Mandate's (COSM) Parameter's and Guideline's (P's & G's);

Refer to section V., Reimbursable Costs; B states as follows:

"The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost:
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers;
 - b. Training materials and clerical services for probationary teachers;
 - c. Registration fees and travel costs of probationary teachers attending training activities;
 - d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities, including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester); and
 - e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education."

Milpitas Unified School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

The SCO claiming instructions Exhibit 4, are in agreement with the adopted P's & G's in this exhibit.

Exhibit 7: Includes a copy of the SCO Notice of Claim Adjustment letter dated April 30, 1999;

SCO letter notifies the MUSD that the amount of \$56,803 for salaries and benefits of probationary teachers in training is disallowed. This letter further states ... "P's and G's do not provide reimbursement for probationary teachers' training costs. In lieu of that, the P's and G's reimburse the cost of substitute teachers while the probationary teachers attend training activities."

Exhibit 8: Includes a copy of a letter dated April 4, 1995, from Stockton Unified School District (SUSD);

This letter contains a narrative outlining the reasons the amendment is required and includes proposed amendments to the P's & G's to clarify reimbursement for probationary teacher salaries and wages. In the letter dated April 4, 1995, SUSD proposed the following amendments to the Section V., Reimbursable Costs, B. 1. of the P's and G's last amended and adopted on January 24, 1991. The proposed amendments are as follows:

- f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year;
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probation teacher training and assistance program;
- h. In-classroom probationary teacher time spent receiving training or assistance, is not claimable; and
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time.

Exhibit 9: Includes a copy of a letter dated June 23, 1985, from SUSD;

Page 4

Milpitas Unified School District

Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

On June 23, 1995, the Director of Budgets for SUSD corresponded in writing to Kirk Stewart, the Executive Director of the COSM, and withdrew their request for Clarification, due to their conversations with the COSM staff, that any positive action resulting from clarifying this issue could result in the possibility that re-opening this claim could result in the entire amendment being denied. Any questions were referred to their consultant, Steve Smith of Mandated Cost Systems. This clearly demonstrates that the reimbursement of training time for probationary teachers was on the "wish list" but was deemed not the right time to clarify the issue. The withdrawal of this action (6/23/95 letter) brings this issue of reimbursement before the COSM in the form of an incorrect reduction claim. Therefore, this is not an issue of the SCO incorrectly reducing the district's claim, but a means for the district to obtain reimbursement for what they withdrew as an amendment to the Ps & Gs.

Prepared by Ginny Brummels

January 29, 2002

Exhibit 4

1 OFFICE OF THE STATE CONTROLLER
2 300 Capitol Mall, Suite 1850
3 Sacramento, CA 94250
4 Telephone No.: (916) 445-6854

5 BEFORE THE
6 COMMISSION ON STATE MANDATES
7 STATE OF CALIFORNIA

8
9 INCORRECT REDUCTION CLAIM ON:

No.: CSM 01-4136-I-043

AFFIDAVIT OF CUSTODIAN

10 Certification of Teacher
11 Evaluator's Demonstrated
12 Competence

13 Education Code section 35160.5
14 Statutes of 1983, Chapter 498

15 MILPITAS UNIFIED SCHOOL
16 DISTRICT, Claimant

17 I, Virginia Brummels make the following declarations:
18

19 1) I am an employee of the State Controller's Office and over
20 the age of 18 years.

21 2) I am currently employed as an Accounting Administrator II,
22 and have been so for the past year. Before that I was employed
23 as a Staff Management Auditor-Specialist, and Accounting
24 Administrator I Specialist and Supervisor for 14 years.

25 3) As a section manager in the Department of Accounting &
Reporting I have access to, and am involved in, the intake and
processing of claims for reimbursement for expenditures mandated
by the state.

1 4) I am a duly authorized custodian of records or other
2 qualified witness with authority to certify such records.

3 5) Any attached copies of records are true copies of records as
4 retained at our place of business.

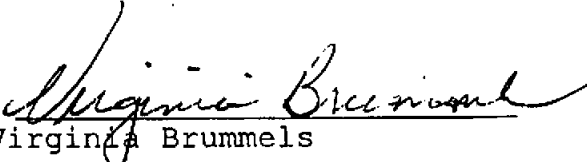
5 4) The records were prepared or received by the personnel of our
6 office in the ordinary course of business at or near the time of
the act, condition, or event.

7 5) The records include claims for reimbursement, along with any
8 attached supporting documentation, remittance advices,
9 explanatory letters, or other documents relating to the above-
entitled Incorrect Reduction Claim.

10 I do declare that the above declarations are made under
11 penalty of perjury and are true and correct to the best of my
12 knowledge, and that such knowledge is based on personal
13 observation, information, or belief.
14

15 Date: January 29, 2002
16

17 OFFICE OF THE STATE CONTROLLER

18 By: 
19 Virginia Brummels
20 Section Manager
21 Local Reimbursement Section
22
23
24
25



KATHLEEN CONNELL
 Controller of the State of California

April 30, 1999

Mr. Steve Smith
 President
 Mandated Cost Systems, Inc.
 2275 Watt Avenue, Suite C
 Sacramento, CA 95825

Dear Mr. Smith:

RE: NOTICE OF CLAIM ADJUSTMENT
 MILPITAS UNIFIED SCHOOL DISTRICT
 CHAPTER 498/83 CERTIFICATION OF TEACHER EVALUATORS
 FISCAL YEAR 1995-1996


This is in reply to your letter dated March 16, 1999 regarding the above claim for reimbursement of mandated cost program. The result of our review is as follows:

Amount Claimed	\$112,872
Adjustment to Claim:	
<i>Probationary Certificated Employee Policies</i>	
The amount of \$52,727 for salaries and benefits of probationary teachers in training is disallowed.	-\$52,727
Parameters and guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities.	
Sub-total on Adjustment for Direct Costs	-\$52,727
Adjustment of Indirect Costs (\$6,206-\$2,131)	-4,075
Total Adjustment for Claim	<u>-\$56,802</u>
Approved Claim	\$56,070
Less: Prior Payment of 1/26/96 & 5/15/97	<u>-40,642</u>
Amount Due Claimant	<u><u>\$15,428</u></u>

SACRAMENTO 3301 C Street, Suite 501, Sacramento, CA 95816 (916) 445-8717
 Mailing Address: P.O. Box 942850, Sacramento, CA 94250

If you have any questions, please contact Eduardo Antonio at (916) 323-0755 or in writing at the State Controller's Office, Attn: Local Reimbursements Section, Division of Accounting and Reporting, P.O. Box 942850, Sacramento, CA 94250-5875.

Sincerely,



JEFF YEE, Manager
Local Reimbursements Section

JY:ea

cc: Barbara Santos, Milpitas Unified School Dist.
Tom Gray, Milpitas Unified School Dist.

February 19, 2002

To whom it may concern:

The records in this case are quite voluminous. Given the fact that the IRC appears to hinge on a legal issue, rather than factual issue, they have not been included. If any party feels they need to have a copy or copies, they will be provided upon request.

Sincerely,



SHAWN D. SILVA
Staff Counsel

PROOF OF SERVICE VIA FIRST CLASS UNITED STATES MAIL

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of 18 years and not a party to the within entitled action. My place of employment and business address is 300 Capitol Mall, Suite 1850, Sacramento, California 95814.

On February 20, 2002, I served the foregoing **INCORRECT REDUCTION CLAIMS OF SARATOGA, DAVIS, ELK GROVE, MERCED, MILPITAS, SANTA MARIA AND DAVIS** by causing the same to be deposited in the United States Mail to the person(s) named below at the address(es) shown:

Stephen Smith
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on February 20, 2002, at Sacramento, California.



SHAWN SILVA



KATHLEEN CONNELL
Controller of the State of California

February 20, 2002

Shirley Opie, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

RECEIVED
FEB 21 2002
COMMISSION ON
STATE MANDATES

Re: Incorrect Reduction Claims
Certification of Teacher Evaluator's Demonstrated Competence
Del Mar Union School District, CSM 01-4136-I-044
Education Code Section 35160.5
Statutes of 1983, Chapter 498

Dear Ms. Opie:

This letter constitutes the Controller's Office response to the above-entitled incorrect reduction claim. It appears that the issues involved in the IRCs received recently concerning this mandate are identical. Therefore, the analysis in the IRCs numbered CSM 01-4136-I-041 through CSM 01-4136-I-047 is identical. However, the responses are being submitted under separate cover to facilitate record keeping, and because the supporting documentation is slightly different in each case.

In the end, the outcome of these IRCs comes down to the terms of the Parameters & Guidelines. The Parameters & Guidelines simply do not provide for reimbursement of the wages of probationary teachers. They provide for costs related to probationary teachers such as: (1) Training, assisting, and evaluating probationary teachers (over and above that usually provided to permanent teachers); (2) Training materials and clerical services; (3) Registration fees and travel costs to attend training activities; (4) Costs of substitute teachers so that probationary teachers may attend training sessions; (5) Costs of consultants to train and assist probationary teachers, if needed. Notably absent is any reference to the salaries of probationary teachers. Since there is no provision in the Parameters & Guidelines for the reimbursement of probationary teachers salaries, these IRCs should be denied.

Claimant's reliance on the *Physical Performance and American Government Course Document Requirements Parameters & Guidelines* is misplaced. Although reference to other Parameters & Guidelines may be appropriate when attempting to interpret a phrase of a Parameter & Guideline, claimant is attempting to add language in this case, rather than merely interpret it. The appropriate process for that type of change would be an amendment to the Parameters & Guidelines. In fact, Stockton Unified School District submitted such a request on April 4, 1995 (Exhibit 1). Apparently, they believed that the Parameters & Guidelines did not properly address probationary teachers salaries. However, that request was ultimately withdrawn before it was ever heard (Exhibit 2). Claimant should not be allowed to circumvent the required procedures for an amendment by using an IRC to add language to a set of Parameters & Guidelines, therefore their request should be denied.

Please find attached the analysis of the Division of Accounting and Reporting (Exhibit 3), as well as relevant supporting documentation, with declaration (Exhibit 4). Exhibits referred to in DAR's analysis are either included or have already been exchanged between the parties.

Sincerely,



SHAWN D. SILVA
Staff Counsel

cc: Stephen Smith

EXHIBIT 1



STOCKTON UNIFIED SCHOOL DISTRICT

BUSINESS SERVICES

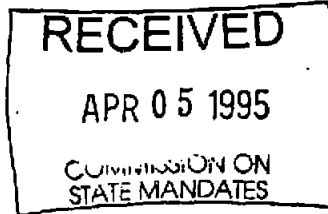
701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
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BOARD OF EDUCATION

JOSE A. BERNARDO
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CLEN G. LEE
FRANK E. ORZICO
JAMES L. URBAN
SUPERINTENDENT
GARY MCHEERY

April 4, 1995

W. Mearns
7/23/95



Ms. Shelly Mateo
Interim Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Ms. Mateo:

Pursuant to Title 2, California Code of Regulations, Section 1183.2 enclosed is our district's request to amend the parameters and guidelines for the **Certification of Teacher Evaluator's Demonstrated Competence** mandate. This mandate was enacted by **Chapter 498/Statutes of 1983**.

We have enclosed a narrative outlining the reasons the amendment is required as well as proposed amended parameters and guidelines. The proposed changes to the current parameters and guidelines have been underlined.

If you have any questions, please contact our consultant, Steve Smith of Mandate Cost Systems at (916) 487-4435.

Thank you for your cooperation.

Sincerely,

Norma Mearns

Norma E. Mearns
Director of Budget

NEM:cmb

enclosure:

**Justification for Amendment to the Parameters & Guidelines
for Certification of Teacher Evaluator's Demonstrated Competence
Chapter 498/Statutes of 1983**

The current Parameters & Guidelines for Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498, Statutes of 1983 do not address whether the time spent by probationary teachers receiving training, assistance or evaluation, over and above that usually provided to permanent teachers, is claimable.

We have specifically identified the following activities/costs as new programs implemented to comply with the requirements of this mandate. The increased activities required of probationary teachers as a result of this mandate are:

- 1) Probationary teacher time spent attending district sponsored training sessions that are provided specifically for probationary teachers. These sessions take place after school and prior to the start of the school year.
- 2) Probationary teacher time spent receiving assistance or training on a weekly or monthly basis, from district employees as part of the district's probationary teacher training & assistance program.

The district sponsored training sessions ~~prior to the start of school~~ represents a new program because most districts bring in their probationary teachers one or two days earlier than their permanent teacher to orientate them to the district and provide training specific to their needs. This is accomplished by requiring that probationary teachers work 185 day years instead of the 183 day year required of permanent teachers.

Likewise, after school district sponsored training sessions and one-on-one training received from employees with assigned responsibilities to train and assist probationary teachers represents a new program because it takes probationary teachers away from other duties that they perform outside the classroom.

Precedents in other claims

Precedents in other claims exist that provide reimbursement for time spent receiving training. These include:

- 1) The Emergency Procedures, Earthquakes and Disasters claim, Chapter 1659/Statutes of 1984 allows reimbursement for "the costs by the district of employees attending these meetings to receive instruction" (on earthquake and disaster procedures).

- D
- 2) The Collective Bargaining claim, Chapter 961/Statutes of 1975 allows reimbursement for "reasonable costs incurred for a reasonable number of training sessions held for supervisory and management personnel regarding contract administration and the interpretation of the negotiated contract".
 - 3) The Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498/Statutes of 1983 allows reimbursement for "time of district administrators spent in certification training excluding classroom observation"
 - 4) District employee time receiving various training are also listed as reimbursable under the
 - a) Mandate Reimbursement Process claim, Chapter 1459/Statutes of 1984,
 - b) Credential Monitoring claim, Chapter 1376/Statutes of 1987 and
 - c) AIDS Instruction, Chapter 818/Statutes of 1991

Restrictions

We have identified other time spent by probationary teachers attributable to this mandate, however based on precedents from other claims are not requesting reimbursement for them. These are listed below and should be identified as restrictions.

- 1) In-classroom probationary teacher receiving hands-on training (In classroom teacher time restriction from the Emergency Procedures, Earthquakes & Disasters Chapter 1659/States of 1984 and AIDS Instruction, Chapter 818/Statutes of 1991)
- 2) In cases where substitutes are provided, the district can only claim the substitute cost.

PROPOSED AMENDMENT

Adopted: 4/24/86
Amended: 1/24/91
WP 1080A

PARAMETERS AND GUIDELINES

Education Code Section 35160.5

Chapter 498, Statutes of 1983

Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

- A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.
 - a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three-year period.
 - a. Time of district administrators spent in certification training excluding classroom observation.

 - b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.

 - c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.

 - d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

- e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.

B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

- 1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.

- a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.

- b. Training materials and clerical services for probationary teachers.

- c. Registration fees and travel costs of probationary teachers attending training activities.

- d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

- e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.
- f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year.
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probationary teacher training and assistance program.
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable.
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty

(20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

EXHIBIT 2



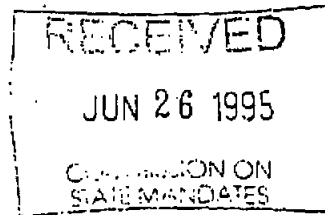
STOCKTON UNIFIED SCHOOL DISTRICT

BOARD OF EDUCATION

BUSINESS MANAGER
701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4055 • FAX (209) 953-4477

JOSE A. BERNARDO
CHARLES D. BLOCH
VICKI BRAND
LOUIS GONZALES
CLEM G. LEE
FRANK E. OROZCO
JAMES L. URBANI
SUPERINTENDENT
GARY MCHENRY

June 23, 1995



Mr. Kirk Stewart
Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Mr. Stewart:

This letter is to inform you that we are withdrawing our request dated April 4, 1995 to amend the Parameters and Guidelines for the Certification of Teacher Evaluator's Demonstrated Competence mandate. This mandate was enacted by Chapter 498/Statutes of 1983.

This request is being withdrawn because after numerous discussions with Commission Staff and other interested parties, it is clear that any positive action resulting from clarifying this issue is more than offset by the possibility that re-opening this claim could result in the entire claim being denied.

If you have any questions, please contact our consultant, Steve Smith, of Mandated Cost Systems at (916) 487-4435.

Sincerely,

Norma E. Mearns
Director of Budget

NEM:mw

EXHIBIT 3

**Del Mar Union School District
Certification of Teacher Evaluators Demonstrated Competence
Analysis of Incorrect Reduction Claim
For Fiscal Year 1995/96**

Exhibit 1: Declaration of Virginia Brummels;

Exhibit 2: Analysis of the Del Mar Union School District (DMUSD) Incorrect Reduction Claim (IRC);

Exhibit 3: Includes a copy of the IRC for the Certification of Teacher Evaluators Demonstrated Competence (CTEDC) program for the DMUSD;

On November 19, 1996, the DMUSD filed an actual claim of \$73,349 plus \$21,311 in amounts previously offset, equaling \$94,660 (per the Controller's Office (SCO) Notice of Claim Adjustment letter), for the state mandated CTEDC program. The CTEDC mandated cost claim was filed based on actual costs, and the DMUSD included costs for probationary teachers' salaries and wages in the amount of \$29,670 and indirect costs of \$1,768, for a total of \$31,438;

Exhibit 4: Includes copies of the reimbursement claim and supporting documentation;

Exhibit 5: Includes a copy of the Annual Claiming Instructions for School Districts;

The mandate was amended on January 24, 1991, to allow for reimbursement of individual administrator training, for a maximum of ten days (eighty hours in any three-year period). This amendment was considered necessary due to Chapter 498, Statutes of 1983 where the Legislature required each school district to adopt rules and regulations to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies to evaluate probationary teachers; to ensure that each probationary teacher was assigned to a school with assurance that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and when possible, resolve the complaints. The training reimbursement is for assistance and evaluating probationary teachers. The training of probationary teachers is not to include the cost of salaries and wages for the Mentor Teacher Program.

Page 2
Del Mar Union School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

Reimbursement is provided for the cost of substitute teachers to allow probationary teachers to attend training activities, including visitations to other teachers' classrooms to observe teaching techniques (limit of three visits).

Exhibit 6: Includes a copy of the Commission on State Mandates (COSM) Parameters and Guidelines (P's & G's);

Refer to Section V., Reimbursable Costs; B states as follows:

"The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost:
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers;
 - b. Training materials and clerical services for probationary teachers;
 - c. Registration fees and travel costs of probationary teachers attending training activities;
 - d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities, including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester); and
 - e. Costs of consultants provided to train and assist probationary teachers, if personnel with the required skills are not available within the school district or county office of education."

Page 3

Del Mar Union School District

Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

The SCO claiming instructions (Exhibit 4) are in agreement with the adopted P's & G's in this exhibit.

Exhibit 7: Includes a copy of the SCO Notice of Claim Adjustment letter, dated October 16, 2001;

SCO letter notifies the DMUSD that the amount of \$31,438 for salaries and benefits of probationary teachers in training, is disallowed. This letter further states "...P's and G's do not provide reimbursement for probationary teachers' training costs. In lieu of that, the P's and G's reimburse the cost of substitute teachers while the probationary teachers attend training activities."

Exhibit 8: Includes a copy of a letter dated April 4, 1995, from Stockton Unified School District (SUSD);

This letter contains a narrative outlining the reasons the amendment is required and includes proposed amendments to the P's & G's to clarify reimbursement for probationary teachers' salaries and wages. In the letter dated April 4, 1995, SUSD proposed the following amendments to the Section V., Reimbursable Costs, B. 1. of the P's and G's last amended and adopted on January 24, 1991. The proposed amendments are as follows:

- "f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year;
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probation teacher training and assistance program;
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable; and
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time."

Page 4

Del Mar Union School District

Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

Exhibit 9: Includes a copy of a letter, dated June 23, 1985, from SUSD;

On June 23, 1995, the Director of Budgets for SUSD corresponded in writing to Kirk Stewart, the Executive Director of the COSM, and withdrew their request for clarification due to their conversations with the COSM staff, that any positive action resulting from clarifying this issue could result in the possibility that re-opening this claim could result in the entire amendment being denied. Any questions were referred to their consultant, Steve Smith of Mandated Cost Systems. This clearly demonstrates that the reimbursement of training time for probationary teachers was on the "wish list" but was deemed not the right time to clarify the issue. The withdrawal of this action (6/23/95 letter) brings this issue of reimbursement before the COSM in the form of an incorrect reduction claim. Therefore, this is not an issue of the SCO incorrectly reducing the district's claim, but a means for the district to obtain reimbursement for what they withdrew as an amendment to the Ps & Gs.

Prepared by Ginny Brummels

January 28, 2002

EXHIBIT 4

1 OFFICE OF THE STATE CONTROLLER
300 Capitol Mall, Suite 1850
2 Sacramento, CA 94250
Telephone No.: (916) 445-6854
3

4
5 BEFORE THE
6 COMMISSION ON STATE MANDATES
7 STATE OF CALIFORNIA
8

9 INCORRECT REDUCTION CLAIM ON:

10 Certification of Teacher
11 Evaluator's Demonstrated
Competence

12 Education Code Section 35160.5
13 Statutes of 1983, Chapter 498

14 DEL MAR UNION SCHOOL DISTRICT,
15 Claimant
16

No.: CSM 01-4136-I-044
AFFIDAVIT OF CUSTODIAN

17 I, Virginia Brummels make the following declarations:
18

- 19 1) I am an employee of the State Controller's Office and over
20 the age of 18 years.
- 21 2) I am currently employed as an Accounting Administrator II,
and have been so for the past year. Before that I was employed
22 as a Staff Management Auditor-Specialist, and Accounting
Administrator I Specialist and Supervisor for 14 years.
- 23 3) As a section manager in the Department of Accounting &
24 Reporting I have access to, and am involved in, the intake and
25 processing of claims for reimbursement for expenditures mandated
by the state.

1 4) I am a duly authorized custodian of records or other
2 qualified witness with authority to certify such records.

3 5) Any attached copies of records are true copies of records as
4 retained at our place of business.

5 4) The records were prepared or received by the personnel of our
6 office in the ordinary course of business at or near the time of
7 the act, condition, or event.

8 5) The records include claims for reimbursement, along with any
9 attached supporting documentation, remittance advices,
10 explanatory letters, or other documents relating to the above-
11 entitled Incorrect Reduction Claim.

12 I do declare that the above declarations are made under
13 penalty of perjury and are true and correct to the best of my
14 knowledge, and that such knowledge is based on personal
15 observation, information, or belief.

16 Date: January 25, 2002

17 OFFICE OF THE STATE CONTROLLER

18
19 By:

Virginia Brummels
Virginia Brummels

Section Manager

Local Reimbursement Section
20
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24
25

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

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(01) Claimant Identification Number:
S37050

Reimbursement Claim Data

(02) Mailing Address

(22) TE-1,(04)(1)(d)

791

Claimant Name

DEL MAR UNION SD

(23) TE-2,(04)(2)(d)

63,671

County Of Location

SAN DIEGO COUNTY

(24) TE-1,(04)(3)(d)

4,802

Street Address or P.O. Box

225 NINTH STREET

(25) TE-1,(05)(d)

69,264

City

DEL MAR

State

CA

Zip Code

92014-2716

(26) TE-1,(06)

5,9600

Type of Claim

Estimated Claim

Reimbursement Claim

(27) TE-1,(11)

73,349

(03) Estimated

(09) Reimbursement

(28)

(04) Combined

(10) Combined

(29)

(05) Amended

(11) Amended

(30)

Fiscal Year of Cost

(06) 19 /

(12) 19 95 / 96

(31)

Total Claimed Amount

(07)

(13) \$ ~~73,349~~
64,772

(32)

49,818

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable)

(14)

(33)

Less: Estimate Payment Received

(15)

(34)

32871

Net Claimed Amount

(16)

(16) \$ ~~26,349~~
32871

(35)

16,947

- AMT. DUE CLAIMANT

Due From State

(08)

(17) \$ 73,349

(36)

Due to State

(18)

(18) 26,349

(37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

Date

ROBERT L. HARRIMAN

11/19/92

Type or Print Name

DISTRICT SUPERINTENDENT

Title

(39) Name of Contact Person For Claim

Telephone Number

Steve Smith, Mandated Cost Systems

916-487-4435

Ext.

MANDATED COSTS

**FORM
TE-1**

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY**

(01) Claimant:
S37050
DEL MAR UNION SD

(02) Type of Claim:
Reimbursement
Estimated

Fiscal Year:
19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:

a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?

Yes	No
	X

b. If yes, explain.

Direct Costs

Cost Elements

(04) Reimbursable Components:

1. Certification of Teacher Evaluators

(a)	(b)	(c)	(d)
Salaries and Benefits	Supplies	Contracted Services	Total
491	0	300	791
1,240			1,240
53,672	0	0	53,672
21,311			21,311
4,377	0	425	4,802
			4802437
69,539	0	725	69,264
6108			6108
26179			26,904

2. Probationary Certified Employee Policies

3. Parental Complaint Policies

9894 - 42360

9894 - 62431

9911 - 725

9920 - 2482

9920 - 3721

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MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **DEL MAR UNION SD**

(02) Fiscal Year costs were incurred: **95-96**

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING LITTLER, MENDELSON-ATTORNEYS MCCONNELL, J/EXEC. SECRETARY SEAWARD, S/PRINCIPAL SWENERTON, J/PRINCIPAL WILSON, G/PRINCIPAL	100.00 23.72 49.43 49.43 49.43	3.00 2.00 3.00 3.00 3.00	47 148 148 148		300

(05) Total Subtotal

Page: 1 of 1

\$ 491 0 300

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: DEL MAR UNION SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
BACCI, C, TEACHER	44.80	21.00	940		
BARGER, P/TEACHER	46.32	92.00	4261		
BARTLETT, K/TEACHER	49.36	60.00	2962		
BAXTER, S/TEACHER	30.50	21.00	641		
BEAUCHANE, N/SECRETARY	23.24	12.00	279		
BONNAFOUX, N/TEACHER	60.47	20.00	1209		
COX, M/SECRETARY	21.36	45.00	961		
FARMER, K/TEACHER	38.36	92.00	3529		
GITTELSON, M/TEACHER	56.77	85.00	4825		
GODSEY, A/TEACHER	33.92	92.00	3121		
HAGGERTY, A/TEACHER	41.34	30.00	1240		
JACKSON, H/TEACHER	46.81	85.00	3979		
KANTNER, H/TEACHER	35.80	21.00	751		
LANG, L/TEACHER	41.53	5.50	228		
LAURI, C/TEACHER	44.80	85.00	3808		
NELSON, S/TEACHER	57.79	85.00	4912		
ORR, J/TEACHER	41.89	72.00	3017		
PIKE, K/TEACHER	41.53	21.00	872		
PRITCHARD, S/TEACHER	32.02	92.00	2946		
QUINN, M/TEACHER	35.80	72.00	2577		
REGAN, J/TEACHER	59.74	85.00	5078		
SLEET, A/TEACHER	33.92	21.00	712		
SMITH, C/TEACHER	46.45	85.00	3948		
TEISHER, C/TEACHER	35.80	92.00	3293		
WILLIAMS, G/TEACHER	40.01	20.00	800		
WRIGHT, J/TEACHER	33.92	82.00	2782		

Salaries of Probationary Teachers are not reimbursable

PT

1240

(05) Total Subtotal

Page: 1 of 1

\$ 52,571 0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DEL MAR UNION SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
BEAUCHANE, N/SECRETARY	23.24	2.00	46		
COX, M/SECRETARY	21.36	2.00	43		
LITTLER, MENDELSON-ATTORNEYS	100.00	4.25			425
ROSS, B/SECRETARY	23.24	25.00	581		
SEAWARD, S/PRINCIPAL	49.43	17.00	840		
SWENERTON, J/PRINCIPAL	49.43	50.00	2472		
WILSON, G/PRINCIPAL	49.43	8.00	395		

(05) Total Subtotal

Page: 1 of 1

\$ 4,377 0 425

rdo

N OF ACCOUNTING AND REPORTING
AU OF LOCAL REIMBURSEMENTS
A CLAIM/PAYEE/PROGRAM/FISCAL YEAR

04/23/99
09:40:25

0. *

32,871.00 +
32,871.00 *

NAME: DEL MAR UNION SCHOOL DISTRICT PGM NBR: 9
PGM: CERT TEACHERS EVAL CH 498/83 FY: 1995/1996
12,871.00 BAL DUE CLM: .00 PGM TYPE: MAN
16,399.00 BAL DUE ST: -5,488.00 1ST TIME PGM: N

DT FILED CLAIM AMT ADJUSTMENT AMT
PRVD AMT PRO PCT AMT BEFORE AR BAL DUE CLAIM
WARRANT AMT ISSUE DATE CLAIM SCHED NBR

PRIOR PAYMENT

11/19/1996 73,349.00 .00
349.00 .44814285 32,871.00 40,478.00
32,871.00 05/15/1997 MA60717A

R: S37050 PGM NBR: 9 FY: 1995/1996
A PGM/FY PF11= WARRANT INFORMATION

do

OF ACCOUNTING AND REPORTING
OF LOCAL REIMBURSEMENTS
ITS RECEIVABLE'S COLLECTIONS

04/23/99
09:38:38

0. *

NAME: DEL MAR UNION SCHOOL DISTRICT PGM NBR: 9
PGM: CERT TEACHERS EVAL CH 498/83 FY: 1995/1996
1996- 622 -00000000- - - -
ORIGINAL OVERPAYMENT AMT: 26,399.00
NEW OVERPAYMENT BALANCE: 5,488.00

400.00 +
1,850.00 +
514.00 +
160.00 +
4,717.00 +
1,712.00 +
836.00 +
2,365.00 +
410.00 +
348.00 +
7,681.00 +
- 309.00 +

RECOVERY SOURCE DESC	RECOVERY/BLOCKED INDICATOR	AMOUNT
	FY	
00000000- -98-01- -	BLOCKED	400.00
PUPIL HEALTH SCREEN CH 1208/76	1992/1993	
00000000- -98-01-096-	RECOVERED	1,850.00
COLLECTIVE BARGAIN CH 961/75	1998/1999	
00000000- -98-01-064-	RECOVERED	514.00
OPEN MEETINGS CH 641/86 (SCH)	1998/1999	

21,311.00 *

012

NBR: S37050 PGM NBR: 9 FY: 1995/1996

AMT. RECOVERED
FROM PREVIOUS
ADJUSTMENT

LRSF086

DIVISION OF ACCOUNTING AND REPORTING
BUREAU OF LOCAL REIMBURSEMENTS
ACCOUNTS RECEIVABLE'S COLLECTIONS

04/23/99
09:39:04

PAYEE NBR: S37050 NAME: DEL MAR UNION SCHOOL DISTRICT PGM NBR: 9
CHAPTER: 6110-295-0001-1995 PGM: CERT TEACHERS EVAL CH 498/83 FY: 1995/1996
TO ACL CODE: 0001-000-9990-1996- 622 -00000000- - - - -
ORIGINAL OVERPAYMENT AMT: 26,399.00
NEW OVERPAYMENT BALANCE: 5,488.00

RECOVERY/BLOCKING SOURCE PGM NBR CHAPTER	RECOVERY SOURCE DESC	RECOVERY/BLOCKED INDICATOR FY	AMOUNT
0001-000-6100-1997- 295 32 6100-295-0001-1997	-00000000- -98-01-117- IMMUNIZATION RECORD CH 1176/77	RECOVERED 1997/1998	169.00
0001-000-6100-1998- 295 42 6110-295-0001-1998	-00000000- -98-01-048- MNDTD REIMB CH 486/75 (SCHOOL)	RECOVERED 1998/1999	4,717.00
0001-000-6100-1998- 295 153 6110-295-0001-1998	-00000000- -98-01-016- INTRADIST ATTEND CH161/93	RECOVERED 1998/1999	1,712.00

DC982052 More pages...

PAYEE NBR: S37050 PGM NBR: 9 FY: 1995/1996

PF9= AR OVERPAYMENTS

LRSF086

DIVISION OF ACCOUNTING AND REPORTING
BUREAU OF LOCAL REIMBURSEMENTS
ACCOUNTS RECEIVABLE'S COLLECTIONS

04/23/99
09:39:30

PAYEE NBR: S37050 NAME: DEL MAR UNION SCHOOL DISTRICT PGM NBR: 9
CHAPTER: 6110-295-0001-1995 PGM: CERT TEACHERS EVAL CH 498/83 FY: 1995/1996
TO ACL CODE: 0001-000-9990-1996- 622 -00000000- - - - . -

ORIGINAL OVERPAYMENT AMT: 26,399.00
NEW OVERPAYMENT BALANCE: 5,488.00

RECOVERY/BLOCKING SOURCE PGM NBR CHAPTER	RECOVERY/BLOCKED INDICATOR RECOVERY SOURCE DESC	AMOUNT
0001-000-6100-1998- 295 156 6110-295-0001-1998	-00000000- -98-01-030- SCH DIST CHOICE CH1262/94	RECOVERED 1998/1999 836.00
0001-000-6100-1998- 295 139 6110-295-0001-1998	-00000000- -98-01-096- PUPIL HEALTH SCREEN CH 1208/76	RECOVERED 1998/1999 2,365.00
0001-000-6100-1998- 295 145 6110-295-0001-1998	-00000000- -98-01-003- ANNL PARENT NOTICE CH 448/75	RECOVERED 1998/1999 410.00

DC982052 More pages...

PAYEE NBR: S37050 PGM NBR: 9 FY: 1995/1996

PF9= AR OVERPAYMENTS.

LRSF086

DIVISION OF ACCOUNTING AND REPORTING
BUREAU OF LOCAL REIMBURSEMENTS
ACCOUNTS RECEIVABLE'S COLLECTIONS

04/23/99
09:39:44

PAYEE NBR: S37050 NAME: DEL MAR UNION SCHOOL DISTRICT PGM NBR: 9
CHAPTER: 6110-295-0001-1995 PGM: CERT TEACHERS EVAL CH 498/83 FY: 1995/1996
TO ACL CODE: 0001-000-9990-1996- 622 -00000000- - - -

ORIGINAL OVERPAYMENT AMT: 26,399.00
NEW OVERPAYMENT BALANCE: 5,488.00

RECOVERY/BLOCKING SOURCE PGM NBR CHAPTER	RECOVERY/BLOCKED INDICATOR RECOVERY SOURCE DESC	AMOUNT
0001-000-6100-1998- 295 146 6110-295-0001-1998	-00000000- -98-01-008- SCHOOLSITE DISP RULE CH87/86	RECOVERED 348.00 1998/1999
0001-000-6100-1998- 295 75 6110-295-0001-1998	-00000000- -98-01-165- EMERGENCY PROCEDURE CH 1659/84	RECOVERED 7,681.00 1998/1999
0001-000-6100-1998- 295 109 6110-295-0001-1998	-00000000- -98-01-160- SCH CRIME STAT REPT CH 1607/84	RECOVERED 309.00 1998/1999

DC982051 Last page...

PAYEE NBR: S37050 PGM NBR: 9 FY: 1995/1996

PF9= AR OVERPAYMENTS

MANDATED COSTS

**FORM
TE-2**

Evaluator's Demonstrated Competence

ACTIVITY COST DETAIL

0. *

(02) Fiscal Year costs were incurred: 95-96

0. *

Competence in Instructional Methodology

300.00 +

Probationary Certificated Employee Policies

425.00 +

Parental Complaint Policies

725.00 *

Use the columns (a) through (f).

Cost Elements

(a) Kind and Activities Performed	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
-----------------------------------	------------------------------	------------------------------	---------------------------	----------------------------	-------------------------

*APPROVED
CONTRACTED SERVICES*

PROFESSIONAL TRAINING					
TEACHERS	100.00	3.00			300
CLERICAL	23.72	2.00	47		
	49.43	3.00	148		
	49.43	3.00	148		
	49.43	3.00	148		

(05) Total Subtotal

Page: 1 of 1

\$ 491 0 300

MANDATED COSTS

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

**FORM
TE-2**

(01) Claimant: DEL MAR UNION SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
BEAUCHANE, N/SECRETARY	23.24	2.00	46		
COX, M/SECRETARY	21.36	2.00	43		
LITTLER, MENDELSON-ATTORNEYS	100.00	4.25			425
ROSS, B/SECRETARY	23.24	25.00	581		
SEAWARD, S/PRINCIPAL	49.43	17.00	840		
SWENERTON, J/PRINCIPAL	49.43	50.00	2472		
WILSON, G/PRINCIPAL	49.43	8.00	395		

(05) Total Subtotal

Page: 1 of 1
774

\$ 4,377 0 425

MANIFEST SUMMARY REPORT BY ITEM CODE FOR 93-98
 S37050 DEL MAR UNION

Logid	Source Code	Sitename	Itemcode	Itemtitle	Rate	Loghours	Logcosts
SS00011	GL	DEL MAR HEIGHTS ELEMENTARY	I3B	BEAUCHANE, N/SECRETARY	23.24	2.000	46.48
SS00013	GL	DEL MAR HILLS ELEMENTARY	I3B	COX, M/SECRETARY	21.36	2.000	42.72
CB00007	VC	DISTRICT OFFICE	I3B	LITTLER, MENDELSON-ATTORNEYS	155.00	1.500	232.50
CB00009	VC	DISTRICT OFFICE	I3B	LITTLER, MENDELSON-ATTORNEYS	155.00	0.200	31.00
CB00011	VC	DISTRICT OFFICE	I3B	LITTLER, MENDELSON-ATTORNEYS	155.00	2.300	356.50
CB00015	VC	DISTRICT OFFICE	I3B	LITTLER, MENDELSON-ATTORNEYS	155.00	0.250	38.75
SS00001	GL	CARMEL DEL MAR ELEMENTARY	I3B	ROSS, B/SECRETARY	23.24	25.000	581.00
CB00008	LS	DEL MAR HEIGHTS ELEMENTARY	I3B	SEAWARD, S/PRINCIPAL	49.43	1.300	64.26
CB00010	LS	DEL MAR HEIGHTS ELEMENTARY	I3B	SEAWARD, S/PRINCIPAL	49.43	0.200	9.89
CB00012	LS	DEL MAR HEIGHTS ELEMENTARY	I3B	SEAWARD, S/PRINCIPAL	49.43	1.500	74.15
SS00011	GL	DEL MAR HEIGHTS ELEMENTARY	I3B	SEAWARD, S/PRINCIPAL	49.43	14.000	692.02
SS00001	GL	CARMEL DEL MAR ELEMENTARY	I3B	SWENERTON, J/PRINCIPAL	49.43	25.000	1,235.75
SS00001	GL	CARMEL DEL MAR ELEMENTARY	I3B	SWENERTON, J/PRINCIPAL	49.43	25.000	1,235.75
SS00013	GL	DEL MAR HILLS ELEMENTARY	I3B	WILSON, G/PRINCIPAL	49.43	8.000	395.44
						<u>-108.25</u>	<u>5,036.21</u>
TE00002	VC	DISTRICT OFFICE	01B	LITTLER, MENDELSON-ATTORNEYS	155.00	3.000	465.00
TE00001	GL	DISTRICT OFFICE	01B	MCCONNELL, J/EXEC. SECRETARY	23.72	2.000	47.44
TE00001	GL	DEL MAR HEIGHTS ELEMENTARY	01B	SEAWARD, S/PRINCIPAL	49.43	3.000	148.29
TE00001	GL	CARMEL DEL MAR ELEMENTARY	01B	SWENERTON, J/PRINCIPAL	49.43	3.000	148.29
TE00001	GL	DEL MAR HILLS ELEMENTARY	01B	WILSON, G/PRINCIPAL	49.43	3.000	148.29
						<u>14.00</u>	<u>957.31</u>

7
 8
 10
 15

LOOSE SHEET #7

SEARCHED ✓

DATE INDEXED

BY *aj* 1615

Page 4

GENERAL

DELMAR

1000

2469702

- workshop for administrators covering various aspects of employee evaluation and discipline including tips, strategies, relevant law, current Board policies and other items; review of letter and finalized copies of Board Policies in four separate series to Joan McConnell in response to her request; discussion with Dr. Harriman about the District continuing to act professionally in Felix Lehmann matter.
- 6/20/96 RJC .20 Discussion with Dr. Harriman about teacher who orally accepted offer of employment from the District and latest developments re Martin Good, and negotiations within transportation agency, and any legal issues re assignment of Felix Lehmann.
- 6/20/96 RJC .20 Review of fax from the District which is a draft of a performance review from Stewart Seaward to Debbie Moehnke and preparation of list of items to discuss with Dr. Seaward.
- 6/21/96 RJC .20 Discussion with Stewart Seaward about changes to draft of performance evaluation statement to secretarial assistant Debbie Moehnke.
- 6/25/96 RJC 5.00 Legal research re issues involving assignment of teachers including relevant Education Code sections and court decisions; meeting with Dr. Harriman and several other representatives of the District including all three principals to provide extensive handout and legal and practical advice on employee evaluations and discipline with references to law and current Board Policies; meeting with Dr. Harriman on latest developments and thinking re probationary employee Martin Good.
- 6/26/96 WWM .20 Telephone conference with K. Tanner re Baldwin land transaction, appraisal of value, and re use of district lease proceeds.
- 6/27/96 GWP 1.60 Office research re facts re nursing situation at District; legal research re whether typical nursing functions can be performed by a classified health aid, rather than by a certificated nurse under the Education Code;

OIB
3.00

LITTLER, MENDELSON, FASTIFF, TICHY & MATTHIASON
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

LOGSHEET #037
Source VC
Date Entered 11-15
By aj

Page 5

GENERAL

DELMAA 1000 2437269

LOGSHEET #038
Source LS
Date Entered
By aj 11-15

- 2/15/96 SHS .30 Telephone conference with Jeff Swinerton re District special education instructional aide working for parent and related issues.
- 2/21/96 WWM .40 Preliminary review and analysis of draft Hanna Feneschal lease; telephone conference from K. Tanner re same.
- 2/22/96 WWM .80 Telephone conference from R. Harriman, S. Seaward re attorney parent complaint re drama production selection; review and analysis of letter from attorney; telephone conference from attorney Prater re same; followup telephone conference with S. Seaward re same and re his ongoing meeting with the parents.
- 2/23/96 RJC .10 Discussion with Kathy Tanner about new draft of Board Policy 5010 and possible minor change to make at time of adoption by the Board.
- 2/23/96 WWM .70 Telephone conference with R. Harriman and S. Seaward re drama production dispute, results of Seaward factual investigation re same, and with R. Harriman re JPA issues, plan to wait two more weeks for Bort opinion on followup questions and for high school response.
- 2/28/96 RJC .20 Review of faxed memo from Joan McConnell on status of latest drafts of Board Policies in 5000 Series, questions about Board Policy 6017, inquiry about status of Board Policies in 2000 Series and 3000 Series; review of proposed changes or questions involving provision in Board Policy 6017, and follow-up contact with Gayle about Board Policies and identifying Board Policy 4203 as providing one year probationary period for classified employees.

F387
1.50
1.80

Total Fees:

7,285.00

LOGSHEET # CB9
Source VC
Date Entered 11-15
By aj

June 18, 1996

DEL MAR UNION SCHOOL DISTRICT
DR. ROBERT L. HARRIMAN
225 NINTH ST.
DEL MAR, CA 92014-2716
PRIVILEGED AND CONFIDENTIAL

LOGSHEET # CB10
Source LS
Date Entered 11-15
By aj

For legal services through May 31, 1996

Invoice # 2464035 1133
Client Code: DELMAA

RE: GENERAL

Matter Number: 1000

Date	Atty	Time	Description of Work
5/01/96	WWM	1.20	Telephone conference with R. Harriman re status of H. Gad letter to high school; telephone conference with H. Gad re same and re his assurance letter will go out this week; telephone conference with M. Goode re Fenichel attorney seeking fire insurance, placement of call to same; review and analysis of Hall memo 4/22 re JPA issues, relocatable costs; telephone conference with Fenichel lawyer re fire insurance and lease issues, willingness to review his proposed language, reservations re same and effect on district insurance coverage and cost.
5/02/96	RJC	.40	Review of fax from Dr. Harriman which is draft of unusual note to file from principal Seward re complaint of possible misconduct by teacher Rybarczyk; discussion with Dr. Harriman about unusual note and need for a reprimand if warranted, and also initial proposal from the local CTA and Dr. Harriman's discussions with the local CTA's chief negotiator.
5/02/96	WWM	.70	Telephone conferences (2) with H. Gad re his need to send letter to high school re response to Del Mar proposal in February; telephone conference with client re same and re need not to modify analysis in order to avoid confusion re Del Mar

I3B =
.20
~~1.20~~
L3D .20

CONFIDENTIAL
INFORMATION COPY

LITTLE MENDELSON, FASTIFF, TICHY & MATTHEWSON
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

LOGSHEET # CB 11
Source VC
Date Entered 11-15
By aj

Page 2

GENERAL

DELMAR

1000

2464035

LOGSHEET # CB 12
Source LS
Date Entered 11-15
By aj

- February position.
- 5/03/96 WWM .60 Review and analysis of letter from Fenichel attorney re additional lease provision; telephone conference with H. Gad re his letter to be sent today to high school re JPA issues, telephone conference with client re same.
- 5/04/96 WWM .80 Review of Gad letter to high school district re need for their response re allocation issues; review of faxed agenda for 5/8 meeting of JPA board; begin review of client transmitted lease documents, architect volunteer agreement.
- 5/06/96 WWM 3.10 Review of draft architect agreement and JPA materials; preparation of letter to client re Blanchard proposed language for Fenichel lease, analysis of same; review of letter from Rinear re architect coverage; preparation of letter to client re same; begin review and analysis of mandated costs proposal and two contracts; telephone conference with M. Good re same.
- 5/07/96 RJC .10 Discussion with Dr. Harriman on status of parent complaint against Lynn Rybarczyk for milk incident on April 24.
- 5/08/96 RJC 2.20 Review of additional material from Stu Seaward re incident involving teacher Lynn Rybarczyk and pupil Jensen Hassett; discussion with Stu Seaward on his performance on how to proceed, his belief that Lynn Rybarczyk acted inappropriately, and decision to proceed with a reprimand to the teacher; drafting of (initial and final) reprimand from Stu Seaward to Lynn Rybarczyk for fax transmission to Stu Seaward for review.
- 5/08/96 WWM .30 Review Gad correspondence faxed from client.
- 5/11/96 WWM .50 Review and analysis of Del Mar Neighborhood No. 4 title report faxes by client.
- 5/13/96 WWM 2.20 Telephone conference with K. Tanner re her request to attend 5/14 JPA meeting and re title report re school site, major liens against same, need for seller to client up at escrow; review and analysis of 50 pages of JPA documents re 5/14 agenda; followup telephone conference with R. Harriman and K. Tanner re same, issues to be

ISB = 2.30

~~ISB = 1.50~~

LOGSHEET # CB15
Source VC
Date Entered
By *af* 1/15

July 23, 1996

DEL MAR UNION SCHOOL DISTRICT
DR. ROBERT L. HARRIMAN
225 NINTH ST.
DEL MAR, CA 92014-2716
PRIVILEGED AND CONFIDENTIAL

LOGSHEET # CB16
Source LS
Date Entered 1/15
By *af*

For legal services through June 30, 1996

Invoice # 2469702 1133
Client Code: DELMAA

RE: GENERAL

Matter Number: 1000

Date	Atty	Time	Description of Work
6/01/96	WWM	1.20	Review and analysis of CCW lease, preparation of suggested revisions to same; review Berrier letter re high school issues.
6/03/96	WWM	.30	Review CCW lease changes, telephone conference with K. Tanner reviewing same and re Berrier letter re JPA issues, board meeting 6/12 re same, probable need to send board authorized summary letter.
6/04/96	RJC	2.00	Review of messages and correspondence from the District including Marcie Singer matter, determining seniority for classified employees, early retirement request from Sandra Mosteller, complaint from Randy and Linda Strause against teacher Rybarczyk and continuing review of Board Policy issue on class sizes; discussions with Joan McConnell on Board Policy 6015 and preparations on agenda items for negotiations, as well as Singer and other items; Gayle about possible layoffs or reassignments of instructional aides, complaint against Rybarczyk and Sandra Mosteller matter; and Kathy Tanner about class size issue; drafting of (initial and final) new proposed voluntary retirement agreement for Sandra Mosteller utilizing and referencing two new Board Policies and agreement

L30 = .75
T3B = .25

**CONFIDENTIAL
INFORMATION COPY**

MANDATED COSTS

FORM

Evaluator's Demonstrated Competence

TE-2

CONTENT / ACTIVITY COST DETAIL

(02) Fiscal Year costs were incurred: 95-96

2,962.00 +
 279.00 +
 1,200.00 +
 261.00 +
 4,825.00 +
 1,240.00 +
 3,970.00 +
 3,808.00 +
 4,912.00 +
 5,078.00 +
 3,048.00 +
 800.00 +

- Competence in Instructional Methodology
- Probationary Certificated Employee Policies
- Parental Complaint Policies

Use the following columns (a) through (f). Cost Elements

(a) and Activities Performed	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
PROB. TEACHERS	44.80	21.00	179 940		
	46.32	92.00	185 4261		
	49.36	60.00	2962		
	30.50	21.00	122 641		
	23.24	12.00	279		
	60.47	20.00	1209		
	21.36	45.00	961		
	38.36	92.00	153 3529		
	56.77	85.00	4825		
	33.92	92.00	136 3121		
	41.34	30.00	1240		
	46.81	85.00	3979		
	35.80	21.00	143 751		
	41.53	5.50	166 228		
	44.80	85.00	3808		
	57.79	85.00	4912		
	41.89	72.00	168 3017		
	41.53	21.00	166 872		
	32.02	92.00	128 2946		
	35.80	72.00	143 2577		
	59.74	85.00	5078		
	33.92	21.00	136 712		
	46.45	85.00	3948		
	35.80	92.00	143 3293		
	40.01	20.00	800		
	33.92	82.00	136 2782		

Salaries of Probationary Teachers are not reimbursable

PT

APPROVED SALARIES OF NON-PROBATIONARY TEACHERS

- P2 PRITCHARD, S/TEACHER
- P1 QUINN, M/TEACHER
- T REGAN, J/TEACHER
- P1 SLEET, A/TEACHER
- T SMITH, C/TEACHER
- P1 TEISHER, C/TEACHER
- T WILLIAMS, G/TEACHER
- P1 WRIGHT, J/TEACHER

(05) Total Subtotal

1240
 63,571

S37050 DEL MAR UNION

Logid	Source Code	Sitename	Itmcode	Nametitl	Rate	Loghours	Logcosts
PT00001	GL	DEL MAR HILLS ELEMENTARY	H2B	BACCI, C,TEACHER	44.80	4.000	179.20
SS00014	GL	DEL MAR HILLS ELEMENTARY	H2B	BACCI, C,TEACHER	44.80	8.000	358.40
SS00014	GL	DEL MAR HILLS ELEMENTARY	H2B	BACCI, C,TEACHER	44.80	9.000	403.20
PT00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	BARGER, P/TEACHER	46.32	4.000	185.28
SS00007	GL	CARMEL DEL MAR ELEMENTARY	H2B	BARGER, P/TEACHER	46.32	3.000	138.96
SS00003	GL	CARMEL DEL MAR ELEMENTARY	H2B	BARGER, P/TEACHER	46.32	85.000	3,937.20
SS00002	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	BARTLETT, K/TEACHER	49.36	60.000	2,961.60
PT00001	GL	DEL MAR HILLS ELEMENTARY	H2B	BAXTER, S/TEACHER	30.50	4.000	122.00
SS00014	GL	DEL MAR HILLS ELEMENTARY	H2B	BAXTER, S/TEACHER	30.50	8.000	244.00
SS00014	GL	DEL MAR HILLS ELEMENTARY	H2B	BAXTER, S/TEACHER	30.50	9.000	274.50
SS00014	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	BEAUCHANE, N/SECRETARY	23.24	12.000	278.88
SS00014	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	BONNAFOUX, N/TEACHER	60.47	20.000	1,209.40
SS00014	GL	DEL MAR HILLS ELEMENTARY	H2B	COX, M/SECRETARY	21.36	45.000	961.20
PT00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	FARMER, K/TEACHER	38.36	4.000	153.44
SS00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	FARMER, K/TEACHER	38.36	3.000	115.08
SS00002	GL	CARMEL DEL MAR ELEMENTARY	H2B	FARMER, K/TEACHER	38.36	85.000	3,260.60
SS00003	GL	CARMEL DEL MAR ELEMENTARY	H2B	GITTELSOHN, M/TEACHER	56.77	85.000	4,825.45
PT00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	GODSEY, A/TEACHER	33.92	4.000	135.68
SS00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	GODSEY, A/TEACHER	33.92	3.000	101.76
SS00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	GODSEY, A/TEACHER	33.92	85.000	2,883.20
SS00001	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	HAGGERTY, A/TEACHER	41.34	30.000	1,240.20
SS00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	JACKSON, H/TEACHER	46.81	85.000	3,978.85
PT00001	GL	DEL MAR HILLS ELEMENTARY	H2B	KANTNER, H/TEACHER	35.80	4.000	143.20
SS00014	GL	DEL MAR HILLS ELEMENTARY	H2B	KANTNER, H/TEACHER	35.80	8.000	286.40
SS00014	GL	DEL MAR HILLS ELEMENTARY	H2B	KANTNER, H/TEACHER	35.80	9.000	322.20
PT00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	LANG, L/TEACHER	41.53	4.000	166.12
SS00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	LANG, L/TEACHER	41.53	1.500	62.30
SS00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	LAURI, C/TEACHER	44.80	85.000	3,808.00
SS00006	GL	CARMEL DEL MAR ELEMENTARY	H2B	NELSON, S/TEACHER	57.79	85.000	4,912.15
PT00001	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	ORR, J/TEACHER	41.89	4.000	167.56
SS00001	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	ORR, J/TEACHER	41.89	4.000	167.56
SS00012	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	ORR, J/TEACHER	41.89	60.000	2,513.40
SS00001	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	ORR, J/TEACHER	41.89	4.000	167.56
PT00001	GL	DEL MAR HILLS ELEMENTARY	H2B	PIKE, K/TEACHER	41.53	4.000	166.12
SS00014	GL	DEL MAR HILLS ELEMENTARY	H2B	PIKE, K/TEACHER	41.53	8.000	332.24
SS00014	GL	DEL MAR HILLS ELEMENTARY	H2B	PIKE, K/TEACHER	41.53	9.000	373.77
PT00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	PRITCHARD, S/TEACHER	32.02	4.000	128.08
SS00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	PRITCHARD, S/TEACHER	32.02	3.000	96.06
SS00006	GL	CARMEL DEL MAR ELEMENTARY	H2B	PRITCHARD, S/TEACHER	32.02	85.000	2,721.70
PT00001	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	QUINN, M/TEACHER	35.80	4.000	143.20
SS00012	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	QUINN, M/TEACHER	35.80	4.000	143.20
SS00012	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	QUINN, M/TEACHER	35.80	60.000	2,148.00
SS00011	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	QUINN, M/TEACHER	35.80	4.000	143.20
SS00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	REGAN, J/TEACHER	59.74	85.000	5,077.90
PT00001	GL	DEL MAR HILLS ELEMENTARY	H2B	SLEET, A/TEACHER	33.92	4.000	135.68
SS00014	GL	DEL MAR HILLS ELEMENTARY	H2B	SLEET, A/TEACHER	33.92	8.000	271.36
SS00014	GL	DEL MAR HILLS ELEMENTARY	H2B	SLEET, A/TEACHER	33.92	9.000	305.28
SS00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	SMITH, C/TEACHER	46.45	85.000	3,948.25
PT00001	GL	CARMEL DEL MAR ELEMENTARY	H2B	TEISHER, C/TEACHER	35.80	4.000	143.20
SS00002	GL	CARMEL DEL MAR ELEMENTARY	H2B	TEISHER, C/TEACHER	35.80	3.000	107.40
SS00007	GL	CARMEL DEL MAR ELEMENTARY	H2B	TEISHER, C/TEACHER	35.80	85.000	3,043.00
SS00012	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	WILLIAMS, G/TEACHER	40.01	20.000	800.20
PT00001	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	WRIGHT, J/TEACHER	33.92	4.000	135.68
SS00012	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	WRIGHT, J/TEACHER	33.92	4.000	135.68
SS00012	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	WRIGHT, J/TEACHER	33.92	70.000	2,374.40
SS00011	GL	DEL MAR HEIGHTS ELEMENTARY	H2B	WRIGHT, J/TEACHER	33.92	4.000	135.68

1,493.50 63,673.81

SCHOOL SITE
 MANDATED COST TIME LOG

Name: Carol Smith Site: Carmel Del Mar
 Title: Teacher(s) District: Del Mar Union SD. .FY 1995/96

Mandate	Date	Description of Activity	Time Spent		Other costs (Supplies, mileage, printing, etc.)
			Hours	Minutes	
P.T.T.	1995/96	Time spent training/assisting/ evaluating the following probationary teachers: H. Farmer			
		August	20		
		September	10		
		October	10		
		November	10		
		December	5		
		January	5		
		February	5		
		March	5		
		April	5		
		May	5		
		June	5		
MCC		Time Spent Preparing This Log Sheet			

Mandate:
 AIDS—AIDS Instruction
 CSSA—California Safe Schools Assessment
 CMP—Credential Monitoring Process
 EPED—Emergency Procedures
 G—Grievances
 RC—Inventory & Removal of Chemicals
 JCN—Juvenile Court Notices
 MCC—Mandated Cost Claims
 NOT—Notification of Truancy
 NT—Notification To Teachers-Susp./Exp.
 PC—Parental Complaints Against Dist. Emp.'s
 PFT—Physical Fitness Testing
 PTT—Probationary Teacher Training
 PCS—Pupil Counseling-Suspensions
 PHS—Pupil Health Screenings
 SDC—School Dist. Of Choice-Sending District
 SDDR—School Site Discipline Rules

Jeffrey R. Sweetenham
 Joyce Signature

6-17/96
 Date

These forms may be handwritten or typed.
 If you have any questions, call Mandated Cost Systems at (916) 487-4435.

SCHOOL SITE
 MANDATED COST TIME LOG

Name: James Regan

Site: Carmel Del Mar

Title: Teacher (S)

District: Del Mar Union SD. FY 1995/96

Mandate	Date	Description of Activity	Time Spent		Other costs (Supplies, mileage, printing, etc.)
			Hours	Minutes	
PTT	1995/96	Time spent training / assisting evaluating the following probationary teachers:			
		<u>Pam Darger</u>			<u>11/25</u>
		August	20		
		September	10		
		October	10		
		November	10		
		December	5		
		January	5		
		February	5		
		March	5		
		April	5		
		May	5		
		June	5		
MCC		Time Spent Preparing This Log Sheet			

- Mandate:
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 - CSSA—California Safe Schools Assessment
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 - G—Grievances
 - PC—Parental Complaints Against Dist. Emp.'s
 - SSDR—School Site Discipline Rules
 - RC—Inventory & Removal of Chemicals
 - PFT—Physical Fitness Testing

Jeffrey R. Swenitzer
 Employee Signature

6-17-96
 Date

These forms may be handwritten or typed.
 If you have any questions, call Mandated Cost Systems at (916) 487-4435.

LOOSE SHEET # 554
 Source *GL*
 Date Entered
 By *JF* 1/15

SCHOOL SITE
 MANDATED COST TIME LOG

Name: *M. Jackson / L. Shepherd* Site: *Carmel Del Mar*

Title: *Teacher (S)* District: *Del Mar Union SD.* FY: *1995/96*

Mandate	Date	Description of Activity	Time Spent		Other costs (Supplies, mileage, printing, etc.)
			Hours	Minutes	
<i>PTT</i>	<i>1995/96</i>	<i>Time spent training/assisting/ evaluating the following probationary teachers):</i>			
		<i>A. Godsey</i>			<i>1/205</i>
		<i>August</i>	<i>20</i>		<i>8/5.02</i>
		<i>September</i>	<i>10</i>		
		<i>October</i>	<i>10</i>		
		<i>November</i>	<i>10</i>		
		<i>December</i>	<i>5</i>		
		<i>January</i>	<i>5</i>		
		<i>February</i>	<i>5</i>		
		<i>March</i>	<i>5</i>		
		<i>April</i>	<i>5</i>		
		<i>May</i>	<i>5</i>		
		<i>June</i>	<i>5</i>		
<i>MCC</i>		<i>Time Spent Preparing This Log Sheet</i>			

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 PCS—Pupil Counseling-Suspensions
 PHS—Pupil Health Screenings
 SDC—School Dist. Of Choice-Sending District
 SSSDR—School Site Discipline Rules

Jeffrey R. Swenerton
 Employee Signature

10-17-96
 Date

These forms may be handwritten or typed.
 If you have any questions, call Mandated Cost Systems at (916) 487-4435.

LOGSHEET # 555
 Source GC
 Date Entered By *aj 11/15*

SCHOOL SITE
 MANDATED COST TIME LOG

Name: *M. Gittlesohn* Site: *Carmel Del Mar*
 Title: *Teacher(s)* District: *Del Mar Union SD. FY 1995/96*

Mandate	Date	Description of Activity	Time Spent		Other costs (Supplies, mileage, printing, etc.)
			Hours	Minutes	
<i>PTT</i>	<i>1995/96</i>	<i>Time spent training/assisting/ evaluating the following probationary teachers: *Christen Tiesher</i>			
		<i>August</i>	<i>20</i>		
		<i>September</i>	<i>10</i>		
		<i>October</i>	<i>10</i>		
		<i>November</i>	<i>10</i>		
		<i>December</i>	<i>5</i>		
		<i>January</i>	<i>5</i>		
		<i>February</i>	<i>5</i>		
		<i>March</i>	<i>5</i>		
		<i>April</i>	<i>5</i>		
		<i>May</i>	<i>5</i>		
		<i>June</i>	<i>5</i>		
<i>MCC</i>		<i>Time Spent Preparing This Log Sheet</i>			

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 SDC—School Dist. Of Choice-Sending District
 SDR—School Site Discipline Rules

Jeffrey R. Switzer
 Employee Signature Date *6-17-96*

SCHOOL SITE
 MANDATED COST TIME LOG

By *dy* 11-15

Name: Sandra Nelson / Cynthia Laurie Site: Carmel Del Mar

Title: Teacher(s) District: Del Mar Union SD. FY 1995/96

Mandate	Date	Description of Activity	Time Spent		Other costs (Supplies, mileage, printing, etc.)
			Hours	Minutes	
PTT	1995/96	Time spent training / assisting / evaluating the following probationary teachers: <u>Sarah Pritchard</u>			
		August	20		
		September	10		
		October	10		
		November	10		
		December	5		
		January	5		
		February	5		
		March	5		
		April	5		
		May	5		
		June	5		
MCC		Time Spent Preparing This Log Sheet			

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 PCS—Pupil Counseling-Suspensions
 PHS—Pupil Health Screenings
 SDC—School Dist. Of Choice-Sending District
 SDDR—School Site Discipline Rules

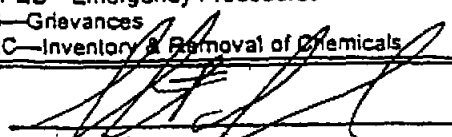
Jeffery R. Sweeten 6-17-96
 Employee Signature Date

**SCHOOL SITE
 MANDATED COST TIME LOG**

Name: Stewart A. Seward Site: Dal Mar Heights E.S.
 Title: Principal District: Dal Mar USD. FY: 95/96

Mandate	Date	Description of Activity	Time Spent		Other costs (Supplies, mileage, printing etc.)
			Hours	Minutes	
PTT	95/96	Time spent by Nancy Beauchamp	12	-	H2B
		training, assisting, and evaluating			
		the following probationary teachers:			
		- Jill Wright	4	-	H2B =
		- Janet Orr	4	-	Orr - 60.00
		- Melissa Quinn	4	-	Wright - 70.00 Quinn - 60.00
PTT	95/96	Time spent by Ann Kathleen Bartlett	60	-	
		training, assisting, and evaluating	H2B		
		the following probationary teachers:			
		- Janet Orr (weekly 1.5 hrs each Thurs)	60	-	
		- Melissa Quinn (weekly " ")	60	-	
PTT	95/96	Time spent by the following teachers:			
		- Annie Haggerty	30	-	
		- Gina Williams	20	-	H2B
		- Nancy Bonatoux	20	-	
		Assisting, training, evaluating Prob. Tch. Jill Wright	70	-	
MCC		Time Spent Preparing This Log Sheet			

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 PTT—Probationary Teacher Training
 PCS—Pupil Counseling—Suspensions
 PHS—Pupil Health Screenings
 SDC—School Dist. Of Choice—Sending District
 SSSD—School Site Discipline Rules


 Employee Signature

2/20/96
 Date

SCHOOL SITE
 MANDATED COST TIME LOG

Name: Gary L. Wilson Site: Del Mar Hills
 Title: Principal District: Del Mar U.S.D. FY: 95/96

Mandate	Date	Description of Activity	Time Spent		Other costs (Supplies, mileage, printing, etc.)
			Hours	Minutes	
PTT	95/96	Time Spent by Principal Wilson training, assisting & evaluating the following probationary teachers:			
		- Kristine Pike	8	-	
		- Carrie Bacci	8	-	
		- Sharon Baxter	8	-	
		- Andrea Sleet	8	-	
		- Hayley Kartner	8	-	
PTT	95/96	Time Spent by Martha Cox training, assisting & evaluating the following probationary teachers:	45	-	HZB
		- Kristine Pike	9	-	
		- Carrie Bacci	9	-	
		- Sharon Baxter	9	-	
		- Andrea Sleet	9	-	
		- Hayley Kartner	9	-	
MCC		Time Spent Preparing This Log Sheet			

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 - G—Grievances
 - PC—Parental Complaints Against Dist. Emp.'s
 - SSDR—School Site Discipline Rules
 - RC—Inventory & Removal of Chemicals
 - PFT—Physical Fitness Testing

Employee Signature: Gary Wilson Date: 5/5/96

March 29, 1999

Jeff Yee
Manager, Local Reimbursement Section
Division of Accounting and Reporting
State Controller's Office
P.O. Box 942850
Sacramento, CA 94250-5875

RE: Reconsideration Request (CTE 98-80)

Dear Mr. Yee:

The Del Mar Union School District, Claimant ID S37050 received a letter dated August 5, 1998 that disallowed costs on its 1995/96 Certification of Teacher Evaluator's Demonstrated Competence Chapter 498/83 claim as follows:

1)	Training Time for Non-probationary Teachers	\$	34,714
2A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$	28,855
2B)	4 hours Training Time Disallowed for Probationary Teachers	\$	2,583
3)	Contracted Services	\$	725
	Total	\$	66,877

On August 31, 1998 one of my staff met with Eduardo Antonio to obtain the composition of this adjustment and to copy the work papers used in reviewing this claim.

Issue #1 - Training Time for Non-probationary Teachers (Trainers) Disallowed:

District personnel with the assigned responsibility to train and assist probationary teachers were disallowed. The State Controller's Office Claiming Instructions for this program states that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, (not including the site principal, ... used to train, assist or evaluate probationary teachers are reimbursable."

In reviewing the work papers provided by your office, it is clear that salary and benefits of employees that were used to train and assist probationary teachers were disallowed. It appears that all teachers listed on the claim were assumed to be probationary teachers. In addition, our office has no record of receiving a request for additional information on this claim.

Please note that the Probationary Certificated Employees Policies component code is H2B. We have attached a detailed report with component code H2B, that itemizes the source of all charges to this component and the documentation to support these charges. Also, we have identified these Non-Probationary Teacher (Trainers) on the attached claim with a "T". These costs should be reinstated.

Issue #2 A & B - Probationary Teacher Time Disallowed:

The Claiming Instructions and Parameters & Guidelines are silent on whether the time spent by probationary teachers is reimbursable. We feel strongly that these are legitimate costs of the mandate and that they are reimbursable. The State Controller's Office Claiming Instructions state that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable".

A) The time spent by probationary teachers receiving additional training and assistance would be included as a cost of training, assisting and evaluating probationary teachers.

B) In addition, the district requires its probationary teachers to attend 4 hours each fiscal year for teacher training. These training sessions exceed what is provided to permanent teachers and there are costs incurred by the district.

There is an identifiable increased cost to the school district for worked by probationary teachers and worked specifically attributable to the mandate of probationary teacher training. Recent rulings by the Commission on State Mandates on test claims that involve teacher training costs have indicated that if the district incurs an increased cost of some kind (i.e. substitutes, stipends, overtime pay or an extended work year) then this identifiable increased cost would be reimbursable.

The probationary teachers are identified on the attached claim with a "P1" for 1st year teachers or "P2" for 2nd year teachers.

Issue #3 - Contracted Services Disallowed:

Our records indicate that the required invoices for contracted services were sent to your office with the claim. I also have our signed transmittal form that shows your office's receipt of the claim and attached backup documentation. Prior to sending your office any claim that requires supporting documentation, we double check to make sure that we have attached the required backup.

Comments on the claim do not acknowledge receipt of these invoices, nor an explanation as to why these claimable costs were denied under the "Competence in Instructional Methodology" and "Parental Complaint Policies" component. We have resubmitted these invoices with the following comments:

According to the claiming instructions for the following component:

Competence in Instructional Methodology

"The costs of training programs provided to administrators for the purpose of meeting certification requirements adopted by the governing board are reimbursable. Eligible Costs include...contracts for administrators to be trained locally (consultant fees, materials, travel, meals and lodging for trainers)..."

The costs of Del Mar Unified School District using Littler, Mendelson, Fastiff, Tichy & Mathiason, Consultants, in the area of certifying administrators to be teacher evaluators was disallowed. Your office found the costs for the three principals to be involved in this three hour training to be reimbursable; however, you disallowed the contracted service costs for this same training. We have resubmitted the attorney bill and ask that these costs be reinstated.

According to the claiming instructions for the following component:

Parental Complaint Policies

"The cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulation by the claimant in compliance with Education Code Section 35160.5 are reimbursable."

Parental Complaint Issues Involving Legal Council

We believe the following parental complaint cases, based on the attorney bills we have submitted and per our clients verification, fall under the language of Education Code Section 35160.5:

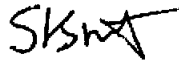
"The invoices submitted for time spent on parental complaints covered two issues. Both of the parental complaint issues were against teachers and resulted in the parents obtaining legal council. Therefore, the district consulted their legal representatives to help with these parental complaint issues. While one of the issues was quickly resolved, the second complaint issue (teacher Rybarczyk) was based on "inappropriate misconduct" directed towards a student. The district conducted an in house investigation and it was concluded that teacher Rybarczyk would receive a formal reprimand."

Conclusion:

Based on the additional information and clarifications listed above, **I request that \$66,877 in incorrectly reduced costs be reinstated.** Please notify me within four weeks (April 26, 1999) of the State Controller's Office's decision on this matter. In the absence of a response within four weeks, we will assume that you intend to stand by this adjustment and not reinstate these costs.

If you have any questions or need any additional information, please contact me at (916) 487-4435.

Sincerely,



Steve Smith
President
Mandated Cost Systems, Inc.

SS/KDR

Enclosures

cc: Paulette Anderson, Del Mar Union School District

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

Statewide Use Only

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

____ / ____ / ____

L
A
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E
L
H
E
R
E

(01) Claimant Identification Number:
S37050

(02) Mailing Address

Claimant Name
DEL MAR UNION SD

County Of Location
SAN DIEGO COUNTY

Street Address or P.O. Box
225 NINTH STREET

City State Zip Code
DEL MAR CA 92014-2716

Reimbursement Claim Data

(22) TE-1,(04)(1)(d) 791

(23) TE-2,(04)(2)(d) 63,671

(24) TE-1,(04)(3)(d) 4,802

(25) TE-1,(05)(d) 69,264

(26) TE-1,(06) 5,9600

Type of Claim Estimated Claim Reimbursement Claim

10/15/97

(03) Estimated
(04) Combined
(05) Amended

(09) Reimbursement
(10) Combined
(11) Amended

(27) TE-1,(11) 73,349

(28)

(29)

(30)

Fiscal Year of Cost (06) 19 ____ / ____ (12) 19 95 / 96

Total Claimed Amount (07) (13) \$ 73,349

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable) (14)

Less: Estimate Payment Received (15)

Net Claimed Amount (16) \$ 32,871

Due From State (08) (17) \$ 93,349

Due to State (18) 26,399

(32) 49818

(33)

(34) 32871

(35) 16947 - AMT. DUE CLAIMANT

(36)

(37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

ROBERT L. HARRIMAN

Type or Print Name

Date

11/19/92

DISTRICT SUPERINTENDENT

Title

(39) Name of Contact Person For Claim

Steve Smith, Mandated Cost Systems

Telephone Number

916-487-4435

Ext.

MANDATED COSTS

FORM

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY**

TE-1

(01) Claimant:
S37050
DEL MAR UNION SD

(02) Type of Claim:
Reimbursement
Estimated

Fiscal Year:
19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:

Yes No

a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?

X

b. If yes, explain.

Direct Costs

Cost Elements

(04) Reimbursable Components:

	(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
1. Certification of Teacher Evaluators	491	0	300	791
2. Probationary Certified Employee Policies	53,677	0	0	53,677
3. Parental Complaint Policies	4,377	0	425	4,802
(05) Total Direct Costs	58,539	0	725	69,264

9894 - 42360

9894 - 62431

9911 - 725

Indirect Costs

(06) Indirect Cost Rate J-380 or J-580, as applicable 5.9600 %

(07) Indirect Costs $[(\text{Line (05)(d)} - \text{line (05)(c)}) \times \text{line (06)}]$ 9920 - 2482 1603 4,083 364

(08) Total Costs: $[\text{Line (05)(d)} + \text{line (07)}]$ 73,349 6472 28507

Cost Reduction

(09) Less: Offsetting Savings, if applicable ADD: AMT. RECOVERED FROM PREVIOUS ADJUSTMENT 21,311

(10) Less: Other Reimbursements, if applicable 49818

(11) Total Claimed Amount: $[\text{Line(08)} - [\text{Line(09)} + \text{line(10)}]]$ 6472 73,349 6472

Revised 10/95

73349
21311
44660

79542360
2482
44842

Chapter 498/83

Issue 1

Non-Probationary
Teacher Time

2,952.00 +
 1,209.00 +
 4,325.00 +
 1,240.00 +
 3,979.00 +
 3,893.00 +
 4,912.00 +
 5,373.00 +
 3,943.00 +
 300.00 +

010

32,761.00 +

indirect
costs

32,761.00 X
 5.96 %
 1,952.53 +

total

1,952.53 +
 34,713.53 +

Issue 3

Contracted
Services

300.00 +
 425.00 +

002

total

725.00 +

Issue 2A

Probationary
Teacher Time

940.00 +
 4,231.00 +
 531.00 +
 3,529.00 +
 3,121.00 +
 751.00 +
 228.00 +
 3,317.00 +
 172.00 +
 2,945.00 +
 2,577.00 +
 712.00 +
 2,293.00 +
 2,732.00 +

010

29,670.00 +

indirect
costs

29,670.00 X
 5.96 %
 1,758.33 +

total

1,758.33 +
 31,428.33 +



31,400.00 +

issue 2B 2,583.30 -

000

total

23,855.03 +

Issue 2A

Issue 2B

4 hours training
time for
Probationary Teachers

170.00 +
 135.00 +
 110.00 +
 150.00 +
 130.00 +
 143.00 +
 100.00 +
 100.00 +
 151.00 +
 100.00 +
 100.00 +
 120.00 +
 143.00 +
 130.00 +
 143.00 +
 130.00 +

010

2,433.00 +

indirect
costs

2,433.00 X
 5.96 %
 145.30 +

total

145.30 +
 2,578.30 +

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DEL MAR UNION SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology,
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING					
LITTLER, MENDELSON-ATTORNEYS	100.00	3.00			300
MCCONNELL, J/EXEC. SECRETARY	23.72	2.00	47		
SEAWARD, S/PRINCIPAL	49.43	3.00	148		
SWENERTON, J/PRINCIPAL	49.43	3.00	148		
WILSON, G/PRINCIPAL	49.43	3.00	148		

(05) Total Subtotal

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DEL MAR UNION SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component:

Competence in Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
BEAUCHANE, N/SECRETARY	23.24	2.00	46		
COX, M/SECRETARY	21.36	2.00	43		
LITTLER, MENDELSON-ATTORNEYS	100.00	4.25			425
ROSS, B/SECRETARY	23.24	25.00	581		
SEAWARD, S/PRINCIPAL	49.43	17.00	840		
SWENERTON, J/PRINCIPAL	49.43	50.00	2472		
WILSON, G/PRINCIPAL	49.43	8.00	395		

(05) Total Subtotal

Page: 1 of 1

\$ 4,377 0 425



RECEIVED
8/18/98

S37050

KATHLEEN CONNELL
CONTROLLER OF THE STATE OF CALIFORNIA
DIVISION OF ACCOUNTING AND REPORTING

*Att? ?
S. Smith?
K. Rubick?
A. Justice?*

AUGUST 5, 1998

BOARD OF TRUSTEES
DEL MAR UNION SCHOOL DISTRICT
SAN DIEGO COUNTY
225 NINTH STREET
DEL MAR CA 92014

DEAR CLAIMANT:

RE: CERT TEACHERS EVAL CH 498/83

WE HAVE REVIEWED YOUR 1995/1996 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED	73,349.00
LESS: TOTAL ADJUSTMENTS (DETAIL ON PAGE 2)	- 66,877.00
CLAIM AMOUNT APPROVED	6,472.00
LESS: TOTAL PRIOR PAYMENTS (DETAIL ON PAGE 2)	32,871.00
AMOUNT DUE STATE	\$ 26,399.00

PLEASE REMIT A WARRANT IN THE AMOUNT OF \$ 26,399.00 WITHIN 30 DAYS FROM THE DATE OF THIS LETTER, PAYABLE TO THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875 WITH A COPY OF THIS LETTER. FAILURE TO REMIT THE AMOUNT DUE WILL RESULT IN OUR OFFICE PROCEEDING TO OFFSET THE AMOUNT FROM THE NEXT PAYMENTS DUE TO YOUR AGENCY FOR STATE MANDATED COST PROGRAMS.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT EDUARDO ANTONIO AT (916) 323-0755 OR IN WRITING AT THE ABOVE ADDRESS.

SINCERELY,

Jeff Yee

JEFF YEE,
MANAGER

*Thanks,
JR
LA.*

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DEL MAR UNION SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
P BACCI, C, TEACHER	44.80	21.00	940		
P2 BARGER, P/TEACHER	46.32	92.00	4261		
T BARTLETT, K/TEACHER	49.36	60.00	2962		
P1 BAXTER, S/TEACHER	30.50	21.00	641		
T BEAUCHANE, N/SECRETARY	23.24	12.00	279		
T BONNAFOUX, N/TEACHER	60.47	20.00	1209		
T COX, M/SECRETARY	21.36	45.00	961		
P1 FARMER, K/TEACHER	38.36	92.00	3529		
T GITTELSON, M/TEACHER	56.77	85.00	4825		
P1 GODSEY, A/TEACHER	33.92	92.00	3121		
T HAGGERTY, A/TEACHER	41.34	30.00	1240		
T JACKSON, H/TEACHER	46.81	85.00	3979		
P1 KANTNER, H/TEACHER	35.80	21.00	751		
P1 LANG, L/TEACHER	41.53	5.50	228		
T LAURI, C/TEACHER	44.80	85.00	3808		
T NELSON, S/TEACHER	57.79	85.00	4912		
P2 ORR, J/TEACHER	41.89	72.00	3017		
P PIKE, K/TEACHER	41.53	21.00	872		
P2 PRITCHARD, S/TEACHER	32.02	92.00	2946		
P1 QUINN, M/TEACHER	35.80	72.00	2577		
T REGAN, J/TEACHER	59.74	85.00	5078		
P1 SLEET, A/TEACHER	33.92	21.00	712		
T SMITH, C/TEACHER	46.45	85.00	3948		
P1 TEISHER, C/TEACHER	35.80	92.00	3293		
T WILLIAMS, G/TEACHER	40.01	20.00	800		
P1 WRIGHT, J/TEACHER	33.92	82.00	2782		

Salaries of Probationary Teachers are not reimbursable

PT

1240
53,571

(05) Total Subtotal

Page: 1 of 1



KATHLEEN CONNELL
CONTROLLER OF THE STATE OF CALIFORNIA
DIVISION OF ACCOUNTING AND REPORTING

AUGUST 5, 1998

BOARD OF TRUSTEES
DEL MAR UNION SCHOOL DISTRICT
SAN DIEGO COUNTY
225 NINTH STREET
DEL MAR CA 92014

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SINCERELY,

JEFF YEE,
MANAGER

LOCAL REIMBURSEMENT SECTION
P.O. BOX 942850 SACRAMENTO, CA 94250-5875



537050

KATHLEEN CONNELL
CONTROLLER OF THE STATE OF CALIFORNIA
DIVISION OF ACCOUNTING AND REPORTING

AUGUST 5, 1998

BOARD OF TRUSTEES
DEL MAR UNION SCHOOL DISTRICT
SAN DIEGO COUNTY
225 NINTH STREET
DEL MAR CA 92014

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IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT EDUARDO ANTONIO AT (916) 323-0755 OR IN WRITING AT THE ABOVE ADDRESS.

SINCERELY,

JEFF YEE,
MANAGER

ADJUSTMENT TO CLAIM:

INDIRECT COSTS OVERSTATED	-	3,721.00	
NO SUPPORTING DOCUMENTATION	-	725.00	
NON-REIMBURSABLE ITEM	-	62,431.00	

LESS: TOTAL ADJUSTMENTS

- 66,877.00

PRIOR PAYMENTS:

SCHEDULE NO. MA60717A
PAID 05-15-1997

32,871.00

LESS: TOTAL PRIOR PAYMENTS

32,871.00

PROOF OF SERVICE VIA FIRST CLASS UNITED STATES MAIL

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of 18 years and not a party to the within entitled action. My place of employment and business address is 300 Capitol Mall, Suite 1850, Sacramento, California 95814.

On February 20, 2002, I served the foregoing **INCORRECT REDUCTION CLAIMS OF SARATOGA, DAVIS, ELK GROVE, MERCED, MILPITAS, SANTA MARIA AND DAVIS** by causing the same to be deposited in the United States Mail to the person(s) named below at the address(es) shown:

Stephen Smith
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on February 20, 2002, at Sacramento, California.



SHAWN SILVA



KATHLEEN CONNELL
Controller of the State of California

RECEIVED

FEB 21 2002

**COMMISSION ON
STATE MANDATES**

February 20, 2002

Shirley Opie, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Incorrect Reduction Claims
Certification of Teacher Evaluator's Demonstrated Competence
Saratoga Union Elementary School District, CSM 01-4136-I-045
Education Code Section 35160.5
Statutes of 1983, Chapter 498

Dear Ms. Opie:

This letter constitutes the Controller's Office response to the above-entitled incorrect reduction claim. It appears that the issues involved in the IRCs received recently concerning this mandate are identical. Therefore, the analysis in the IRCs numbered CSM 01-4136-I-041 through CSM 01-4136-I-047 is identical. However, the responses are being submitted under separate cover to facilitate record keeping, and because the supporting documentation is slightly different in each case.

In the end, the outcome of these IRCs comes down to the terms of the Parameters & Guidelines. The Parameters & Guidelines simply do not provide for reimbursement of the wages of probationary teachers. They provide for costs related to probationary teachers such as: (1) Training, assisting, and evaluating probationary teachers (over and above that usually provided to permanent teachers); (2) Training materials and clerical services; (3) Registration fees and travel costs to attend training activities; (4) Costs of substitute teachers so that probationary teachers may attend training sessions; (5) Costs of consultants to train and assist probationary teachers, if needed. Notably absent is any reference to the salaries of probationary teachers. Since there is no provision in the Parameters & Guidelines for the reimbursement of probationary teachers salaries, these IRCs should be denied.

February 20, 2002

Claimant's reliance on the *Physical Performance and American Government Course Document Requirements Parameters & Guidelines* is misplaced. Although reference to other Parameters & Guidelines may be appropriate when attempting to interpret a phrase of a Parameter & Guideline, claimant is attempting to add language in this case, rather than merely interpret it. The appropriate process for that type of change would be an amendment to the Parameters & Guidelines. In fact, Stockton Unified School District submitted such a request on April 4, 1995 (Exhibit 1). Apparently, they believed that the Parameters & Guidelines did not properly address probationary teachers salaries. However, that request was ultimately withdrawn before it was ever heard (Exhibit 2). Claimant should not be allowed to circumvent the required procedures for an amendment by using an IRC to add language to a set of Parameters & Guidelines, therefore their request should be denied.

Please find attached the analysis of the Division of Accounting and Reporting (Exhibit 3), as well as relevant supporting documentation, with declaration (Exhibit 4). Exhibits referred to in DAR's analysis are either included or have already been exchanged between the parties.

Sincerely,



SHAWN D. SILVA
Staff Counsel

cc: Stephen Smith

EXHIBIT 1



STOCKTON UNIFIED SCHOOL DISTRICT

701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4124 • FAX (209) 953-4477

BUSINESS SERVICES

BOARD OF EDUCATION

JOSE A. BERNARDO
CHARLES C. BLOCH
WOMI BRAND
LOUIS GONZALES
OLEN G. LEE
FRANK E. BROZZO
JAMES L. URBANI
SUPERINTENDENT
GARY MCHENRY

April 4, 1995

*W. Mearns
7/23/95*

RECEIVED
APR 05 1995
COMMISSION ON STATE MANDATES

Ms. Shelly Mateo
Interim Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Ms. Mateo:

Pursuant to Title 2, California Code of Regulations, Section 1183.2 enclosed is our district's request to amend the parameters and guidelines for the **Certification of Teacher Evaluator's Demonstrated Competence** mandate. This mandate was enacted by **Chapter 498/Statutes of 1983**.

We have enclosed a narrative outlining the reasons the amendment is required as well as proposed amended parameters and guidelines. The proposed changes to the current parameters and guidelines have been underlined.

If you have any questions, please contact our consultant, Steve Smith of Mandate Cost Systems at (916) 487-4435.

Thank you for your cooperation.

Sincerely,

Norma Mearns

Norma E. Mearns
Director of Budget

NEM:cmb

enclosure:

**Justification for Amendment to the Parameters & Guidelines
for Certification of Teacher Evaluator's Demonstrated Competence
Chapter 498/Statutes of 1983**

The current Parameters & Guidelines for Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498, Statutes of 1983 do not address whether the time spent by probationary teachers receiving training, assistance or evaluation, over and above that usually provided to permanent teachers, is claimable.

We have specifically identified the following activities/costs as new programs implemented to comply with the requirements of this mandate. The increased activities required of probationary teachers as a result of this mandate are:

- 1) Probationary teacher time spent attending district sponsored training sessions that are provided specifically for probationary teachers. These sessions take place after school and prior to the start of the school year.
- 2) Probationary teacher time spent receiving assistance or training on a weekly or monthly basis, from district employees as part of the district's probationary teacher training & assistance program.

The district sponsored training sessions prior to the start of school represents a new program because most districts bring in their probationary teachers one or two days earlier than their permanent teacher to orientate them to the district and provide training specific to their needs. This is accomplished by requiring that probationary teachers work 185 day years instead of the 183 day year required of permanent teachers.

Likewise, after school district sponsored training sessions and one-on-one training received from employees with assigned responsibilities to train and assist probationary teachers represents a new program because it takes probationary teachers away from other duties that they perform outside the classroom.

Precedents in other claims

Precedents in other claims exist that provide reimbursement for time spent receiving training. These include:

- 1) The Emergency Procedures, Earthquakes and Disasters claim, Chapter 1659/Statutes of 1984 allows reimbursement for "the costs by the district of employees attending these meetings to receive instruction" (on earthquake and disaster procedures).

- D
- 2) The Collective Bargaining claim, Chapter 961/Statutes of 1975 allows reimbursement for "reasonable costs incurred for a reasonable number of training sessions held for supervisory and management personnel regarding contract administration and the interpretation of the negotiated contract".
 - 3) The Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498/Statutes of 1983 allows reimbursement for "time of district administrators spent in certification training excluding classroom observation"
 - 4) District employee time receiving various training are also listed as reimbursable under the
 - a) Mandate Reimbursement Process claim, Chapter 1459/Statutes of 1984,
 - b) Credential Monitoring claim, Chapter 1376/Statutes of 1987 and
 - c) AIDS Instruction, Chapter 818/Statutes of 1991

Restrictions

We have identified other time spent by probationary teachers attributable to this mandate, however based on precedents from other claims are not requesting reimbursement for them. These are listed below and should be identified as restrictions.

- 1) In-classroom probationary teacher receiving hands-on training (In classroom teacher time restriction from the Emergency Procedures, Earthquakes & Disasters Chapter 1659/States of 1984 and AIDS Instruction, Chapter 818/Statutes of 1991)
- 2) In cases where substitutes are provided, the district can only claim the substitute cost.

PROPOSED AMENDMENT

Adopted: 4/24/86
Amended: 1/24/91
WP 1080A

PARAMETERS AND GUIDELINES

Education Code Section 35160.5

Chapter 498, Statutes of 1983

Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

- A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

- B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.
- C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.

V. Reimbursable Costs

- A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.
 - a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three-year period.
 - a. Time of district administrators spent in certification training excluding classroom observation.
 - b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.
 - c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.
 - d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

- e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.

B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.

a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.

b. Training materials and clerical services for probationary teachers.

c. Registration fees and travel costs of probationary teachers attending training activities.

d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

- e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.
- f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year.
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probationary teacher training and assistance program.
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable.
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

- 1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty

(20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

EXHIBIT 2



STOCKTON UNIFIED SCHOOL DISTRICT

BOARD OF EDUCATION

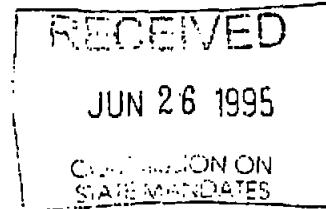
BUSINESS MANAGER

701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4055 • FAX (209) 953-4477

JOSE A. BERNARDO
CHARLES D. BLOCH
VICKI BRAND
LOUIS GONZALES
CLEM G. LEE
FRANK E. OROZCO
JAMES L. URBANI

SUPERINTENDENT
GARY MCHENRY

June 23, 1995



Mr. Kirk Stewart
Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Mr. Stewart:

This letter is to inform you that we are withdrawing our request dated April 4, 1995 to amend the Parameters and Guidelines for the Certification of Teacher Evaluator's Demonstrated Competence mandate. This mandate was enacted by Chapter 498/Statutes of 1983.

This request is being withdrawn because after numerous discussions with Commission Staff and other interested parties, it is clear that any positive action resulting from clarifying this issue is more than offset by the possibility that re-opening this claim could result in the entire claim being denied.

If you have any questions, please contact our consultant, Steve Smith, of Mandated Cost Systems at (916) 487-4435.

Sincerely,

Norma E. Mearns
Director of Budget

NEM:mw

EXHIBIT 3

**Saratoga Union Elementary School District
Certification of Teacher Evaluators Demonstrated Competence
Analysis of Incorrect Reduction Claim
For Fiscal Year 1995/96**

Exhibit 1: Declaration of Virginia Brummels;

Exhibit 2: Analysis of Saratoga Union Elementary School District (SUESD) Incorrect Reduction Claim (IRC);

Exhibit 3: Includes a copy of the Incorrect Reduction Claim (IRC) for the Certification of Teacher Evaluators Demonstrated Competence program for the SUESD;

On November 25, 1996, the SUESD filed an actual claim of \$95,265 for the state mandated Certification of Teacher Evaluators Demonstrated Competence (CTEDC) program. The CTEDC mandated cost claim was filed based on actual costs, and the SUESD included costs for probationary teachers' salaries and wages in the amount of \$54,781 and indirect costs of \$2,264, for a total of \$57,045.

Exhibit 4: Includes copies of the reimbursement claim and supporting documentation;

Exhibit 5: Includes a copy of the Annual Claiming Instructions for School Districts;

The mandate was amended on January 24, 1991, to allow for reimbursement of individual administrator training, for a maximum of ten days (eighty hours in any three-year period). This amendment was considered necessary due to Chapter 498, Statutes of 1983 where the Legislature required each school district to adopt rules and regulations to certify that personnel assigned to evaluate teachers, have demonstrated specified competence in instructional methodologies to evaluate probationary teachers; to ensure that each probationary teacher was assigned to a school with assurance that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and when possible, resolve the complaints. The training reimbursement is for assistance and evaluating probationary teachers. The training of probationary teachers is not to include the cost of salaries and wages for the Mentor Teacher Program.

Reimbursement is provided for the cost of substitute teachers to allow probationary teachers to attend training activities, including visitations to other teachers' classrooms to observe teaching techniques (limit of three visits).

Saratoga Union Elementary School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

Exhibit 6: Includes a copy of the Commission on State Mandate's (COSM) Parameter's and Guideline's (P's & G's);

Refer to Section V., Reimbursable Costs; B states as follows:

"The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers, funded by the Mentor Teacher Program, can not be claimed as a reimbursable cost:
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers;
 - b. Training materials and clerical services for probationary teachers;
 - c. Registration fees and travel costs of probationary teachers attending training activities;
 - d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities, including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester); and
 - e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education."

The State Controller's Office (SCO) claiming instructions Exhibit 4, are in agreement with the adopted P's & G's in this exhibit.

Saratoga Union Elementary School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

Exhibit 7: Includes a copy of the SCO Notice of Claim Adjustment letter, dated December 11, 1998;

The SCO letter notifies the SUESD that the amount of \$57,045 for salaries and benefits of probationary teachers in training, is disallowed. This letter further states... "P's and G's do not provide reimbursement for probationary teachers' training costs. In lieu of that, the P's and G's reimburse the cost of substitute teachers while the probationary teachers attend training activities."

Exhibit 8: Includes a copy of a letter dated April 4, 1995, from Stockton Unified School District (SUSD);

This letter contains a narrative outlining the reasons the amendment is required and includes proposed amendments to the P's & G's to clarify reimbursement for probationary teachers' salaries and wages. In the letter dated April 4, 1995, SUSD proposed the following amendments to the Section V., Reimbursable Costs, B. 1. of the P's and G's last amended and adopted on January 24, 1991. The proposed amendments are as follows:

- f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year;
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probation teacher training and assistance program;
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable; and
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time.

Exhibit 9: Includes a copy of a letter dated June 23, 1985, from SUSD;

On June 23, 1995, the Director of Budgets for SUSD corresponded in writing to Kirk Stewart, the Executive Director of the COSM, and withdrew their request for

Page 4

Saratoga Union Elementary School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

clarification due to their conversations with the COSM staff, that any positive action resulting from clarifying this issue could result in the possibility that re-opening this claim could result in the entire amendment being denied. Any questions were referred to their consultant, Steve Smith of Mandated Cost Systems. This clearly demonstrates that the reimbursement of training time for probationary teachers was on the "wish list" but was deemed not the right time to clarify the issue. The withdrawal of this action (6/23/95 letter) brings this issue of reimbursement before the COSM in the form of an incorrect reduction claim. Therefore, this is not an issue of the SCO incorrectly reducing the district's claim, but a means for the district to obtain reimbursement for what they withdrew as an amendment to the P's & G's.

Prepared by Ginny Brummels

January 29, 2002

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed _____ / _____ / _____

(21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number:
S43165

(02) Mailing Address

Claimant Name

SARATOGA UNION ELEMENTARY SD

County Of Location

SANTA CLARA

Street Address or P.O. Box

20460 FORREST HILLS DR.

City

SARATOGA

State

CA

Zip Code

95070

Reimbursement Claim Data

(22) TE-1,(04)(1)(d) 940

(23) TE-2,(04)(2)(d) 79,265

(24) TE-1,(04)(3)(d) 7,847

(25) TE-1,(05)(d) 88,052

(26) TE-1,(06) 8,2200

Type of Claim	Estimated Claim	Reimbursement Claim
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>

(27) TE-1,(11) 95,265

(28)

(29)

(30)

Fiscal Year of Cost (06) 19 ____ / ____ (12) 19 95 / 96 (31)

Total Claimed Amount (07) (13) \$ ~~10156~~ 95,265 (32) ~~36006~~

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable) (14) (33)

Less: Estimate Payment Received (15) (34) 42692

Net Claimed Amount (16) \$ ~~32536~~ 95,265 (35) 6686

Due From State (08) (17) \$ 95,265 (36)

Due to State (18) 32536 (37) 6686

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

Ellen D. Tipton
ELLEN D. TIPTON

Type or Print Name

Date

11-25-96

BUSINESS MANAGER

Title

(39) Name of Contact Person for Claim

Steve Smith, Mandated Cost Systems

Telephone Number

916-487-4435

Ext. _____

MANDATED COSTS
Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY

FORM
TE-1

(01) Claimant:
 843165
 SARATOGA UNION ELEMENTARY SD

(02) Type of Claim:
 Reimbursement
 Estimated

Fiscal Year:
 19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:

a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?

Yes	No
	X

b. If yes, explain.

Direct Costs

Cost Elements

(04) Reimbursable Components:

- Certification of Teacher Evaluators
- Probationary Certified Employee Policies
- Parental Complaint Policies

(a)	(b)	(c)	(d)
Salaries and Benefits	Supplies	Contracted Services	Total
940	0	0	940
898 24484	0	0	898 24484
79,265	0	0	79,265
7,547	0	300	7,847
87,752 32,971	0	300	88,052 33,271

(05) Total Direct Costs

9894 - 54781
~~78367~~

Indirect Costs

(06) Indirect Cost Rate

J-380 or J-580, as applicable

8.2200 %

(07) Indirect Costs

{[Line (05)(d) - line (05)(c)] x line (06)}

4478
 9920 - 6447

2735
 7,213

(08) Total Costs:

[Line (05)(d) + line (07)]

(7213 - 2735)

95,265
~~10,170~~ 36006

Cost Reduction

(09) Less: Offsetting Savings, if applicable

(10) Less: Other Reimbursements, if applicable

36006

(11) Total Claimed Amount:

{Line(08) - [Line(09) + line(10)]}

~~95,265~~
 10,170

95265
 - 59259
 36006

54781
 - 4478
 59259

MANDATED COSTS

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

**FORM
TE-2**

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING					
BORGESON, D/ASSISTANT PRINCIPAL	42.30	4.00	169		
BROOKS, S/PRINCIPAL	44.62	4.00	178		
DERBY, D/PRINCIPAL	49.33	4.00	197		
LEVY-KLAYMAN, L/PRINCIPAL	49.38	4.00	198		
OGDEN, L/PRINCIPAL	49.38	4.00	198		

(05) Total Subtotal

Page: 1 of 1

\$ 940 0 0

MANDATED COSTS

Certification of Teacher Evaluator's Demonstrated Competence

FORM

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
ALJEANDRO, M/TEACHER	49.43	21.00	1038		
ANDERSON, L/TEACHER	44.96	34.00	1529		
BACON, G/TEACHER	39.82	13.00	518		
BORGESON, D/ASSISTANT PRINCIPAL	42.30	15.00	635		
BROTHERS, B/SECRETARY	22.43	1.50	34		
CALDER, B/TEACHER	61.86	36.00	2227		
COOPER, A/TEACHER	46.27	105.00	4859		
COVEY, S/TEACHER	50.35	48.50	2442		
CRALL, M/TEACHER	43.49	144.00	6263		
DORAN, S/TEACHER	33.37	107.00	3571		
DOVALA, P/TEACHER	34.91	48.50	1693		
EVANS, J/TEACHER	33.37	186.00	6207		
FORD, D/TEACHER	39.82	16.50	657		
FORTSON, C/SECRETARY	23.21	3.00	70		
HEDRICKS, A/SECRETARY	18.37	3.00	55		
HELLAR, D/TEACHER	33.31	3.00	100		
HUE, E/TEACHER	39.82	110.50	4399		
JACKOWSKI, V/TEACHER	35.54	13.00	462		
JOHNSON-SELIGA, K/TEACHER	40.13	10.00	401		
KUMMERER, C/TEACHER	47.08	132.00	6215		
MCDONALD, K/TEACHER	33.37	45.00	1502		
MCKENNA, K/TEACHER	33.37	174.00	5807		
MEDIEROS, B/TEACHER	36.17	13.00	470		
MILLER, S/TEACHER	37.69	63.50	2393		
OKADA, J/TEACHER	54.38	72.00	3915		
PEABODY, C/SECRETARY	21.54	2.00	43		
PIERCE, H/TEACHER	42.69	36.00	1537		
POLITO, E/TEACHER	34.91	16.50	576		
RAYNAUD, T-COORDINATOR	59.36	32.00	1900		
SAFINE, B/TEACHER	33.37	48.50	1619		
SCHWARY, A/TEACHER	36.46	45.00	1641		
SLICK, M/TEACHER	45.81	39.00	1786		

(05) Total Subtotal

Page: 1 of 1

\$ 66,564

0 0

MANDATED COSTS

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

FORM

TE-2

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
SNIDER, L/TEACHER	48.82	78.00	3808		
WALL, D/SECRETARY	20.26	3.00	61		
WARD, L/TEACHER	36.17	104.00	3761		
WHITCANACK, N/COUNSELOR	57.48	36.00	2069		
WHITFORD, D/TEACHER	42.29	71.00	3002		

referred
898

(05) Total Subtotal

Page: 1 of 1

\$ 12,701 0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95 - 96

- (03) Reimbursable Component:
- Competence in Instructional Methodology
 - Probationary Certificated Employee Policies
 - Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
BORGESON, D/ASSISTANT PRINCIPAL	42.30	12.00	508		
BROOKS, S/PRINCIPAL	44.62	14.25	636		
BROTHERS, B/SECRETARY	22.43	3.75	84		
DERBY, D/PRINCIPAL	49.33	12.00	592		
FORTSON, C/SECRETARY	23.21	5.92	137		
HEDRICKS, A/SECRETARY	18.37	1.17	21		
KAY & STEVENS-ATTORNEYS	100.00	3.00			300
LEVY-KLAYMAN, L/PRINCIPAL	49.38	36.58	1806		
OGDEN, L/PRINCIPAL	49.38	12.00	593		
PEABODY, C/SECRETARY	21.54	3.25	70		
WALL, D/SECRETARY	20.26	11.17	226		
WHITCANACK, N/COUNSELOR	57.48	50.00	2874		

(05) Total Subtotal

Page: 1 of 1

\$ 7,547 0 300



KATHLEEN CONNELL

California State Controller

FACSIMILE COVER PAGE

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To	Fax No.	Date
STEVE SMITH	(916) 487-9662	11-13-98
Organization		
SARATOGA UNION ELEMENTARY SCHOOL DIST		
From	Telephone No.	No. of pages including cover
EDUARDO	(916) 323-0755	1
Comments/Special instructions		

PLEASE SUBMIT COPIES OF LOGSHEET /TIMESHEET FOR NON-PROBATIONARY TEACHERS FOR CERTIFICATION OF TEACHER EVALUATORS PROGRAM (1995-96) FOR THE ABOVE ORGANIZATION AS SOON AS POSSIBLE.

IF THERE ARE PROBLEMS WITH THE COPIES RECEIVED, PLEASE NOTIFY	TELEPHONE NO.
---	---------------

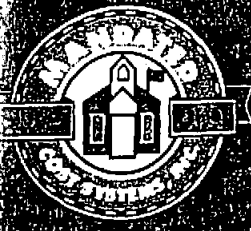
STATE CONTROLLER'S SACRAMENTO OFFICE FACSIMILE NUMBER: (916) 323-4807 OR (916) 323-5527

Original will not follow

Original will follow:

- Regular Mail
- Federal Express
- Hand Delivery
- Certified Mail

California State Controller's Office
3301 C Street, Suite 501
Sacramento, CA 95816
(916) 445-8717



October 13, 1998

Jeff Yee
Manager, Local Reimbursement Section
Division of Accounting and Reporting
State Controller's Office
P.O. Box 942850
Sacramento, CA 94250-5875

RE: Reconsideration Request (CTE 98-6)

Dear Mr. Yee:

The Saratoga Union Elementary School District, Claimant ID S43165 received an adjustment that disallowed costs on its 1995/96 Certification of Teacher Evaluator's Demonstrated Competence Chapter 498/83 claim as follows:

1)	Training Time for Non-probationary Teachers Disallowed	\$ 27,764
2A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$ 54,318
2B)	1 day Training Time Disallowed for 1 st year Probationary Teachers	\$ 2,727
3)	Contracted Services	\$ 300
	Total	\$ 85,109

On August 31, 1998 one of my staff met with Eduardo Antonio to obtain the composition of this adjustment and to copy the work papers used in reviewing this claim.

Issue #1 - Training Time for Non-probationary Teachers (Trainers) Disallowed:

District personnel with the assigned responsibility to train and assist probationary teachers were disallowed. The State Controller's Office Claiming Instructions for this program states that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, (not including the site principal, ... used to train, assist or evaluate probationary teachers are reimbursable."

2275 Watt Avenue,
Suite C
Sacramento, CA 95825
916-487-4435 phone
916-487-9662 fax

222 West Carmen Lane
Suite 101
Santa Maria, CA 93458
805-922-1471 phone
805-922-7143 fax

3161 Bechelli Lane,
Suite 202
Redding, CA 96002
530-224-7255 phone
530-224-9548 fax

1835 W. Olympic Blvd.,
Suite 680E
Los Angeles, CA 90064
310-477-4749 phone
310-477-5356 fax

In reviewing the work papers provided by your office, it is clear that salary and benefits of employees that were used to train and assist probationary teachers were disallowed. It appears that all teachers listed on the claim were assumed to be probationary teachers. In addition, our office has no record of receiving a request for additional information on this claim.

These employees are identified on the attached claim with a "T". These costs should be reinstated.

Issue #2 A & B - Probationary Teacher Time Disallowed:

The Claiming Instructions and Parameters & Guidelines are silent on whether the time spent by probationary teachers is reimbursable. We feel strongly that these are legitimate costs of the mandate and that they are reimbursable. The State Controller's Office Claiming Instructions state that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable".

A) The time spent by probationary teachers receiving additional training and assistance would be included as a cost of training, assisting and evaluating probationary teachers.

B) In addition, the district requires its first year probationary teachers (P1) to work one extra 8 hour day each fiscal year for teacher training. Permanent teachers work a 183 day work year, while the probationary teachers (P1) work a 184 work year. This training session exceeds what is provided to permanent teachers.

There is an identifiable increased cost to the school district for this extra day worked by probationary teachers and this extra day worked is specifically attributable to the mandate of probationary teacher training. Recent Commission on State Mandates rulings on test claims that involve teacher training costs have indicated that if the district incurs an increased cost of some kind (i.e. substitutes, stipends, overtime pay or an extended work year) then this identifiable increased cost would be reimbursable.

The probationary teachers are identified on the attached claim with a "P1" for 1st year teachers or "P2" for 2nd year teachers.

Issue #3 - Contracted Services Disallowed:

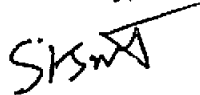
Our records indicate that the required invoices for contracted services were sent to your office with the claim. I also have our signed transmittal form that shows your office's receipt of the claim and attached backup documentation. Prior to sending your office any claim that requires supporting documentation, we double check to make sure that we have attached the required backup. We have re-submitted these invoices with this letter.

Conclusion:

Based on the additional information and clarifications listed above, **I request that \$85,109 in incorrectly reduced costs be reinstated.** Please notify me within three weeks (November 3, 1998) of the State Controller's Office's decision on this matter. In the absence of a response within three weeks, we will assume that you intend to stand by this adjustment and not reinstate these costs.

If you have any questions or need any additional information, please contact me at (916) 487-4435.

Sincerely,



Steve Smith
President
Mandated Cost Systems, Inc.

Enclosures

cc: Ellen Tipton, Saratoga Union Elementary School District

Issue 1

0. *

Trainers (non-prob) 008

1,529. +
2,227. +
6,263. +
6,215. +
3,915. +
1,537. +
1,900. +
2,069. +

25,655. **

Indirect cost 25,655. X
8.22 %
2,108.841 **

25,655. *

25,655. +
2,109. +

002 Total 27,764. **

0. *

Issue 2

Total of 2A + 2B

PI + PR 023

1,038. +
518. +
4,859. +
2,442. +
3,571. +
1,693. +
6,207. +
657. +
100. +
4,399. +
462. +
401. +
1,502. +
5,807. +
470. +
2,393. +
576. +
1,619. +
1,641. +
1,786. +
3,808. +
3,761. +
3,002. +

52,712. **

Indirect cost 52,712. X
8.22 %
4,332.9264 **

52,712. *

52,712. +
4,333. +

002 Total (2A + 2B) 57,045. **

0. *

Issue 2B

1 day training for 1st year probationary teachers 008

370. +
403. +
267. +
267. +
319. +
267. +
289. +
338. +

2,520. **

Indirect cost 2,520. X
8.22 %
207.144 **

2,520. *

2,520. +
207. +

002 Total (2B) 2,727. **

0. *

Issue 3

3. X
100. =
Total 300. **

SEP 10 1998

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number:
S43165

(02) Mailing Address

Claimant Name
SARATOGA UNION ELEMENTARY SD

County Of Location
SANTA CLARA

Street Address or P.O. Box
20460 FORREST HILLS DR.

City State Zip Code
SARATOGA CA 95070

Reimbursement Claim Data

(22) TE-1,(04)(1)(d) 940

(23) TE-2,(04)(2)(d) 79,265

(24) TE-1,(04)(3)(d) 7,847

(25) TE-1,(05)(d) 88,052

(26) TE-1,(06) 8,2200

Type of Claim Estimated Claim Reimbursement Claim

(27) TE-1,(11) 95,265

(28)

(03) Estimated (09) Reimbursement

(29)

(04) Combined (10) Combined

(30)

(05) Amended (11) Amended

Fiscal Year of Cost (06) 19 / (12) 19 95 / 96

(31)

Total Claimed Amount (07) (13) \$ 10156
95,265

(32) X

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable) (14)

(33)

Less: Estimate Payment Received (15)

(34)

Net Claimed Amount (16) \$ 42692
32536
95,265

(35)

Due From State (08) (17) \$ 95,265

(36)

Due to State (18) 32536

(37) X

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

Date

Ellen D. Tipton

11-25-96

ELLEN D. TIPTON

BUSINESS MANAGER

Type or Print Name

Title

(39) Name of Contact Person For Claim

Telephone Number

Steve Smith, Mandated Cost Systems

916-487-4435

Ext.

MANDATED COSTS

**FORM
TE-1**

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY**

(01) Claimant:

S43165

SARATOGA UNION ELEMENTARY SD

(02) Type of Claim:

Reimbursement

Estimated

Fiscal Year:

19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:

Yes

No

a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?

X

b. If yes, explain.

Direct Costs

Cost Elements

(04) Reimbursable Components:

	(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
1. Certification of Teacher Evaluators	940	0	0	940
2. Probationary Certified Employee Policies	898 79,265	0	0	898 79,265
3. Parental Complaint Policies	7,547	0	300	7,847 7,547
(05) Total Direct Costs	87,752 9894 - 78367 9385	0	300	88,052 9385

Indirect Costs

9911 - 300 ←

(06) Indirect Cost Rate

J-380 or J-580, as applicable

8.2200 %

(07) Indirect Costs

{[Line (05)(d) - line (05)(c)] x line (06)}

9920 - 6442

7,213

771

(08) Total Costs:

[Line (05)(d) + line (07)]

95,265

10,150

Cost Reduction

(09) Less: Offsetting Savings, if applicable

(10) Less: Other Reimbursements, if applicable

(11) Total Claimed Amount:

{Line(08) - [Line(09) + line(10)]}

95,265
10,150

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING					
BORGESON, D/ASSISTANT PRINCIPAL.	42.30	4.00	169		
BROOKS, S/PRINCIPAL	44.62	4.00	178		
DERBY, D/PRINCIPAL	49.33	4.00	197		
LEVY-KLAYMAN, L/PRINCIPAL	49.38	4.00	198		
OGDEN, L/PRINCIPAL	49.38	4.00	198		

(05) Total Subtotal

Page 842 ¹ of ¹

\$ 940

0

0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95-96

- (03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS.					
P2 ALJEANDRO, M/TEACHER	49.43	21.00	1038		
T ANDERSON, L/TEACHER	44.96	34.00	1529		
P2 BACON, G/TEACHER	39.82	13.00	518		
BORGESON, D/ASSISTANT PRINCIPAL	42.30	15.00	635		
BROTHERS, B/SECRETARY	22.43	1.50	34		
T CALDER, B/TEACHER	61.86	36.00	2227		
P1 COOPER, A/TEACHER	46.27	105.00	4859		
P1 COVEY, S/TEACHER	50.35	48.50	2442		
T CRALL, M/TEACHER	43.49	144.00	6263		
P1 DORAN, S/TEACHER	33.37	107.00	3571		
P1 DOVALA, P/TEACHER	34.91	48.50	1693		
P1 EVANS, J/TEACHER	33.37	186.00	6207		
P2 FORD, D/TEACHER	39.82	16.50	657		
FORTSON, C/SECRETARY	23.21	3.00	70		
HEDRICKS, A/SECRETARY	18.37	3.00	55		
Temp HELLAR, D/TEACHER	33.31	3.00	100		
P1 HUE, E/TEACHER	39.82	110.50	4399		
P2 JACKOWSKI, V/TEACHER	35.54	13.00	482		
P2 JOHNSON-SELIGA, K/TEACHER	40.13	10.00	401		
T KUMMERER, C/TEACHER	47.08	132.00	6215		
P MCDONALD, K/TEACHER	33.37	45.00	1502		
P MCKENNA, K/TEACHER	33.37	174.00	5807		
P2 MEDIEROS, B/TEACHER	36.17	13.00	470		
P MILLER, S/TEACHER	37.69	63.50	2393		
T OKADA, J/TEACHER	54.38	72.00	3915		
PEABODY, C/SECRETARY	21.54	2.00	43		
T PIERCE, H/TEACHER	42.69	36.00	1537		
P2 POLITO, E/TEACHER	34.91	16.50	576		
T RAYNAUD, T-COORDINATOR	59.36	32.00	1900		
P1 SAFINE, B/TEACHER	33.37	48.50	1619		
P1 SCHWARY, A/TEACHER	36.46	45.00	1641		
P2 SLICK, M/TEACHER	45.81	39.00	1786		

(05) Total Subtotal

\$ 66,564

0

0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
P SNIDER, L/TEACHER	48.82	78.00	3808		
WALL, D/SECRETARY	20.26	3.00	61		
P WARD, L/TEACHER	36.17	104.00	3761		
T WHITCANACK, N/COUNSELOR	57.48	36.00	2069		
P WHITFORD, D/TEACHER	42.29	71.00	3002		

898

(05) Total Subtotal

Page 844 1 of 1

\$ 12,701 0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95 - 96

- (03) Reimbursable Component:
- Competence in Instructional Methodology
 - Probationary Certificated Employee Policies
 - Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
BORGESON, D/ASSISTANT PRINCIPAL	42.30	12.00	508		
BROOKS, S/PRINCIPAL	44.62	14.25	636		
BROTHERS, B/SECRETARY	22.43	3.75	84		
DERBY, D/PRINCIPAL	49.33	12.00	592		
FORTSON, C/SECRETARY	23.21	5.92	137		
HEDRICKS, A/SECRETARY	18.37	1.17	21		
KAY & STEVENS-ATTORNEYS	100.00	3.00			300
LEVY-KLAYMAN, L/PRINCIPAL	49.38	36.58	1806		
OGDEN, L/PRINCIPAL	49.38	12.00	593		
PEABODY, C/SECRETARY	21.54	3.25	70		
WALL, D/SECRETARY	20.26	11.17	226		
WHITCANACK, N/COUNSELOR	57.48	50.00	2874		

(05) Total Subtotal

Kay & Stevens
101 University Avenue, Suite 100
Palo Alto, California 94301
(415) 327-2672
Fed. Tax ID # 77-0283865

LOGSHEET # PC1
Source VC
Date Entered 10/14/96
By ag

February 7, 1996

Billed 12/20/95-01/31/96

Bill number 342-00000-091 K&S

Saratoga Union Elementary School District
20460 Forrest Hills Drive
Saratoga, California 95070
Attn: Ms. Mary Gardner
Superintendent

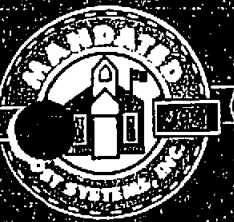
CONFIDENTIAL

GENERAL LAW

Balance forward as of bill number 088 dated 01/02/96 \$ 1,226.80

FOR PROFESSIONAL SERVICES RENDERED

01/17/96	PRM	Hue: Meeting with attorney; research regarding dismissal procedures for probationary teachers.	1.00 hrs	145 /hr	145.00
01/17/96	JHN	Hue: Conference with attorney regarding probationary certificated employee issues. Hours worked .25, hours billed 0.	.25 hrs	0 /hr	.00
01/18/96	PRM	Hue: Telephone conference with M. Gardner and M. Singleton; review parent complaint.	1.25 hrs	145 /hr	181.25
01/19/96	PRM	Hue: Review District's parent complaint procedures; telephone conference with M. Singleton regarding parent meeting; telephone conference with S. Brooks regarding parent allegations of teacher misconduct; review teacher's performance evaluation.	1.75 hrs	145 /hr	253.75
01/19/96	JHN	Hue: Conference with attorney. Hours worked .50, hours billed 0.	.00 hrs	0 /hr	.00
01/20/96	JHN	Student Discipline: Prepare letter regarding new charges to student discipline laws and conference with Patty regarding status of own review of District's policies. Hours worked .50, hours billed 0.	.00 hrs	155 /hr	.00



2275 Watt Avenue,
Suite C
Sacramento, CA 95825
916-487-4435 phone
916-487-9662 fax

222 West Carmen Lane
Suite 101
Santa Maria, CA 93458
805-922-1471 phone
805-922-7143 fax

161 Bechelli Lane,
Suite 202
Redding, CA 96002
530-224-7253 phone
530-224-9548 fax

1835 W. Olympic Blvd.,
Suite 680E
Los Angeles, CA 90064
310-477-4749 phone
310-477-5356 fax

Date: November 19, 1998
To: Eduardo Antonio, State Controller's Office
From: Steve Smith, President *SSS*
CC: Ellen Tipton, Saratoga Union Elementary School District

Claimant: Saratoga Union Elementary School District, S43165
Program: Certification of Teacher Evaluators, Chapters 498/83
Fiscal Year: 1995/96

Per your request dated November 13, 1998, you asked that we submit time sheets and log sheets for time spent by Non-Probationary Teachers claimed under the Probationary Certificated Employees Policies component for the Certification of Teacher Evaluators (1995/96), Chapters 498/83 Program. Please note that the Probationary Certificated Employees Policies component code is H2B. We have attached a detailed report that itemizes the source of all charges to this component and the requested documentation.

Upon reviewing the supporting documentation for N. Whitcanack, we found that the 36 hours claimed under the component "Probationary Certificated Employee Policies" was a data entry error. Therefore, N. Whitcanack should not have been claimed as a Non-Probationary Teacher Trainer under this component.

Since your request did not specify which Non-Probationary Teacher log sheets you would need, the documentation enclosed is for those district employees whose hours were disallowed during your claim review and addressed in our October 13, Reconsideration Request.

If you have any further questions or need further clarification, please call Todd Wherry, Project Manager, at 916-487-4435.

NOV 20 1 53 PM '98

RECEIVED



KATHLEEN CONNELL

California State Controller

FACSIMILE COVER PAGE

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To	Fax No.	Date
STEVE SMITH Organization	(916) 487-9662	11-13-98
From	Telephone No.	No. of pages including cover
SARATOGA UNION ELEMENTARY SCHOOL DIST EDUARDO	(916) 323-0755	1
Comments/Special instructions		

PLEASE SUBMIT COPIES OF LOGSHEET /TIMESHEET FOR NON-PROBATIONARY TEACHERS FOR CERTIFICATION OF TEACHER EVALUATORS PROGRAM (1995-96) FOR THE ABOVE ORGANIZATION AS SOON AS POSSIBLE.

IF THERE ARE PROBLEMS WITH THE COPIES RECEIVED, PLEASE NOTIFY

TELEPHONE NO.

STATE CONTROLLER'S SACRAMENTO OFFICE FACSIMILE NUMBER: (916) 323-4807 OR (916) 323-6527

Original will not follow

Original will follow:

- Regular Mail
- Federal Express
- Hand Delivery
- Certified Mail

California State Controller's Office
3301 C Street, Suite 501
Sacramento, CA 95816
(916) 445-8717

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95 - 96

- (03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
P2 ALJEANDRO, M/TEACHER	49.43	21.00	1038		
T ANDERSON, L/TEACHER	44.96	34.00	1529		
P2 BACON, G/TEACHER	39.82	13.00	518		
BORGESON, D/ASSISTANT PRINCIPAL	42.30	15.00	635		
BROTHERS, B/SECRETARY	22.43	1.50	34		
T CALDER, B/TEACHER	61.86	36.00	2227		
P1 COOPER, A/TEACHER	46.27	105.00	4859		
P1 COVEY, S/TEACHER	50.35	48.50	2442		
T CRALL, M/TEACHER	43.49	144.00	6263		
P1 DORAN, S/TEACHER	33.37	107.00	3571		
P1 DOVALA, P/TEACHER	34.91	48.50	1693		
P1 EVANS, J/TEACHER	33.37	186.00	6207		
P2 FORD, D/TEACHER	39.82	16.50	657		
FORTSON, C/SECRETARY	23.21	3.00	70		
HEDRICKS, A/SECRETARY	18.37	3.00	55		
HELLAR, D/TEACHER	33.31	3.00	100		
P1 HUE, E/TEACHER	39.82	110.50	4399		
P2 JACKOWSKI, V/TEACHER	35.54	13.00	462		
P2 JOHNSON-SELIGA, K/TEACHER	40.13	10.00	401		
T KUMMERER, C/TEACHER	47.08	132.00	6215		
P MCDONALD, K/TEACHER	33.37	45.00	1502		
P MCKENNA, K/TEACHER	33.37	174.00	5807		
P2 MEDIEROS, B/TEACHER	36.17	13.00	470		
P MILLER, S/TEACHER	37.69	63.50	2393		
T OKADA, J/TEACHER	54.38	72.00	3915		
PEABODY, C/SECRETARY	21.54	2.00	43		
T PIERCE, H/TEACHER	42.69	36.00	1537		
P2 POLITO, E/TEACHER	34.91	16.50	576		
T RAYNAUD, T-COORDINATOR	59.36	32.00	1900		
P1 SAFINE, B/TEACHER	33.37	48.50	1619		
P1 SCHWARY, A/TEACHER	36.46	45.00	1641		
P2 SLICK, M/TEACHER	45.81	39.00	1786		

(05) Total Subtotal Page 1 of 1 \$ 66,564 0 0

Mandate Summary Report By Itemcode For 95.
S43165 SARATOGA

sgid	Source Code	Sitename	Itemcode	Name/title	Rate	Loghours	Logcosts
S00032	GL	FOOTHILL ELEMENTARY	H2B	ALJEANDRO, M/TEACHER	49.43	3.000	148.29
S00035	GL	FOOTHILL ELEMENTARY	H2B	ALJEANDRO, M/TEACHER	49.43	18.000	889.74
S00034	GL	FOOTHILL ELEMENTARY	H2B	ANDERSON, L/TEACHER	44.96	34.000	1,528.64
S00062	GL	SARATOGA ELEMENTARY	H2B	BACON, G/TEACHER	39.82	2.000	79.64
S00063	GL	SARATOGA ELEMENTARY	H2B	BACON, G/TEACHER	39.82	11.000	438.02
S00054	GL	REDWOOD MIDDLE	H2B	BORGESON, D/ASSISTANT PRINCIPAL	42.30	15.000	634.50
S00053	GL	REDWOOD MIDDLE	H2B	BROTHERS, B/SECRETARY	22.43	1.500	33.65
S00033	GL	FOOTHILL ELEMENTARY	H2B	CALDER, B/TEACHER	61.86	36.000	2,226.96
T000001	GL	FOOTHILL ELEMENTARY	H2B	COOPER, A/TEACHER	46.27	32.000	1,480.64
S00032	GL	FOOTHILL ELEMENTARY	H2B	COOPER, A/TEACHER	46.27	3.000	138.81
S00034	GL	FOOTHILL ELEMENTARY	H2B	COOPER, A/TEACHER	46.27	34.000	1,573.18
S00035	GL	FOOTHILL ELEMENTARY	H2B	COOPER, A/TEACHER	46.27	36.000	1,665.72
T000001	GL	REDWOOD MIDDLE	H2B	COVEY, S/TEACHER	50.35	32.000	1,611.20
S00053	GL	REDWOOD MIDDLE	H2B	COVEY, S/TEACHER	50.35	1.500	75.53
S00055	GL	REDWOOD MIDDLE	H2B	COVEY, S/TEACHER	50.35	15.000	755.25
S00012	GL	ARGONAUT ELEMENTARY	H2B	CRALL, M/TEACHER	43.49	144.000	6,262.56
T000001	GL	FOOTHILL ELEMENTARY	H2B	DORAN, S/TEACHER	33.37	32.000	1,067.84
S00032	GL	FOOTHILL ELEMENTARY	H2B	DORAN, S/TEACHER	33.37	3.000	100.11
S00035	GL	FOOTHILL ELEMENTARY	H2B	DORAN, S/TEACHER	33.37	72.000	2,402.64
T000001	GL	REDWOOD MIDDLE	H2B	DOVALA, P/TEACHER	34.91	32.000	1,117.12
S00053	GL	REDWOOD MIDDLE	H2B	DOVALA, P/TEACHER	34.91	1.500	52.37
S00055	GL	REDWOOD MIDDLE	H2B	DOVALA, P/TEACHER	34.91	15.000	523.65
T000001	GL	ARGONAUT ELEMENTARY	H2B	EVANS, J/TEACHER	33.37	32.000	1,067.84
S00007	GL	ARGONAUT ELEMENTARY	H2B	EVANS, J/TEACHER	33.37	3.000	100.11
S00011	GL	ARGONAUT ELEMENTARY	H2B	EVANS, J/TEACHER	33.37	7.000	233.59
S00012	GL	ARGONAUT ELEMENTARY	H2B	EVANS, J/TEACHER	33.37	144.000	4,805.28
S00053	GL	REDWOOD MIDDLE	H2B	FORD, D/TEACHER	39.82	1.500	59.73
S00055	GL	REDWOOD MIDDLE	H2B	FORD, D/TEACHER	39.82	15.000	597.30
S00007	GL	ARGONAUT ELEMENTARY	H2B	FORTSON, C/SECRETARY	23.21	3.000	69.63
S00032	GL	FOOTHILL ELEMENTARY	H2B	HEDRICKS, A/SECRETARY	18.37	3.000	55.11
S00032	GL	FOOTHILL ELEMENTARY	H2B	HELLAR, D/TEACHER	33.31	3.000	99.93
T000001	GL	ARGONAUT ELEMENTARY	H2B	HUE, E/TEACHER	39.82	32.000	1,274.24
S00007	GL	ARGONAUT ELEMENTARY	H2B	HUE, E/TEACHER	39.82	3.000	119.46
S00008	GL	ARGONAUT ELEMENTARY	H2B	HUE, E/TEACHER	39.82	72.000	2,867.04
S00011	GL	ARGONAUT ELEMENTARY	H2B	HUE, E/TEACHER	39.82	3.500	139.37
S00062	GL	SARATOGA ELEMENTARY	H2B	JACKOWSKI, V/TEACHER	35.54	2.000	71.08
S00063	GL	SARATOGA ELEMENTARY	H2B	JACKOWSKI, V/TEACHER	35.54	11.000	390.94
S00007	GL	ARGONAUT ELEMENTARY	H2B	JOHNSON-SELIGA, K/TEACHER	40.13	3.000	120.39
S00011	GL	ARGONAUT ELEMENTARY	H2B	JOHNSON-SELIGA, K/TEACHER	40.13	7.000	280.91
S00009	GL	ARGONAUT ELEMENTARY	H2B	KUMMERER, C/TEACHER	47.08	132.000	6,214.56
PT000001	GL	SARATOGA ELEMENTARY	H2B	MCDONALD, K/TEACHER	33.37	32.000	1,067.84
S00062	GL	SARATOGA ELEMENTARY	H2B	MCDONALD, K/TEACHER	33.37	2.000	66.74
S00063	GL	SARATOGA ELEMENTARY	H2B	MCDONALD, K/TEACHER	33.37	11.000	367.07
PT000001	GL	ARGONAUT ELEMENTARY	H2B	MCKENNA, K/TEACHER	33.37	32.000	1,067.84
S00007	GL	ARGONAUT ELEMENTARY	H2B	MCKENNA, K/TEACHER	33.37	3.000	100.11
S00009	GL	ARGONAUT ELEMENTARY	H2B	MCKENNA, K/TEACHER	33.37	132.000	4,404.84
S00011	GL	ARGONAUT ELEMENTARY	H2B	MCKENNA, K/TEACHER	33.37	7.000	233.59
S00062	GL	SARATOGA ELEMENTARY	H2B	MEDIEROS, B/TEACHER	36.17	2.000	72.34
S00063	GL	SARATOGA ELEMENTARY	H2B	MEDIEROS, B/TEACHER	36.17	11.000	397.87
PT000001	GL	REDWOOD MIDDLE	H2B	MILLER, S/TEACHER	37.69	32.000	1,206.08
S00053	GL	REDWOOD MIDDLE	H2B	MILLER, S/TEACHER	37.69	1.500	56.54
S00054	GL	REDWOOD MIDDLE	H2B	MILLER, S/TEACHER	37.69	15.000	565.35
S00055	GL	REDWOOD MIDDLE	H2B	MILLER, S/TEACHER	37.69	15.000	565.35
S00008	GL	ARGONAUT ELEMENTARY	H2B	OKADA, J/TEACHER	54.38	72.000	3,915.36
S00062	GL	SARATOGA ELEMENTARY	H2B	PEABODY, C/SECRETARY	21.54	2.000	43.08
S00010	GL	ARGONAUT ELEMENTARY	H2B	PIERCE, H/TEACHER	42.69	36.000	1,536.84
S00053	GL	REDWOOD MIDDLE	H2B	POLITO, E/TEACHER	34.91	1.500	52.37
S00055	GL	REDWOOD MIDDLE	H2B	POLITO, E/850HER	34.91	15.000	523.65

Mandate Summary Report By Itemcode For 95.
 S43165 SARATOGA

ogid	Source Code	Sitename	Itemcode	Name/Title	Rate	Loghours	Logcosts
PT000001	GL	DISTRICT OFFICE	H2B	RAYNAUD, T/COORDINATOR	38.43	32.000	1,229.76
PT000001	GL	REDWOOD MIDDLE	H2B	SAFINE, B/TEACHER	33.37	32.000	1,067.84
SS000001	GL	REDWOOD MIDDLE	H2B	SAFINE, B/TEACHER	33.37	1.500	50.06
SS000055	GL	REDWOOD MIDDLE	H2B	SAFINE, B/TEACHER	33.37	15.000	500.55
PT000001	GL	SARATOGA ELEMENTARY	H2B	SCHWARY, A/TEACHER	36.46	32.000	1,166.72
SS000062	GL	SARATOGA ELEMENTARY	H2B	SCHWARY, A/TEACHER	36.46	2.000	72.92
SS000063	GL	SARATOGA ELEMENTARY	H2B	SCHWARY, A/TEACHER	36.46	11.000	401.06
SS000032	GL	FOOTHILL ELEMENTARY	H2B	SLICK, M/TEACHER	45.81	3.000	137.43
SS000035	GL	FOOTHILL ELEMENTARY	H2B	SLICK, M/TEACHER	45.81	36.000	1,649.16
PT000001	GL	ARGONAUT ELEMENTARY	H2B	SNIDER, L/TEACHER	48.82	32.000	1,562.24
SS000007	GL	ARGONAUT ELEMENTARY	H2B	SNIDER, L/TEACHER	48.82	3.000	146.46
SS000010	GL	ARGONAUT ELEMENTARY	H2B	SNIDER, L/TEACHER	48.82	36.000	1,757.52
SS000011	GL	ARGONAUT ELEMENTARY	H2B	SNIDER, L/TEACHER	48.82	7.000	341.74
SS000007	GL	ARGONAUT ELEMENTARY	H2B	WALL, D/SECRETARY	20.26	3.000	60.78
PT000001	GL	FOOTHILL ELEMENTARY	H2B	WARD, L/TEACHER	36.17	32.000	1,157.44
SS000035	GL	FOOTHILL ELEMENTARY	H2B	WARD, L/TEACHER	36.17	72.000	2,604.24
SS000033	GL	REDWOOD MIDDLE	H2B	WHITCANACK, N/COUNSELOR	57.48	36.000	2,069.28
PT000001	GL	FOOTHILL ELEMENTARY	H2B	WHITFORD, D/TEACHER	42.29	32.000	1,353.28
SS000032	GL	FOOTHILL ELEMENTARY	H2B	WHITFORD, D/TEACHER	42.29	3.000	126.87
SS000035	GL	FOOTHILL ELEMENTARY	H2B	WHITFORD, D/TEACHER	42.29	36.000	1,522.44
						<u>1,929.00</u>	<u>78,593.22</u>

MANDATED COSTS

FORM
TE-2

Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: SARATOGA UNION ELEMENTARY SD

(02) Fiscal Year costs were incurred: 95 - 96

- (03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
P SNIDER, L/TEACHER	48.82	78.00	3808		
— WALL, D/SECRETARY	20.26	3.00	61		
P I WARD, L/TEACHER	36.17	104.00	3761		
* T WHITCANACK, N/COUNSELOR	57.48	36.00	2069		
P I WHITFORD, D/TEACHER	42.29	71.00	3002		
* Should not have been claimed under this component.					
(05) Total <input checked="" type="checkbox"/>	Subtotal <input type="checkbox"/>	P852	1 of 1	\$ 12,701	0 0

898

LOGSHEET #PT1
 Source *GL*
 Date Entered
 By *aj* 10/14/96

STATUS OF TEMPORARY/PROBATIONARY TEACHERS
 1995-96

1st Year Probationary Teachers

- Amy Cooper (Foot)
- Steve Covey (Red)
- Shannon Doran (Foot)
- Pam Dovala (Red)
- Jennifer Evans (Argo)
- Eva Hue (Argo)
- Brian Safines (Red)
- Amy Schwarz (Foot)
- Lauren Ward (Foot)
- Denise Whitford (Foot)

8-24-95
 New Teacher
 orientation
 8 HRS each
 w/ M. Singleton

24 HRS each
 with T. Raymond (GATE
 coord.)
 Oct 13,
 Feb 9,
 Mar 8,
 Dec 13
 6 HRS each

2nd Year Probationary Teachers

- Margie Aljeandro (Foot)
- Garth Bacon (~~Foot~~) *Santiago*
- Debbie Ford (Red)
- Vanya Jackowski (*Santiago*)
- Maureen Medieros (*Santiago*)
- Beth Polito (Red)
- Karie Seliga-Johnson (Argo)
- Marcia Slick (Foot)

Temporary Teachers

- Keri McDonald (*Santiago*)
- Kristi McKenna (*Argo*)
- Sharon Miller (Red)
- Linda Snider 20% (*Argo*)
- Linda Williams (Foot) 20%
- Trish Cowdrey (Foot) 20%
- Doris Hellar (Foot) 20%

all
 Prob
 9/6/97
 except

summary
 Each
 1st year Prob & 4 Temp
 32 HRS
 T. Raymond
 24 HRS

MANDATED COST

PROBATIONARY TEACHER TRAINING & ASSISTANCE LOG SHEET

EMPLOYEE PROVIDING TRAINING/ASSISTANCE *Lisa Anderson* HZB *4600* ³⁴ *6/7*

PROBATIONARY TEACHER TRAINED/ASSISTED *Trish Boudick* *Angela* Fiscal Year: *95/96*

Month	<i>Aug</i>	Month	<i>Sep</i>	Month	<i>Oct</i>	Month	<i>Nov</i>
Date	Hours	Date	Hours	Date	Hours	Date	Hours
1		1		1		1	
2		2		2		2	
3		3		3		3	
4		4		4		4	
5		5		5		5	
6		6		6		6	
7		7		7		7	
8		8		8		8	
9		9		9		9	
10		10		10		10	
11		11		11		11	
12		12		12		12	
13		13		13	<i>AC (2)</i>	13	
14		14		14		14	
15		15	<i>AC (2)</i>	15		15	
16		16		16		16	
17		17		17		17	<i>TC (1) AC (2)</i>
18		18		18		18	
19		19		19		19	
20		20		20		20	
21		21		21		21	
22		22		22		22	
23		23		23		23	
24		24		24		24	
25		25		25		25	
26		26		26	<i>AC (2)</i>	26	
27		27		27	<i>TC (2)</i>	27	
28	<i>TC (2)</i>	28	<i>AC (2)</i>	28		28	
29	<i>AC (2)</i>	29	<i>TC (2)</i>	29		29	
30		30		30		30	
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Signature *Laura Levy*

Date *10/1/96* District/Site *F. Hill E.S.*

MANDATED COST
PROBATIONARY TEACHER TRAINING & ASSISTANCE LOG SHEET

EMPLOYEE PROVIDING TRAINING/ASSISTANCE LISA Anderson
 PROBATIONARY TEACHER TRAINED/ASSISTED Tish Crowder, Amy Lopez Fiscal Year: 95/96

Month <u>Dec</u>		Month <u>Jan</u>		Month <u>Feb</u>		Month <u>Mar</u>	
Date	Hours	Date	Hours	Date	Hours	Date	Hours
1		1		1		1	
2		2		2	AC (2)	2	
3		3		3		3	
4		4		4		4	
5		5		5		5	
6		6		6		6	
7		7		7		7	
8		8	AC (2)	8		8	
9		9		9		9	
10		10		10		10	
11		11		11		11	
12		12		12		12	
13		13		13		13	
14		14		14		14	
15	TC (1)	15		15		15	
16		16		16	AC (2)	16	
17		17		17		17	
18	AC (2)	18		18		18	
19		19	AC (2)	19		19	
20		20		20		20	
21		21		21		21	
22		22		22		22	
23		23		23		23	
24		24		24		24	
25		25		25		25	
26		26	TC (1)	26	AC (2)	26	
27		27		27		27	
28		28		28		28	
29		29		29		29	TC (1)
30		30		30		30	
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Louise Levy
 Signature

10/1/96 Foothill E.S.
 Date District/Site

MANDATED COST
PROBATIONARY TEACHER TRAINING & ASSISTANCE LOG SHEET

EMPLOYEE PROVIDING TRAINING/ASSISTANCE LISA ANDERSON

PROBATIONARY TEACHER TRAINED/ASSISTED Trish Cowley, & Amy Pappal Fiscal Year: 95/96

Month	Hours	Month	Hours	Month	Hours	Month	Hours
1		1		1		1	
2		2		2		2	
3		3		3	AC (2)	3	
4		4		4		4	
5		5		5		5	
6		6		6		6	
7		7		7	AC (2)	7	
8		8	(1) AC	8		8	
9		9	(1) AC	9		9	
10		10	(1) AC	10		10	
11		11		11		11	
12	AC (2)	12		12		12	
13		13		13		13	
14		14		14		14	
15		15		15		15	
16		16		16		16	
17		17		17		17	
18		18		18		18	
19		19		19		19	
20		20		20		20	
21		21		21		21	
22		22	AC (1)	22		22	
23		23	AC (1)	23		23	
24		24	AC (1)	24		24	
25		25		25		25	
26		26		26		26	
27		27		27		27	
28		28		28		28	
29		29		29		29	
30		30		30		30	
31		31	TC (2)	31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Signature Louise Levy

Date 10/1/96

District/Site Football E.S.

LOGS ET# 5533
 Source CL
 Date Entered 11/5/96
 By TSW
 Sample Log H

MANDATED COST
 PROBATIONARY TEACHER TRAINING & ASSISTANCE LOG SHEET

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Bonnie Calde HZB 36.00
 PROBATIONARY TEACHER TRAINED/ASSISTED Denise Whitford HZB 36.00
 Fiscal Year 95/96

Month <u>Aug</u>		Month <u>Sept</u>		Month <u>Oct</u>		Month <u>Nov</u>	
Date	Hours	Date	Hours	Date	Hours	Date	Hours
1		1		1		1	
2		2		2		2	
3		3		3		3	1
4		4	1	4		4	
5		5		5		5	
6		6		6		6	
7		7		7		7	
8		8	2	8		8	
9		9		9		9	1
10		10		10		10	
11		11		11		11	
12		12	2	12		12	
13		13		13	2	13	
14		14		14		14	
15		15		15		15	
16		16		16		16	
17		17		17		17	
18		18		18		18	
19		19		19		19	
20		20		20		20	
21		21		21		21	
22		22	2	22		22	
23		23		23		23	
24		24		24		24	
25		25		25		25	
26		26	1	26		26	
27		27	1	27	2	27	
28	3	28	1	28		28	
29		29		29		29	
30		30		30		30	
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Signature Louise Levy

Date 10/1/96 District/Site Foothill Elem.

Sample Log H
LOGSHEET # 333
Source
Date Entered
By

MANDATED COST
PROBATIONARY TEACHER TRAINING & ASSISTANCE LOG SHEET

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Boni Calder H2B
PROBATIONARY TEACHER TRAINED/ASSISTED Denise Whitford H2B Fiscal Year 25/96

Month <u>Dec</u>		Month <u>Jan</u>		Month <u>Feb</u>		Month <u>Mar</u>	
Date	Hours	Date	Hours	Date	Hours	Date	Hours
1		1		1		1	
2		2		2		2	
3		3		3		3	
4		4		4		4	
5		5	1	5	1	5	
6		6		6		6	
7		7		7		7	
8		8		8		8	
9		9		9		9	
10		10		10		10	
11		11		11		11	
12		12		12		12	
13		13		13		13	2
14		14		14		14	
15	2	15		15		15	
16		16		16		16	
17		17		17		17	
18		18	3	18		18	
19		19		19		19	
20		20		20		20	
21		21		21		21	
22		22		22		22	
23		23		23	2	23	
24		24		24		24	
25		25		25		25	
26		26		26		26	
27		27		27		27	
28		28		28		28	
29		29	1	29		29	1
30		30		30		30	
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Signature Louise Levy

Date 10/1/96 District/Site Foothill Elem.

MANDATED COST
PROBATIONARY TEACHER TRAINING & ASSISTANCE LOG SHEET

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Boni Calder
 PROBATIONARY TEACHER TRAINED/ASSISTED Denise Whitford Fiscal Year: 95/96

Month <u>Apr</u>		Month <u>May</u>		Month <u>June</u>		Month	
Date	Hours	Date	Hours	Date	Hours	Date	Hours
1		1		1		1	
2		2		2	2	2	
3		3		3		3	
4		4		4		4	
5		5		5		5	
6		6		6		6	
7		7		7		7	
8		8		8		8	
9		9		9		9	
10		10		10		10	
11		11		11		11	
12		12		12		12	
13		13		13		13	
14		14		14		14	
15		15		15		15	
16		16		16		16	
17		17		17		17	
18		18		18		18	
19		19		19		19	
20		20		20		20	
21		21		21		21	
22		22		22		22	
23		23		23		23	
24		24		24		24	
25		25		25		25	
26		26		26		26	
27		27		27		27	
28		28		28		28	
29		29		29		29	
30	2	30		30		30	
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Louise Levy
Signature

10/1/96 Foothill Elem.
Date District/Site

LOGSHEET # 5512
 Source GL
 Date Entered 11/5/96
 By Tom

Sample Log H

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Marla HZB: 142/16

PROBATIONARY TEACHER TRAINED/ASSISTED Jennifer Evans HZB: 144/16 Fiscal Year: 95/96

August		Sept		Oct		Nov	
Month	Hours	Month	Hours	Month	Hours	Month	Hours
Date		Date		Date		Date	
1		1		1		1	2
2		2		2		2	
3		3		3	3	3	
4		4		4	1	4	
5		5		5		5	
6		6	1	6		6	
7		7	1	7		7	1
8		8	2	8		8	
9		9		9	1	9	
10		10		10	1	10	
11		11	2	11	1	11	
12		12		12	1	12	
13		13		13	1	13	2
14		14		14		14	2
15		15	2	15		15	
16		16		16		16	
17		17		17		17	3
18		18		18	1	18	
19		19	1	19	2	19	
20		20	1	20	50 Min	20	
21		21	1	21		21	
22		22		22		22	
23		23		23		23	
24		24		24		24	
25		25		25		25	
26		26		26		26	
27		27		27	3	27	
28	2	28	2	28		28	
29	2	29	2	29		29	
30	1	30		30	2.5	30	
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Lisa Brooks
 Signature

11/1/96
 Date

Argonaut
 District/Site

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Mardi Crall

PROBATIONARY TEACHER TRAINED/ASSISTED Jennifer Evans

Fiscal Year: 95/96

Month	Dec	Month	Jan	Month	Feb	Month	March
Date	Hours	Date	Hours	Date	Hours	Date	Hours
1		1		1	1	1	
2		2		2	1	2	
3		3	2	3		3	
4	2	4		4		4	1
5		5	2	5	2	5	
6		6		6		6	3
7		7		7		7	
8	2	8		8		8	1
9		9		9	2	9	
10		10		10		10	
11	2	11	3	11		11	2
12	1	12	3	12	1	12	2
13	1	13		13	1	13	
14	1	14		14	1	14	
15	3	15		15	1	15	
16		16		16	1	16	
17		17		17		17	
18		18		18		18	
19		19		19		19	
20		20		20	2	20	
21		21		21		21	
22		22	1	22	2.5	22	3
23		23	1	23		23	
24		24	1	24		24	
25		25		25		25	
26		26	3	26	2	26	
27		27		27		27	
28		28		28	50 Min	28	2
29		29		29		29	2
30		30		30		30	
31		31	2	31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Susan Brooks
Signature

01/1/96
Date

Argonaut
District/Site

Sample Log H

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Mardi Crall

PROBATIONARY TEACHER TRAINED/ASSISTED Jennifer Evans

Fiscal Year: 95/96

Month	April	Month	May	Month	June	Month	Hours
Date	Hours	Date	Hours	Date	Hours	Date	Hours
1		1		1		1	
2		2		2		2	
3	1	3	.75 Min	3		3	
4		4		4		4	
5	3	5		5	2	5	
6		6	1.25	6		6	
7		7	.50 Min	7		7	
8		8		8		8	
9		9		9		9	
10		10	3	10		10	
11	2	11		11		11	
12	2	12		12		12	
13		13		13		13	
14		14		14		14	
15	1	15		15		15	
16		16	2	16		16	
17		17		17		17	
18		18		18		18	
19	1	19		19		19	
20		20	1	20		20	
21		21	1	21		21	
22		22	1	22		22	
23	2	23	1	23		23	
24		24	1	24		24	
25	.50Min	25		25		25	
26		26		26		26	
27		27		27		27	
28		28	3	28		28	
29	1	29	2	29		29	
30		30		30		30	
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Lusan Brooks
Signature

01/1/96
Date

Argonaut
District/Site

35 SHEET # 559
 Source 6-
 Date Entered 1/15/96
 By JEN

Sample Log H

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Carol Kummerer H2B 132A

PROBATIONARY TEACHER TRAINED/ASSISTED Kristi McKenna H2B 132A Fiscal Year: 95/96

Month	August	Month	Sept	Month	Oct	Month	Nov
Date	Hours	Date	Hours	Date	Hours	Date	Hours
1		1		1		1	
2		2		2	1	2	
3		3		3		3	2
4		4		4		4	
5		5		5		5	
6		6	1.5	6	4	6	
7		7		7		7	1
8		8	2	8		8	1
9		9		9		9	
10		10		10		10	
11		11		11	1	11	
12		12		12		12	
13		13		13		13	1
14		14		14		14	
15		15	3	15		15	1.25 HR
16		16		16		16	
17		17		17		17	2
18		18	1	18		18	
19		19	1	19	2	19	
20		20		20	1	20	
21		21	1.5	21		21	
22		22		22		22	
23		23		23	.75 Min	23	
24		24		24		24	
25		25		25		25	
26		26		26		26	
27		27	1	27		27	
28	3	28	2	28		28	
29		29		29		29	
30		30		30	2	30	2
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Lusan Brooks
 Signature

10/1/96
 Date

Argonaut
 District/Site

Sample Log H

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Carol Kummerer

PROBATIONARY TEACHER TRAINED/ASSISTED Kristi McKenna

Fiscal Year: 95/96

Month	Dec	Month	Jan	Month	Feb	Month	Mar
Date	Hours	Date	Hours	Date	Hours	Date	Hours
1		1		1		1	
2		2		2		2	
3		3		3		3	
4	2	4		4	1	4	
5		5	3	5	1	5	
6		6		6	1	6	
7		7		7	1	7	3
8	2	8		8		8	
9		9	2	9		9	
10		10		10		10	
11		11	1	11		11	
12		12		12	2	12	2
13	3	13		13		13	2
14	1	14		14		14	2
15		15		15	2	15	
16		16		16		16	
17		17		17		17	
18	3	18		18		18	3
19		19		19	1	19	
20		20		20		20	
21		21		21	2.5	21	
22		22	4	22		22	1
23		23		23	1	23	
24		24		24		24	
25		25		25		25	
26		26	1	26	1	26	3
27		27		27	1	27	
28		28		28	1.5	28	
29		29		29		29	
30		30		30		30	
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Susan M. Butke
Signature

10/1/96
Date

Argonaut
District/Site

Sample Log H

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Carol Kummerer

PROBATIONARY TEACHER TRAINED/ASSISTED Kristi McKenna

Fiscal Year: 95/96

Month April		Month May		Month June		Month	
Date	Hours	Date	Hours	Date	Hours	Date	Hours
1	1	1		1		1	
2	1	2		2		2	
3	2	3	2	3	1.25	3	
4	1	4		4	2	4	
5	1	5		5	1	5	
6		6		6	1	6	
7		7		7	2	7	
8		8		8		8	
9		9	2	9		9	
10		10	2	10	2	10	
11		11		11		11	
12	1	12		12		12	
13		13	1	13	2	13	
14		14	1	14		14	
15		15	1.5	15		15	
16		16		16		16	
17	3	17		17		17	
18		18		18		18	
19		19		19		19	
20		20	.75 Min	20		20	
21		21		21		21	
22		22		22		22	
23	2	23	1.5	23		23	
24		24		24		24	
25		25		25		25	
26	1	26		26		26	
27		27		27		27	
28		28		28		28	
29		29	3	29		29	
30	1	30		30		30	
31	1	31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Susan Brooks
Signature

10/1/96
Date

Argonaut
District/Site

L^r SHEET # 558
 Source GL
 Date Entered 11/16/96
 By JON

Sample Log H

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Janet Okada HZB: 72 hrs

PROBATIONARY TEACHER TRAINED/ASSISTED Eva Hue HZB: 72 hrs Fiscal Year: 95/96

Month	August	Month	Sept	Month	Oct	Month	Nov
Date	Hours	Date	Hours	Date	Hours	Date	Hours
1		1		1		1	
2		2		2		2	
3		3		3	2	3	1
4		4	2	4		4	
5		5		5		5	
6		6		6		6	
7		7		7		7	2
8		8		8		8	1
9		9		9		9	
10		10		10		10	
11		11		11		11	
12		12		12	2	12	
13		13	1	13	1	13	
14		14	1	14		14	
15		15	1	15		15	
16		16		16		16	
17		17		17		17	3
18		18		18		18	
19		19	1	19		19	
20		20	2	20		20	
21		21	1	21		21	
22		22		22		22	
23		23		23		23	
24		24		24		24	
25		25		25		25	
26		26		26		26	
27		27		27	3	27	
28		28		28		28	
29	3	29		29		29	
30		30		30		30	
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Susan Booche
 Signature

10/1/96
 Date

Argonaut
 District/Site

Sample Log H

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Janet Okada

PROBATIONARY TEACHER TRAINED/ASSISTED Eva Hue

Fiscal Year: 95/96

Month	Dec	Month	Jan	Month	Feb	Month	March
Date	Hours	Date	Hours	Date	Hours	Date	Hours
1		1		1		1	
2		2		2		2	
3		3		3		3	
4	2	4	2	4		4	
5		5		5	2	5	3
6		6		6	2	6	
7		7		7		7	
8		8	2	8		8	
9		9		9		9	
10		10		10		10	
11		11		11		11	
12	1	12	1	12		12	
13	1	13		13		13	
14	1	14		14		14	
15	1	15		15		15	
16		16		16		16	
17		17	1	17		17	
18	2	18		18		18	
19		19		19		19	
20		20		20		20	
21		21		21		21	1
22		22	1	22	1	22	1
23		23		23		23	
24		24		24		24	
25		25		25		25	
26		26		26		26	
27		27		27	1	27	
28		28		28		28	
29		29		29		29	
30		30		30		30	
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Janet Okada
Signature

10/1/96
Date

Argonaut
District/Site

Sample Log H

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Janet Okada

PROBATIONARY TEACHER TRAINED/ASSISTED Eva Hue

Fiscal Year: 95/96

Month Date	April Hours	Month Date	May Hours	Month Date	June Hours	Month Date	Hours
1		1		1		1	
2		2	2	2		2	
3		3		3		3	
4		4		4		4	
5		5		5		5	
6		6		6		6	
7		7		7		7	
8		8		8		8	
9		9	1	9		9	
10		10		10		10	
11	2	11		11		11	
12	2	12		12		12	
13		13		13		13	
14		14		14		14	
15		15		15		15	
16		16		16		16	
17		17	2	17		17	
18		18		18		18	
19		19		19		19	
20		20		20		20	
21		21		21		21	
22	1	22		22		22	
23	1	23		23		23	
24	1	24	3	24		24	
25		25		25		25	
26		26		26		26	
27		27	4	27		27	
28		28		28		28	
29		29		29		29	
30		30		30		30	
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Susan Brooks
Signature

10/1/96
Date

Argonaut
District/Site

GSHEET # 5510
 Source GL
 Date Entered 10/1/96
 By JSW

Sample Log H

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Heidi Pierce H2B: 36 hrs

PROBATIONARY TEACHER TRAINED/ASSISTED Linda Snider H2B: 36 hrs Fiscal Year: 95/96

August		Sept		Oct		Nov	
Month	Hours	Month	Hours	Month	Hours	Month	Hours
Date		Date		Date		Date	
1		1		1		1	
2		2		2		2	
3		3		3		3	
4		4		4		4	
5		5	1	5		5	
6		6	1	6	2	6	
7		7		7		7	
8		8		8		8	2
9		9		9		9	
10		10		10		10	
11		11		11		11	
12		12		12		12	
13		13		13	1	13	
14		14		14		14	
15		15		15		15	
16		16		16		16	
17		17		17		17	2
18		18		18		18	
19		19		19		19	
20		20		20		20	
21		21	2	21		21	
22		22		22		22	
23		23		23		23	
24		24		24		24	
25		25		25		25	
26		26	1	26		26	
27		27		27		27	
28	3	28		28		28	
29		29		29		29	
30		30		30	3	30	
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Signature Linda Snider

Date 10/1/96

District/Site Argonaut

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Heidi Pierce

PROBATIONARY TEACHER TRAINED/ASSISTED Linda Snider Fiscal Year: 95/96

Month	Dec	Month	Jan	Month	Feb	Month	Mar
Date	Hours	Date	Hours	Date	Hours	Date	Hours
1		1		1		1	
2		2		2		2	
3		3		3		3	
4	1	4		4		4	
5		5		5		5	
6		6		6		6	
7	1	7		7		7	
8		8		8		8	
9		9	4	9	2	9	
10		10		10		10	
11		11		11		11	
12		12		12		12	
13		13		13		13	
14		14		14		14	
15	2	15		15		15	
16		16		16		16	
17		17		17		17	
18		18		18		18	
19		19		19		19	
20		20		20		20	
21		21		21		21	2
22		22		22		22	
23		23		23		23	
24		24	.50 Min	24		24	
25		25	.50 Min	25		25	
26		26		26		26	
27		27		27		27	
28		28		28		28	
29		29		29		29	
30		30		30		30	
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Lusan Brooke
Signature

2/1/96
Date

Argonaut
District/Site

Sample Log H

EMPLOYEE PROVIDING TRAINING/ASSISTANCE Heidi Pierce

PROBATIONARY TEACHER TRAINED/ASSISTED Linda Snider

Fiscal Year: 95/96

Month	April	Month	May	Month	June	Month	Hours
Date	Hours	Date	Hours	Date	Hours	Date	Hours
1		1		1		1	
2		2		2		2	
3		3		3	2	3	
4		4		4		4	
5		5		5		5	
6		6		6		6	
7		7		7		7	
8		8		8		8	
9		9		9		9	
10		10		10		10	
11		11		11		11	
12		12		12		12	
13		13		13		13	
14		14		14		14	
15		15		15		15	
16		16		16		16	
17	1	17		17		17	
18	1	18		18		18	
19	1	19		19		19	
20		20		20		20	
21		21		21		21	
22		22		22		22	
23		23		23		23	
24		24		24		24	
25		25		25		25	
26		26		26		26	
27		27		27		27	
28		28		28		28	
29		29		29		29	
30		30		30		30	
31		31		31		31	

I certify that the time documented above is an accurate representation of the time spent on probationary teacher training and assistance which is over and above that provided to permanent teachers.

Signature Susan Brooks

Date 10/1/96

District/Site Argonaut



S43165

KATHLEEN CONNELL
CONTROLLER OF THE STATE OF CALIFORNIA
DIVISION OF ACCOUNTING AND REPORTING

AUGUST 5, 1998

BOARD OF TRUSTEES
SARATOGA UNION SCHOOL DISTRICT
SANTA CLARA COUNTY
20460 FORREST HILLS DRIVE
SARATOGA CA 95070

DEAR CLAIMANT:

RE: CERT TEACHERS EVAL CH 498/83

WE HAVE REVIEWED YOUR 1995/1996 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED	95,265.00
LESS: TOTAL ADJUSTMENTS (DETAIL ON PAGE 2)	- 85,109.00

CLAIM AMOUNT APPROVED	10,156.00
LESS: TOTAL PRIOR PAYMENTS (DETAIL ON PAGE 2)	42,692.00

AMOUNT DUE STATE	\$ 32,536.00
	=====

PLEASE REMIT A WARRANT IN THE AMOUNT OF \$ 32,536.00 WITHIN 30 DAYS FROM THE DATE OF THIS LETTER, PAYABLE TO THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875 WITH A COPY OF THIS LETTER. FAILURE TO REMIT THE AMOUNT DUE WILL RESULT IN OUR OFFICE PROCEEDING TO OFFSET THE AMOUNT FROM THE NEXT PAYMENTS DUE TO YOUR AGENCY FOR STATE MANDATED COST PROGRAMS.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT EDUARDO ANTONIO AT (916) 323-0755 OR IN WRITING AT THE ABOVE ADDRESS.

SINCERELY,

JEFF YEE,
MANAGER

ADJUSTMENT TO CLAIM:

INDIRECT COSTS OVERSTATED	-	6,442.00
NO SUPPORTING DOCUMENTATION	-	300.00
NON-REIMBURSABLE ITEM	-	78,367.00

LESS: TOTAL ADJUSTMENTS - 85,109.00

PRIOR PAYMENTS:

SCHEDULE NO. MA60717A		
PAID 05-15-1997		42,692.00

LESS: TOTAL PRIOR PAYMENTS 42,692.00

EXHIBIT 4

1 OFFICE OF THE STATE CONTROLLER
2 300 Capitol Mall, Suite 1850
3 Sacramento, CA 94250
4 Telephone No.: (916) 445-6854

5 BEFORE THE
6 COMMISSION ON STATE MANDATES
7 STATE OF CALIFORNIA

8
9 INCORRECT REDUCTION CLAIM ON:

10 Certification of Teacher
11 Evaluator's Demonstrated
12 Competence

13 Education Code section 35160.5
14 Statutes of 1983, Chapter 498

15 SARATOGA UNION ELEMENTARY
16 SCHOOL DISTRICT, Claimant

No.: CSM 01-4136-I-045
AFFIDAVIT OF CUSTODIAN

17 I, Virginia Brummels make the following declarations:
18

- 19 1) I am an employee of the State Controller's Office and over
20 the age of 18 years.
- 21 2) I am currently employed as an Accounting Administrator II,
22 and have been so for the past year. Before that I was employed
23 as a Staff Management Auditor-Specialist, and Accounting
24 Administrator I Specialist and Supervisor for 14 years.
- 25 3) As a section manager in the Department of Accounting &
Reporting I have access to, and am involved in, the intake and
processing of claims for reimbursement for expenditures mandated
by the state.

1 4) I am a duly authorized custodian of records or other
2 qualified witness with authority to certify such records.

3 5) Any attached copies of records are true copies of records as
4 retained at our place of business.

5 4) The records were prepared or received by the personnel of our
6 office in the ordinary course of business at or near the time of
7 the act, condition, or event.

8 5) The records include claims for reimbursement, along with any
9 attached supporting documentation, remittance advices,
10 explanatory letters, or other documents relating to the above-
11 entitled Incorrect Reduction Claim.

12 I do declare that the above declarations are made under
13 penalty of perjury and are true and correct to the best of my
14 knowledge, and that such knowledge is based on personal
15 observation, information, or belief.

16 Date: January 25, 2002

17 OFFICE OF THE STATE CONTROLLER

18 By: Virginia Brummels
19 Virginia Brummels
20 Section Manager
21 Local Reimbursement Section
22
23
24
25

PROOF OF SERVICE VIA FIRST CLASS UNITED STATES MAIL

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of 18 years and not a party to the within entitled action. My place of employment and business address is 300 Capitol Mall, Suite 1850, Sacramento, California 95814.

On February 20, 2002, I served the foregoing **INCORRECT REDUCTION CLAIMS-OF-SARATOGA, DAVIS, ELK GROVE, MERCED, MILPITAS, SANTA MARIA AND DAVIS** by causing the same to be deposited in the United States Mail to the person(s) named below at the address(es) shown:

Stephen Smith
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on February 20, 2002, at Sacramento, California.


SHAWN SILVA

EXHIBIT B,
TAB 6



KATHLEEN CONNELL
Controller of the State of California

February 20, 2002

RECEIVED

Shirley Opie, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

FEB 21 2002
COMMISSION ON
STATE MANDATES

Re: Incorrect Reduction Claims
Certification of Teacher Evaluator's Demonstrated Competence
Merced City Elementary School District, CSM 01-4136-I-046
Education Code Section 35160.5
Statutes of 1983, Chapter 498

Dear Ms. Opie:

This letter constitutes the Controller's Office response to the above-entitled incorrect reduction claim. It appears that the issues involved in the IRCs received recently concerning this mandate are identical. Therefore, the analysis in the IRCs numbered CSM 01-4136-I-041 through CSM 01-4136-I-047 is identical. However, the responses are being submitted under separate cover to facilitate record keeping, and because the supporting documentation is slightly different in each case.

In the end, the outcome of these IRCs comes down to the terms of the Parameters & Guidelines. The Parameters & Guidelines simply do not provide for reimbursement of the wages of probationary teachers. They provide for costs related to probationary teachers such as: (1) Training, assisting, and evaluating probationary teachers (over and above that usually provided to permanent teachers); (2) Training materials and clerical services; (3) Registration fees and travel costs to attend training activities; (4) Costs of substitute teachers so that probationary teachers may attend training sessions; (5) Costs of consultants to train and assist probationary teachers, if needed. Notably absent is any reference to the salaries of probationary teachers. Since there is no provision in the Parameters & Guidelines for the reimbursement of probationary teachers salaries, these IRCs should be denied.

MAILING ADDRESS P.O. Box 942850, Sacramento, CA 94250
SACRAMENTO 300 Capitol Mall, Suite 1850, Sacramento, CA 95814 (916) 445-2636
LOS ANGELES 600 Corporate Pointe, Suite 88150, Culver City, CA 90230 (310) 342-5678

Claimant's reliance on the *Physical Performance and American Government Course Document Requirements Parameters & Guidelines* is misplaced. Although reference to other Parameters & Guidelines may be appropriate when attempting to interpret a phrase of a Parameter & Guideline, claimant is attempting to add language in this case, rather than merely interpret it. The appropriate process for that type of change would be an amendment to the Parameters & Guidelines. In fact, Stockton Unified School District submitted such a request on April 4, 1995 (Exhibit 1). Apparently, they believed that the Parameters & Guidelines did not properly address probationary teachers salaries. However, that request was ultimately withdrawn before it was ever heard (Exhibit 2). Claimant should not be allowed to circumvent the required procedures for an amendment by using an IRC to add language to a set of Parameters & Guidelines, therefore their request should be denied.

Please find attached the analysis of the Division of Accounting and Reporting (Exhibit 3), as well as relevant supporting documentation, with declaration (Exhibit 4). Exhibits referred to in DAR's analysis are either included or have already been exchanged between the parties.

Sincerely,



SHAWN D. SILVA
Staff Counsel

cc: Stephen Smith

EXHIBIT 1



STOCKTON UNIFIED SCHOOL DISTRICT

701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4124 • FAX (209) 953-4477

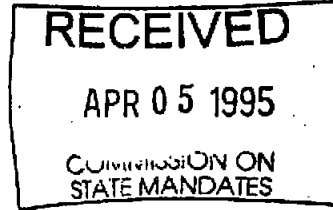
BUSINESS SERVICES

BOARD OF EDUCATION

JOSE A. BERNARDO
CHARLES G. BLOCH
VICKI BRAND
LOUIS GONZALES
GLEN G. LEE
FRANK E. ORZICO
JAMES L. URBAN
SUPERINTENDENT
GARY MCHENRY

April 4, 1995

W. M. Mearns
7/23/95



Ms. Shelly Mateo
Interim Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Ms. Mateo:

Pursuant to Title 2, California Code of Regulations, Section 1183.2 enclosed is our district's request to amend the parameters and guidelines for the **Certification of Teacher Evaluator's Demonstrated Competence** mandate. This mandate was enacted by **Chapter 498/Statutes of 1983**.

We have enclosed a narrative outlining the reasons the amendment is required as well as proposed amended parameters and guidelines. The proposed changes to the current parameters and guidelines have been underlined.

If you have any questions, please contact our consultant, Steve Smith of Mandate Cost Systems at (916) 487-4435.

Thank you for your cooperation.

Sincerely,

Norma Mearns

Norma E. Mearns
Director of Budget

NEM:cmb

enclosure:

**Justification for Amendment to the Parameters & Guidelines
for Certification of Teacher Evaluator's Demonstrated Competence
Chapter 498/Statutes of 1983**

The current Parameters & Guidelines for Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498, Statutes of 1983 do not address whether the time spent by probationary teachers receiving training, assistance or evaluation, over and above that usually provided to permanent teachers, is claimable.

We have specifically identified the following activities/costs as new programs implemented to comply with the requirements of this mandate. The increased activities required of probationary teachers as a result of this mandate are:

- 1) Probationary teacher time spent attending district sponsored training sessions that are provided specifically for probationary teachers. These sessions take place after school and prior to the start of the school year.
- 2) Probationary teacher time spent receiving assistance or training on a weekly or monthly basis, from district employees as part of the district's probationary teacher training & assistance program.

The district sponsored training sessions ~~prior to the start of school~~ represents a new program because most districts bring in their probationary teachers one or two days earlier than their permanent teacher to orientate them to the district and provide training specific to their needs. This is accomplished by requiring that probationary teachers work 185 day years instead of the 183 day year required of permanent teachers.

Likewise, after school district sponsored training sessions and one-on-one training received from employees with assigned responsibilities to train and assist probationary teachers represents a new program because it takes probationary teachers away from other duties that they perform outside the classroom.

Precedents in other claims

Precedents in other claims exist that provide reimbursement for time spent receiving training. These include:

- 1) The Emergency Procedures, Earthquakes and Disasters claim, Chapter 1659/Statutes of 1984 allows reimbursement for "the costs by the district of employees attending these meetings to receive instruction" (on earthquake and disaster procedures).

- D
- 2) The Collective Bargaining claim, Chapter 961/Statutes of 1975 allows reimbursement for "reasonable costs incurred for a reasonable number of training sessions held for supervisory and management personnel regarding contract administration and the interpretation of the negotiated contract".
 - 3) The Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498/Statutes of 1983 allows reimbursement for "time of district administrators spent in certification training excluding classroom observation"
 - 4) District employee time receiving various training are also listed as reimbursable under the
 - a) Mandate Reimbursement Process claim, Chapter 1459/Statutes of 1984,
 - b) Credential Monitoring claim, Chapter 1376/Statutes of 1987 and
 - c) AIDS Instruction, Chapter 818/Statutes of 1991

Restrictions

We have identified other time spent by probationary teachers ~~attributable to this~~ mandate, however based on precedents from other claims are not requesting reimbursement for them. These are listed below and should be identified as restrictions.

- 1) In-classroom probationary teacher receiving hands-on training (In classroom teacher time restriction from the Emergency Procedures, Earthquakes & Disasters Chapter 1659/States of 1984 and AIDS Instruction, Chapter 818/Statutes of 1991)
- 2) In cases where substitutes are provided, the district can only claim the substitute cost.

Adopted: 4/24/86
Amended: 1/24/91
WP 1080A

PARAMETERS AND GUIDELINES

Education Code Section 35160.5

Chapter 498, Statutes of 1983

Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

- A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.
 - a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three-year period.
 - a. Time of district administrators spent in certification training excluding classroom observation.
 - b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.
 - c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.
 - d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

- e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.

B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.

- a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.
- b. Training materials and clerical services for probationary teachers.
- c. Registration fees and travel costs of probationary teachers attending training activities.
- d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

- e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.
- f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year.
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probationary teacher training and assistance program.
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable.
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

- 1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

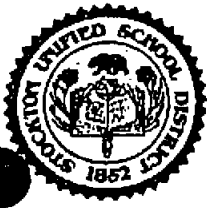
Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty

(20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

EXHIBIT 2



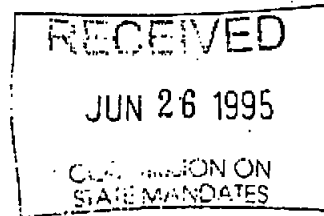
STOCKTON UNIFIED SCHOOL DISTRICT

BOARD OF EDUCATION

BUSINESS MANAGER
701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4055 • FAX (209) 953-4477

JOSE A. BERNARDO
CHARLES D. BLOCH
VICKI BRAND
LOUIS GONZALES
CLEM G. LEE
FRANK E. OROZCO
JAMES L. URBANI
SUPERINTENDENT
GARY MCHENRY

June 23, 1995



Mr. Kirk Stewart
Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Mr. Stewart:

This letter is to inform you that we are withdrawing our request dated April 4, 1995 to amend the Parameters and Guidelines for the Certification of Teacher Evaluator's Demonstrated Competence mandate. This mandate was enacted by Chapter 498/Statutes of 1983.

This request is being withdrawn because after numerous discussions with Commission Staff and other interested parties, it is clear that any positive action resulting from clarifying this issue is more than offset by the possibility that re-opening this claim could result in the entire claim being denied.

If you have any questions, please contact our consultant, Steve Smith, of Mandated Cost Systems at (916) 487-4435.

Sincerely,

Norma E. Mearns
Director of Budget

NEM:mw

EXHIBIT 3

**Merced City Elementary School District
Certification of Teacher Evaluators Demonstrated Competence
Analysis of Incorrect Reduction Claim
For Fiscal Year 1995/96**

FY 1995/96 Exhibit 1: Declaration of Virginia Brummels;

Exhibit 2: Analysis of the Merced City Elementary School District (MCESD) Incorrect Reduction Claim (IRC);

Exhibit 3: Includes a copy of the IRC for the Certification of Teacher Evaluators Demonstrated Competence program for the MCESD;

On December 2, 1996, the MCESD filed an actual claim of \$83,776 for the state mandated Certification of Teacher Evaluators Demonstrated Competence (CTEDC) program. The CTEDC mandated cost claim was filed based on actual costs, and the MCESD included costs for probationary teachers' salaries and wages in the amount of \$109,200 and indirect costs of \$1,133, for a total of \$39,018.

Exhibit 4: Includes copies of the reimbursement claim and supporting documentation;

Exhibit 5: Includes a copy of the Annual Claiming Instructions for School Districts;

The mandate was amended on January 24, 1991, to allow for reimbursement of individual administrator training, for a maximum of ten days (eighty hours in any three-year period). This amendment was considered necessary due to Chapter 498, Statutes of 1983 where the Legislature required each school district to adopt rules and regulations to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies to evaluate probationary teachers; to ensure that each probationary teacher was assigned to a school with assurance that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to and when possible, resolve the complaints. The training reimbursement is for assistance and evaluating probationary teachers. The training of probationary teachers is not to include the cost of salaries and wages for the Mentor Teacher Program.

Reimbursement is provided for the cost of substitute teachers to allow probationary teachers to attend training activities, including visitations to other teachers' classrooms to observe teaching techniques (limit of three visits).

Merced City Elementary School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

Exhibit 6: Includes a copy of the Commission on State Mandate's (COSM) Parameter's and Guideline's (P's & G's);

Refer to section V., Reimbursable Costs; B states as follows:

"The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers, funded by the Mentor Teacher Program, can not be claimed as a reimbursable cost:
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers;
 - b. Training materials and clerical services for probationary teachers;
 - c. Registration fees and travel costs of probationary teachers attending training activities;
 - d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester); and
 - e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education."

The State Controller's Office (SCO) claiming instructions, Exhibit 4, are in agreement with the adopted P's & G's in this exhibit.

Merced City Elementary School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

Exhibit 7: Includes a copy of the SCO Notice of Claim Adjustment letter dated December 11, 1998;

The SCO letter notifies the MCESD that the amount of \$57,045 for salaries and benefits of probationary teachers in training is disallowed. This letter further states "...P's and G's do not provide reimbursement for probationary teachers' training costs. In lieu of that, the P's and G's reimburse the cost of substitute teachers while the probationary teachers attend training activities."

Exhibit 8: Includes a copy of a letter dated April 4, 1995, from Stockton Unified School District (SUSD);

This letter contains a narrative outlining the reasons the amendment is required and includes proposed amendments to the P's & G's to clarify reimbursement for probationary teachers' salaries and wages. In the letter dated April 4, 1995, SUSD proposed the following amendments to the section V., Reimbursable Costs, B. 1. of the P's and G's last amended and adopted on January 24, 1991. The proposed amendments are as follows:

- f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year.
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probation teacher training and assistance program.
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable.
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time.

Exhibit 9: Includes a copy of a letter dated June 23, 1985 from SUSD;

On June 23, 1995, the Director of Budgets for SUSD corresponded in writing to Kirk Stewart, the Executive Director of the COSM, and withdrew their request for

Page 4

Merced City Elementary School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

clarification due to their conversations with the COSM staff, that any positive action resulting from clarifying this issue could result in the possibility that re-opening this claim could result in the entire amendment being denied. Any questions were referred to their consultant, Steve Smith of Mandated Cost Systems. This clearly demonstrates that the reimbursement of training time for probationary teachers was on the "wish list" but was deemed not the right time to clarify the issue. The withdrawal of this action (6/23/95 letter) brings this issue of reimbursement before the COSM in the form of an incorrect reduction claim. Therefore, this is not an issue of the SCO incorrectly reducing the district's claim, but a means for the district to obtain reimbursement for what they withdrew as an amendment to the Ps & Gs.

Prepared by Ginny Brummels

January 29, 2002

EXHIBIT 4

1 OFFICE OF THE STATE CONTROLLER
300 Capitol Mall, Suite 1850
2 Sacramento, CA 94250
Telephone No.: (916) 445-6854
3

4
5 BEFORE THE
6 COMMISSION ON STATE MANDATES
7 STATE OF CALIFORNIA

8
9 INCORRECT REDUCTION CLAIM ON:

10 Certification of Teacher
11 Evaluator's Demonstrated
Competence

12 Education Code section 35160.5
13 Statutes of 1983, Chapter 498

14 MERCED CITY ELEMENTARY SCHOOL
15 DISTRICT, Claimant
16

No.: CSM 01-4136-I-046

AFFIDAVIT OF CUSTODIAN

17 I, Virginia Brummels make the following declarations:
18

19 1) I am an employee of the State Controller's Office and over
20 the age of 18 years.

21 2) I am currently employed as an Accounting Administrator II,
22 and have been so for the past year. Before that I was employed
as a Staff Management Auditor-Specialist, and Accounting
Administrator I Specialist and Supervisor for 14 years.

23 3) As a section manager in the Department of Accounting &
24 Reporting I have access to, and am involved in, the intake and
25 processing of claims for reimbursement for expenditures mandated
by the state.

Declaration of X - 1

1 4) I am a duly authorized custodian of records or other
2 qualified witness with authority to certify such records.

3 5) Any attached copies of records are true copies of records as
4 retained at our place of business.

5 4) The records were prepared or received by the personnel of our
6 office in the ordinary course of business at or near the time of
7 the act, condition, or event.

8 5) The records include claims for reimbursement, along with any
9 attached supporting documentation, remittance advices,
10 explanatory letters, or other documents relating to the above-
11 entitled Incorrect Reduction Claim.

12 I do declare that the above declarations are made under
13 penalty of perjury and are true and correct to the best of my
14 knowledge, and that such knowledge is based on personal
15 observation, information, or belief.

16 Date: January 25, 2002

17 OFFICE OF THE STATE CONTROLLER

18 By: Virginia Brummels
19 Virginia Brummels
20 Section Manager
21 Local Reimbursement Section
22
23
24
25

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number.00009

(20) Date Filed

(21) Signature Present

(01) Claimant Identification Number:
S24070

(02) Mailing Address

Claimant Name
MERCED CITY ELEMENTARY SD

County Of Location
MERCED

Street Address or P.O. Box
444 W. 23RD ST.

City State Zip Code
MERCED CA 95340

Reimbursement Claim Data

(22) TE-1,(04)(1)(d) 11,343

(23) TE-2,(04)(2)(d) 38,562

(24) TE-1,(04)(3)(d) 32,146

(25) TE-1,(05)(d) 82,051

(26) TE-1,(06) 2,9900

Type of Claim	Estimated Claim	Reimbursement Claim
(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(27) TE-1,(11) 83,776
(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(28)
(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(29)

Fiscal Year of Cost (06) 19 ___ / ___ (12) 19 95 / 96 (31)

Total Claimed Amount (07) (13) \$ 20383
83,776 (32)

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable) (14) (33)

Less: Estimate Payment Received (15) \$ 37644 (34)

Net Claimed Amount (16) \$ 17261
83,776 (35)

Due From State (08) (17) \$ 83,594 (36)

Due to State (18) 17261 (37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative
Moni Lis

Date
11/26/96

MONA LIS
Type or Print Name

DIRECTOR, FISCAL SERVICES
Title

(39) Name of Contact Person For Claim
Steve Smith, Mandated Cost Systems

Telephone Number
916-487-4435 Ext. _____

5-15-96
1-26-96
37644
909
37644

MANDATED COSTS Certification of Teacher Evaluator's Demonstrated Competence CLAIM SUMMARY	FORM TE-1
--	----------------------------

(01) Claimant: S24070 MERCED CITY ELEMENTARY SD	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year: 19 <u>95</u> / <u>96</u>
---	--	--

Claim Statistics

(03) Professional and Consultant Services Certifications: a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year? b. If yes, explain.	Yes	No X
---	-----	-------------

Direct Costs	Cost Elements			
	(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
(04) Reimbursable Components:				
1. Certification of Teacher Evaluators	11,343	0	0	11,343
2. Probationary Certified Employee Policies	38,562 ⁶⁷⁷	0	0	38,562 ⁶⁷⁷
3. Parental Complaint Policies	7,771	0	24,375	32,146 ⁷⁷⁷¹
(05) Total Direct Costs	57,676 ¹⁹⁷⁹¹	0	24,375	82,051 ¹⁹⁷⁹¹

Indirect Costs		
(06) Indirect Cost Rate	J-380 or J-580, as applicable	2.9900 %
(07) Indirect Costs	{[Line (05)(d) - line (05)(c)] x line (06)}	1,725 ⁵⁹⁷
(08) Total Costs:	{Line (05)(d) + line (07)}	83,776 ^{20,383}

Cost Reduction	
(09) Less: Offsetting Savings, if applicable	
(10) Less: Other Reimbursements, if applicable	20,383
(11) Total Claimed Amount:	{Line(08) - [Line(09) + line(10)]} 83,776

$$\begin{array}{r}
 62260 \\
 1133 \\
 \hline
 63393 \\
 910,83776 \\
 - 63393 \\
 \hline
 20383
 \end{array}$$

MANDATED COSTS Certification of Teacher Evaluator's Demonstrated Competence COMPONENT / ACTIVITY COST DETAIL	FORM TE-2
---	----------------------------

(01) Claimant: MERCED CITY ELEMENTARY SD	(02) Fiscal Year costs were incurred: 95-96
---	--

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f). Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING					
ANDERSON B/LEARNING DIR	31.74	5.75	183		
ASSALI A/ASSIST PRINC	43.03	5.75	247		
ATKINSON, P/ PRINCIPAL	38.97	8.00	312		
BURROWS, S/PRINCIPAL	51.40	8.00	411		
COPE, L/ASST PRINCIPAL	42.82	15.75	674		
COPE, S/PRINCIPAL	38.97	8.00	312		
COWLES, J/PRINCIPAL	46.12	8.00	369		
DOSSETTI, A/ PRINCIPAL	43.54	8.00	348		
DOYLE, J- ASST. SUPERINTENDENT	50.80	10.00	508		
FLORES, R/ PRINCIPAL	47.11	8.00	377		
FULLER, S/ PRINCIPAL	47.03	8.00	376		
GRACIA B/ASSIST PRINC	43.03	5.75	247		
GRAVE, T/DIRECTOR	46.90	8.00	375		
GUEVARA, P/COORDINATOR	42.65	8.00	341		
HADLEY, C/PRINCIPAL	44.58	8.00	357		
INDERBITEON MA/ASST PRINCE	43.03	5.75	247		
JONES M/ASSIST PRINCIPAL	42.82	5.75	246		
KNAUF, K/PRINCIPAL	43.54	8.00	348		
MORRIS J/ASSIST PRINC	42.82	5.75	246		
NEMOEDE, N/PRINCIPAL	49.55	8.00	396		
OWEN, S/PRINCIPAL	44.03	8.00	352		
PARGA-DURAN, R/PRINCIPAL	47.16	8.00	377		
PARKER, T/PRINCIPAL	47.16	8.00	377		
PENNING S/LEARNING DIR	42.55	5.75	245		
PETERSON, S/ PRINCIPAL	46.68	8.00	373		
RAHILLY N/CUR COORDINATOR	46.98	8.00	376		
SCOTT M/LEARNING DIR	40.09	5.75	231		
SPICER G/ASSIST PRINC	41.96	5.75	241		
SPINARDI S/ASSIST PRINC	41.98	5.75	241		
STORM B/ASSIST PRINC	43.03	5.75	247		
STOWELL, D/PRINCIPAL	37.42	8.00	299		
TAYLOR M/ASSIST PRINCIPAL	43.55	5.75	250		

(05) Total <input checked="" type="checkbox"/>	Subtotal <input type="checkbox"/>	Page: <u>1</u> of <u>1</u>	\$ 10,529	0	0
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MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **MERCED CITY ELEMENTARY SD**

(02) Fiscal Year costs were incurred: **95 - 96**

- (03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
WILLIAMS, B/ASST PRIN	38.71	5.75	223		
WILSON, S/PRINCIPAL	45.07	8.00	361		
WRIGHT, M/ ADMINISTRATOR	28.77	8.00	230		

(05) Total Subtotal

Page: 1 of 1

\$ 814 0 0

MANDATED COSTS Certification of Teacher Evaluator's Demonstrated Competence COMPONENT / ACTIVITY COST DETAIL	FORM TE-2
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(01) Claimant MERCED CITY ELEMENTARY SD	(02) Fiscal Year costs were incurred: 95-96
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(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f). Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
AMPARAN, A/TEACHER	34.79	40.50	1409		
ARZAMENDI G/TEACHER	30.25	16.25	492		
ARZANENDI F/TEACHER	29.71	16.50	490		
BLACK, SCOTT/TEACHER	28.14	27.50	774		
CHAVEZ C/TEACHER	32.52	17.50	569		
CHOULAMOUNTRY, S/TEACHER	30.33	35.50	1076		
COPE, L/ASST PRINCIPAL	42.82	1.25	54		
COTTA T/TEACHER	30.25	108.00	3267		
DANIEL K/TEACHER	31.14	24.75	771		
DIAZ B/TEACHER	30.25	11.25	340		
DOYLE, J- ASST. SUPERINTENDENT	50.80	7.50	381		
FLETCHER M/TEACHER	33.13	22.50	745		
FRANCA, D/ TEACHER	29.79	43.00	1281		
GUEVARA, P/COORDINATOR	42.65	5.00	213		
GUTIERREZ R/TEACHER	33.67	15.75	530		
HAWLEY, C/ TEACHER	36.93	28.75	1062		
HILLEGEIST C/TEACHER	37.97	40.50	1538		
HOWARD S/TEACHER	28.89	25.00	722		
HUBBARD K/TEACHER	27.43	13.25	363		
JOHNSON S/TEACHER	35.11	40.50	1422		
LILLARD K/TEACHER	30.20	17.50	529		
MAHAN D/TEACHER	32.80	40.50	1328		
MONDO, M/ TEACHER	32.07	35.25	1130		
MORGAN S/TEACHER	30.25	40.50	1225		
MORRIS J/ASSIST PRINC	42.82	0.67	29		
MOYLE T/TEACHER	34.55	27.50	950		
MUNOZ J/TEACHER	29.11	40.50	1179		
MURPHY L/TEACHER	28.86	20.00	577		
NAYDEN G/TEACHER	30.25	40.50	1225		
NEIVAH R/TEACHER	30.25	10.75	325		
NEWARK, R/ TEACHER	30.93	4.00	124		
PANYANOUVONG P/TEACHER	30.25	19.25	582		

(05) Total <input checked="" type="checkbox"/> Subtotal <input type="checkbox"/>	Page: <u>1</u> of <u>1</u>	\$ <u>26,702</u>	0	0
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MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: **MERCED CITY ELEMENTARY SD**

(02) Fiscal Year costs were incurred: **95 - 96**

(03) Reimbursable Component: Competence in Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
PHOMMAVONGSAY, K/ TEACHER	30.93	14.00	433		
POOL B/TEACHER	37.97	25.25	959		
POWER K/TEACHER	32.57	13.00	423		
PRYOR R/TEACHER	30.25	13.50	408		
ROMERO, D/ TEACHER	32.36	20.25	656		
SALDIVAR-TORRES T/TEACHER	30.00	14.00	420		
SALM, C/ TEACHER	30.08	23.75	714		
SEALE, T/ TEACHER	31.51	16.75	528		
SILVERIA L/TEACHER	23.77	40.50	963		
SODHI L/TEACHER	27.06	40.50	1096		
SOLIS, J/ TEACHER	33.76	12.00	406		
STAPP, L/ TEACHER	38.08	21.00	800		
STOCKING S/TEACHER	38.03	16.67	633		
TEJEDA A/TEACHER	30.25	17.50	530		
WALTMAN C/TEACHER	34.26	23.00	788		
WHITAKER, M/TEACHER	32.14	30.50	981		
WHITE A/TEACHER	31.71	23.50	745		
WOOD S/TEACHER	37.68	10.00	377		
(05) Total <input checked="" type="checkbox"/> Subtotal <input type="checkbox"/>	Page: 1 of 1	914	\$ 11,860	0	0

MANDATED COSTS Certification of Teacher Evaluator's Demonstrated Competence COMPONENT / ACTIVITY COST DETAIL	FORM TE-2
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(01) Claimant: MERCED CITY ELEMENTARY SD	(02) Fiscal Year costs were incurred: 95-96
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(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).			Cost Elements		
(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
ALEXANDER, D/SECRETARY	21.29	0.25	5		
ATKINSON, ANDELSON, /ATTORNEY	75.00	176.25			13221
ATKINSON, ANDELSON, /ATTORNEY	98.27	112.75			11079
ATKINSON, P/ PRINCIPAL	38.97	2.83	110		
BRANTLEY M/TEACHER	47.08	1.00	47		
BROUGHTON, I/SECTY	24.64	23.08	568		
COPE, L/ASST PRINCIPAL	42.82	3.00	128		
COPE, S/PRINCIPAL	38.97	3.50	136		
COWLES, J/PRINCIPAL	46.12	5.00	231		
DOSSETTI, A/ PRINCIPAL	43.54	9.92	433		
DOYLE, J- ASST. SUPERINTENDENT	50.80	33.17	1685		
FLORES, R/ PRINCIPAL	47.11	47.49	2237		
FREDETTE F/COUNSELOR	43.38	1.00	43		
GRAVE, T/DIRECTOR	46.90	13.00	609		
HADLEY, C/PRINCIPAL	44.58	2.25	100		
JONES M/ASSIST PRINCIPAL	42.82	4.17	179		
KRONICK, MOSKOVITZ/ATTORNEY	100.00	0.75			75
NEMOEDE, N/PRINCIPAL	49.55	7.66	379		
OWEN, S/PRINCIPAL	44.03	7.08	312		
RANK, C/ TEACHER	47.08	4.00	188		
SPICER G/ASSIST PRINC	41.96	9.08	381		

(05) Total <input checked="" type="checkbox"/>	Subtotal <input type="checkbox"/>	Page: <u>1</u> of <u>1</u>	\$ 7,771	0	24,375
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KATHLEEN CONNELL
Controller of the State of California

December 30, 1998

Mr. Steve Smith
President
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

Dear Mr. Smith:

RE: NOTICE OF CLAIM ADJUSTMENT
MERCED CITY ELEMENTARY SCHOOL DISTRICT
CHAPTER 498/83 CERTIFICATION OF TEACHER EVALUATORS
FISCAL YEAR 1995-96

This is in reply to your letter dated October 13, 1998 regarding the above claim for reimbursement of mandated cost program. The result of our review is as follows:

Amount Claimed \$83,776

Adjustment to Claim:

Probationary Certificated Employee Policies

The amount of \$37,885 for salaries and benefits of probationary teachers in training is disallowed. Parameters and guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities. -\$37,885

The claim of \$24,375 for Resolution of Parental Complaints is questionable. There was no description of services performed by attorney services as required by the mandate. The invoices submitted with the claim did not provide any indication as to number of parental complaints nor the nature of those parental complaints. In addition, invoice costs were not traceable to items listed on the tape total of \$24,374. -24,375

SACRAMENTO 3301 C Street, Suite 501, Sacramento, CA 95816 (916) 445-8717
Mailing Address: P.O. Box 942850, Sacramento, CA 94250

Sub-total on Adjustment for Direct Costs		-\$62,260
Adjustment of Indirect Costs	(\$1,725-\$592)	-1,133
Total Adjustment for Claim		<u>-\$63,393</u>
Approved Claim		\$20,383
Less: Prior Payment of 1/26/96 & 5/15/97		-37,644
Amount Due State		<u><u>-\$17,261</u></u>

If you have any questions, please contact Eduardo Antonio at (916) 323-0755 or in writing at the State Controller's Office, Attn: Local Reimbursements Section, Division of Accounting and Reporting, P.O. Box 942850, Sacramento, CA 94250-5875.

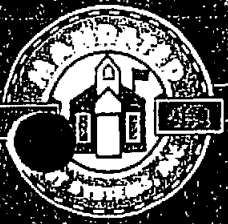
Sincerely,



JEFF YEE, Manager
Local Reimbursements Section

JY:ea

cc: Mona Lis, Merced City Elementary School District



October 13, 1998

Jeff Yee
Manager, Local Reimbursement Section
Division of Accounting and Reporting
State Controller's Office
P.O. Box 942850
Sacramento, CA 94250-5875

RE: **Reconsideration Request (CTE 98-3)**

Dear Mr. Yee:

The **Merced City Elementary School District, Claimant ID S24070** received a letter dated August 5, 1998 that disallowed costs on its **1995/96 Certification of Teacher Evaluator's Demonstrated Competence Chapter 498/83** claim as follows:

1A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$ 27,353
1B)	2 day Training Time Disallowed for 1 st year Probationary Teachers	\$ 11,665
2)	Contracted Services	\$ 24,374
	Total	\$ 63,392

On August 31, 1998 one of my staff met with Eduardo Antonio to obtain the composition of this adjustment and to copy the work papers used in reviewing this claim.

Issue #1 A & B - Probationary Teacher Time Disallowed:

The Claiming Instructions and Parameters & Guidelines are silent on whether the time spent by probationary teachers is reimbursable. We feel strongly that these are legitimate costs of the mandate and that they are reimbursable. The State Controller's Office Claiming Instructions state that:

2275 Watt Avenue,
Suite C
Sacramento, CA 95825
916-487-4435 phone
916-487-9662 fax

222 West Carmen Lane
Suite 101
Santa Maria, CA 93458
805-922-1471 phone
805-922-7143 fax

3161 Bechelli Lane,
Suite 202
Redding, CA 96002
530-224-7255 phone
530-224-9548 fax

11835 W. Olympic Blvd.,
Suite 680E
Los Angeles, CA 90064
310-477-4749 phone
310-477-5356 fax

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable".

A) The time spent by probationary teachers receiving additional training and assistance would be included as a cost of training, assisting and evaluating probationary teachers.

B) In addition, the district requires its 1st year probationary teachers to work two extra 7.5 hour days each fiscal year. Permanent teachers work a 184 day work year, while the 1st year probationary teachers work a 186 day work year. These training sessions exceed what is provided to permanent teachers and there are costs incurred by the district.

There is an identifiable increased cost to the school district for these extra days worked by probationary teachers and these extra days worked are specifically attributable to the mandate of probationary teacher training. Recent Commission on State Mandates rulings on test claims that involve teacher training costs have indicated that if the district incurs an increased cost of some kind (i.e. substitutes, stipends, overtime pay or an extended work year) then this identifiable increased cost would be reimbursable.

The probationary teachers are identified on the attached claim with a "P1" for 1st year teachers or "P2" for 2nd year teachers.

Issue #2 - Contracted Services Disallowed:

Our records indicate that the required invoices for contracted services were sent to your office with the claim. I also have our signed transmittal form that shows your office's receipt of the claim and attached backup documentation. Prior to sending your office any claim that requires supporting documentation, we double check to make sure that we have attached the required backup. We have resubmitted these invoices with this letter.

According to the claiming instructions for the following component:

Parental Complaint Policies

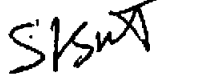
"The cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulation by the claimant in compliance with Education Code Section 35160.5 are reimbursable."

Conclusion:

Based on the additional information and clarifications listed above, I request that **\$63,393 in incorrectly reduced costs be reinstated.** Please notify me within three weeks (October 30, 1998) of the State Controller's Office's decision on this matter. In the absence of a response within three weeks, we will assume that you intend to stand by this adjustment and not reinstate these costs.

If you have any questions or need any additional information, please contact me at (916) 487-4435.

Sincerely,



Steve Smith
President
Mandated Cost Systems, Inc.

Enclosures

cc: Mona M. Lis, Merced City Elementary School District

Total of Issue 1A & 1B

Subtotal of Issue 1B

Total of Issue 2

Probationary Teacher Time

1,409. +
492. +
490. +
774. +
959. +
423. +
408. +
656. +
420. +
714. +
528. +
963. +
1,096. +
406. +
800. +
633. +
530. +
788. +
981. +
745. +
377. +

046

37,885.*†

37,885. X

Indirect costs

2.99 Z
1,132.7615*†

37,885. *

37,885. +

1,133. +

002

Total Costs 39,018.*†

Probationary

Teachers including 0.*†

2 day training for P1s

2 days @ 7.5 hrs/day 0.*†

probationary teacher training for 1st year teachers (P1s)

504. +
431. +
408. +
440. +
439. +
452. +
480. +
432. +
535. +
551. +
419. +
509. +
476. +
465. +
439. +
501. +
422. +
418. +
439. +
551. +
345. +
392. +
352. +
466. +
460. +

025

11,326.*†

11,326. X

2.99 Z

338.6474*†

indirect costs

11,326. *

11,326. +

339. +

002 total

322,665.*†

Contracted Services 0.*†

Atkinson, Anderson

1,087.5 +
2,062.5 +
2,043.75 +
1,537.5 +
2,418.75 +
3,300. +
168.75 +
543.75 +
56.25 +
810.73 +
4,544.99 +
3,242.91 +
909. +
49.14 +
147.41 +
491.35 +
147.41 +
417.65 +
319.38 +

019

24,298.72*†

24,298.72 +

Kronick, Moskowitz 75. +

002

24,373.72*†

Total Contracted Services



S24070

KATHLEEN CONNELL
CONTROLLER OF THE STATE OF CALIFORNIA
DIVISION OF ACCOUNTING AND REPORTING

AUGUST 5, 1998

BOARD OF TRUSTEES
MERCED CITY ELEM SCH DIST
MERCED COUNTY
444 W 23RD ST
MERCED CA 95340

DEAR CLAIMANT:

RE: CERT TEACHERS EVAL CH 498/83

WE HAVE REVIEWED YOUR 1995/1996 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED	83,776.00
LESS: TOTAL ADJUSTMENTS (DETAIL ON PAGE 2)	- 63,393.00

CLAIM AMOUNT APPROVED	20,383.00
LESS: TOTAL PRIOR PAYMENTS (DETAIL ON PAGE 2)	37,644.00

AMOUNT DUE STATE	\$ 17,261.00
	=====

PLEASE REMIT A WARRANT IN THE AMOUNT OF \$ 17,261.00 WITHIN 30 DAYS FROM THE DATE OF THIS LETTER, PAYABLE TO THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875 WITH A COPY OF THIS LETTER. FAILURE TO REMIT THE AMOUNT DUE WILL RESULT IN OUR OFFICE PROCEEDING TO OFFSET THE AMOUNT FROM THE NEXT PAYMENTS DUE TO YOUR AGENCY FOR STATE MANDATED COST PROGRAMS.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT EDUARDO ANTONIO AT (916) 323-0755 OR IN WRITING AT THE ABOVE ADDRESS.

SINCERELY,

JEFF YEE,
MANAGER

PAGE 2

S24070

ADJUSTMENT TO CLAIM:

INDIRECT COSTS OVERSTATED	-	1,133.00	✕
NO SUPPORTING DOCUMENTATION	-	24,375.00	
NON-REIMBURSABLE ITEM	-	37,885.00	✕

LESS: TOTAL ADJUSTMENTS 63,393.00

PRIOR PAYMENTS:

SCHEDULE NO. MA60717A	
PAID 05-15-1997	37,462.00

SCHEDULE NO. MA50716E	
PAID 01-26-1996	182.00

LESS: TOTAL PRIOR PAYMENTS 37,644.00

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

____ / ____ / ____

Reimbursement Claim Data

(01) Claimant Identification Number:
S24070

(02) Mailing Address

Claimant Name
MERCED CITY ELEMENTARY SD

County Of Location
MERCED

Street Address or P.O. Box
444 W. 23RD ST.

City State Zip Code
MERCED CA 95340

(22) TE-1,(04)(1)(d) 11,343

(23) TE-2,(04)(2)(d) 38,562

(24) TE-1,(04)(3)(d) 32,146

(25) TE-1,(05)(d) 82,051

(26) TE-1,(06) 2,9900

Type of Claim Estimated Claim Reimbursement Claim

63393

(03) Estimated
(04) Combined
(05) Amended

(09) Reimbursement
(10) Combined
(11) Amended

(27) TE-1,(11) 83,776

(28)

(29)

(30)

Fiscal Year of Cost (06) 19 ____ / ____ (12) 19 95 / 96 (31)

Total Claimed Amount (07) (13) \$ 20383
83,776

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable) (14) (33)

Less: Estimate Payment Received (15) \$ 182 (34)

Net Claimed Amount (16) \$ 37644
17261
83,594 (35)

Due From State (08) (17) \$ 83,594 (36)

Due to State (18) 17261 (37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative
Monna Lis

Date
11/26/96

MONA LIS
Type or Print Name

DIRECTOR, FISCAL SERVICES
Title

(39) Name of Contact Person For Claim
Steve Smith, Mandated Cost Systems

Telephone Number
916-487-4435 Ext.

MANDATED COSTS

**FORM
TE-1**

Certification of Teacher Evaluator's Demonstrated Competence

CLAIM SUMMARY

(01) Claimant:

S24070

MERCED CITY ELEMENTARY SD

(02) Type of Claim:

Reimbursement
Estimated

Fiscal Year:

19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:

Yes No

a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?

X

b. If yes, explain.

Direct Costs

Cost Elements

(04) Reimbursable Components:

1. Certification of Teacher Evaluators

(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
11,343	0	0	11,343
677 38,562	0	0	677 38,562
7,771	0	24,375	32,146 7771
57,676 19791	0	84,375	82,051 19791

2. Probationary Certified Employee Policies

3. Parental Complaint Policies

9894 - 37885

(05) Total Direct Costs

Indirect Costs

9911 - 24375

(06) Indirect Cost Rate

J-380 or J-580, as applicable

2.9900 %

(07) Indirect Costs

{[Line (05)(d) - line (05)(c)] x line (06)}

9920 - 1133 -

1,725
592 -

(08) Total Costs:

[Line (05)(d) + line (07)]

83,776
20383 -

Cost Reduction

(09) Less: Offsetting Savings, if applicable

(10) Less: Other Reimbursements, if applicable

(11) Total Claimed Amount:

{Line(08) - [Line(09) + line(10)]}

83,776
20383

MANDATED COSTS

**FORM
TE-2**

Certification of Teacher Evaluator's Demonstrated Competence

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: **MERCED CITY ELEMENTARY SD** (02) Fiscal Year costs were incurred: **95-96**

- (03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f). Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING					
ANDERSON B/LEARNING DIR	31.74	5.75	183		
ASSALI A/ASSIST PRINC	43.03	5.75	247		
ATKINSON, P/ PRINCIPAL	38.97	8.00	312		
BURROWS, S/PRINCIPAL	51.40	8.00	411		
COPE, L/ASST PRINCIPAL	42.82	15.75	674		
COPE, S/PRINCIPAL	38.97	8.00	312		
COWLES, J/PRINCIPAL	46.12	8.00	369		
DOSSETTI, A/ PRINCIPAL	43.54	8.00	348		
DOYLE, J- ASST. SUPERINTENDENT	50.80	10.00	508		
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FULLER, S/ PRINCIPAL	47.03	8.00	376		
GRACIA B/ASSIST PRINC	43.03	5.75	247		
GRAVE, T/DIRECTOR	46.90	8.00	375		
GUEVARA, P/COORDINATOR	42.65	8.00	341		
HADLEY, C/PRINCIPAL	44.58	8.00	357		
INDERBITEON MA/ASST PRINCE	43.03	5.75	247		
JONES M/ASSIST PRINCIPAL	42.82	5.75	246		
KNAUF, K/PRINCIPAL	43.54	8.00	348		
MORRIS J/ASSIST PRINC	42.82	5.75	246		
NEMOEDE, N/PRINCIPAL	49.55	8.00	396		
OWEN, S/PRINCIPAL	44.03	8.00	352		
PARGA-DURAN, R/PRINCIPAL	47.16	8.00	377		
PARKER, T/PRINCIPAL	47.16	8.00	377		
PENNING S/LEARNING DIR	42.55	5.75	245		
PETERSON, S/ PRINCIPAL	46.68	8.00	373		
RAHILLY N/CUR COORDINATOR	46.98	8.00	376		
SCOTT M/LEARNING DIR	40.09	5.75	231		
SPICER G/ASSIST PRINC	41.96	5.75	241		
SPINARDI S/ASSIST PRINC	41.98	5.75	241		
STORM B/ASSIST PRINC	43.03	5.75	247		
STOWELL, D/PRINCIPAL	37.42	8.00	299		
TAYLOR M/ASSIST PRINCIPAL	43.55	5.75	250		

(05) Total Subtotal Page: 1 of 1 \$ 10,529 0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: **MERCED CITY ELEMENTARY SD**

(02) Fiscal Year costs were incurred: **95-96**

(03) Reimbursable Component: Competence In Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
WILLIAMS, B/ASST PRIN	38.71	5.75	223		
WILSON, S/PRINCIPAL	45.07	8.00	361		
WRIGHT, M/ ADMINISTRATOR	28.77	8.00	230		

(05) Total Subtotal

Page: 1 of 1

\$ 814 0 0

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **MERCED CITY ELEMENTARY SD**

(02) Fiscal Year costs were incurred: **95-96**

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
P1 AMPARAN, A/TEACHER	34.79	40.50	1409		
P2 ARZAMENDI G/TEACHER	30.25	16.25	492		
P1 ARZANENDI F/TEACHER	29.71	16.50	490		
P1 BLACK, SCOTT/TEACHER	28.14	27.50	774		
P2 CHAVEZ C/TEACHER	32.52	17.50	569		
P1 CHOULAMOUNTRY, S/TEACHER	30.33	35.50	1076		
COPE, L/ASST PRINCIPAL	42.82	1.25	54		
P1 COTTA T/TEACHER	30.25	108.00	3267		
P1 DANIEL K/TEACHER	31.14	24.75	771		
P2 DIAZ B/TEACHER	30.25	11.25	340		
DOYLE, J- ASST. SUPERINTENDENT	50.80	7.50	381		
P1 FLETCHER M/TEACHER	33.13	22.50	745		
P1 FRANCA, D/ TEACHER	29.79	43.00	1281		
GUEVARA, P/COORDINATOR	42.65	5.00	213		
P2 GUTIERREZ R/TEACHER	33.67	15.75	530		
P1 HAWLEY, C/ TEACHER	36.93	28.75	1062		
P1 HILLEGEIST C/TEACHER	37.97	40.50	1538		
P1 HOWARD S/TEACHER	28.89	25.00	722		
P2 HUBBARD K/TEACHER	27.43	13.25	363		
P1 JOHNSON S/TEACHER	35.11	40.50	1422		
P2 LILLARD K/TEACHER	30.20	17.50	529		
P1 MAHAN D/TEACHER	32.80	40.50	1328		
P1 MONDO, M/ TEACHER	32.07	35.25	1130		
P1 MORGAN S/TEACHER	30.25	40.50	1225		
MORRIS J/ASSIST PRINC	42.82	0.67	29		
P1 MOYLE T/TEACHER	34.55	27.50	950		
P1 MUNOZ J/TEACHER	29.11	40.50	1179		
P1 MURPHY L/TEACHER	28.86	20.00	577		
P1 NAYDEN G/TEACHER	30.25	40.50	1225		
P2 NEIVAH R/TEACHER	30.25	10.75	325		
P2 NEWARK, R/ TEACHER	30.93	4.00	124		
P2 PANYANOUVONG P/TEACHER	30.25	19.25	582		

(05) Total Subtotal

Page: 1 of 1

\$ 26,702

0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: **MERCED CITY ELEMENTARY SD**

(02) Fiscal Year costs were incurred: **95-96**

- (03) Reimbursable Component:
- Competence in Instructional Methodology
 - Probationary Certificated Employee Policies
 - Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
P2 PHOMMAVONGSAY, K/ TEACHER	30.93	14.00	433		
P1 POOL B/TEACHER	37.97	25.25	959		
P2 POWER K/TEACHER	32.57	13.00	423		
P2 PRYOR R/TEACHER	30.25	13.50	408		
P2 ROMERO, D/ TEACHER	32.36	20.25	656		
P2 SALDIVAR-TORRES T/TEACHER	30.00	14.00	420		
P2 SALM, C/ TEACHER	30.08	23.75	714		
P2 SEALE, T/ TEACHER	31.51	16.75	528		
P1 SILVERIA L/TEACHER	23.77	40.50	963		
P1 SODHI L/TEACHER	27.06	40.50	1096		
P2 SOLIS, J/ TEACHER	33.76	12.00	406		
P2 STAPP, L/ TEACHER	38.08	21.00	800		
P2 STOCKING S/TEACHER	38.03	16.67	633		
P2 TEJEDA A/TEACHER	30.25	17.50	530		
P1 WALTMAN C/TEACHER	34.26	23.00	788		
P1 WHITAKER, M/TEACHER	32.14	30.50	981		
P1 WHITE A/TEACHER	31.71	23.50	745		
P2 WOOD S/TEACHER	37.68	10.00	377		

(05) Total Subtotal

Page: 1 of 1

\$ 11,860 0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: **MERCED CITY ELEMENTARY SD**

(02) Fiscal Year costs were incurred: **95 - 96**

- (03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services.
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
ALEXANDER, D/SECRETARY	21.29	0.25	5		
ATKINSON, ANDELSON, /ATTORNEY	75.00	176.25			13221
ATKINSON, ANDELSON, /ATTORNEY	98.27	112.75			11079
ATKINSON, P/ PRINCIPAL	38.97	2.83	110		
BRANTLEY M/TEACHER	47.08	1.00	47		
BROUGHTON, I/SECTY	24.64	23.08	568		
COPE, L/ASST PRINCIPAL	42.82	3.00	128		
COPE, S/PRINCIPAL	38.97	3.50	136		
COWLES, J/PRINCIPAL	46.12	5.00	231		
DOSSETTI, A/ PRINCIPAL	43.54	9.92	433		
DOYLE, J- ASST. SUPERINTENDENT	50.80	33.17	1685		
FLORES, R/ PRINCIPAL	47.11	47.49	2237		
FREDETTE F/COUNSELOR	43.38	1.00	43		
GRAVE, T/DIRECTOR	46.90	13.00	609		
HADLEY, C/PRINCIPAL	44.58	2.25	100		
JONES M/ASSIST PRINCIPAL	42.82	4.17	179		
KRONICK, MOSKOVITZ/ATTORNEY	100.00	0.75			75
NEMOEDE, N/PRINCIPAL	49.55	7.66	379		
OWEN, S/PRINCIPAL	44.03	7.08	312		
RANK, C/ TEACHER	47.08	4.00	188		
SPICER G/ASSIST PRINC	41.96	9.08	381		

(05) Total Subtotal

Page: 1 of 1

\$ 7,771 0 24,375

ATKINSON, ANDELSON, LOYA, RUUD & ROMO
 PROFESSIONAL CORPORATION

ATTORNEYS AT LAW
 13304 EAST ALONDRA BOULEVARD
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 (310) 404-4444 (714) 826-5480

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 Date Entered 7/11/12
 By
 LOGSHEET # C113
 Source CL
 Date Entered 7/11/96
 By
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 PHL
 PAGE# 2

MERCED CITY ELEMENTARY
 SCHOOL DISTRICT
 ATTN: SUPERINTENDENT
 444 WEST 23RD STREET
 MERCED CA 95340

THIS STATEMENT IS PAYABLE IN FULL UPON
 PRESENTATION. AMOUNTS REMAINING UNPAID
 AFTER 30 DAYS SHALL BE SUBJECT TO SERVICE
 CHARGE OF 1.0% PER MONTH. ANNUAL RATE OF
 12%.

~~0125/h~~ 46.25
 AMOUNT REMITTED \$

Please detach here. Return upper portion with your payment. Thank You.

PREVIOUS BALANCE

3/11/96	CONFERENCE OFFICE; TELEPHONE OPPOSING COUNSEL D. DELONG; REVIEW PARENTAL COMPLAINTS RE RANK	[REDACTED]	250.00
3/12/96	CONFERENCE OFFICE; REVIEW FILE RE RANK	(.25)	31.25
3/12/96	REVIEW CORRESPONDENCE FROM PARENTS AND UNION; PREPARE RESPONSES; TELEPHONE CLIENT D. DELONG AND T. GRAVE RE RANK	[REDACTED]	281.25
3/12/96	CONFERENCE OFFICE; REVIEW CORRESPONDENCE RE RANK	[REDACTED]	31.25
3/13/96	CONFERENCE CLIENT D. DELONG; CONFERENCE OFFICE; REVIEW COURT RECORDS; CORRESPONDENCE PARENTS AND UNION RE RANK	[REDACTED]	375.00
3/13/96	REVIEW CORRESPONDENCE PARENTS RE RANK	[REDACTED]	187.50
3/14/96	CONFERENCE OFFICE; TELEPHONE CLIENT D. DELONG; PREPARE FOR STAFF INTERVIEWS RE RANK	[REDACTED]	687.50
3/14/96	CONFERENCE OFFICE RE RANK	[REDACTED]	62.50
3/14/96	REVIEW PARENT COMPLAINTS; TELEPHONE CLIENT D. DELONG RE RANK	[REDACTED]	250.00
3/15/96	PREPARE FOR AND INTERVIEW ADMINISTRATORS RE RANK	[REDACTED]	1,312.50
3/15/96	CONFERENCE CLIENT RE RANK	[REDACTED]	125.00
3/15/96	INTERVIEW F. FREDETTE, M. BRANTLEY, R. FLORES, T. GRAVE AND J. DOYLE RE RANK	[REDACTED]	625.00
3/15/96	REVIEW FILE; REVIEW STUDENT WORK MATERIALS RE RANK	[REDACTED]	187.50
3/17/96	REVIEW PARENT COMPLAINTS; PREPARE INTERVIEW QUESTIONS RE RANK	[REDACTED]	750.00
3/18/96	CONFERENCE OFFICE; REVIEW FILE; PREPARE FOR INTERVIEWS RE RANK	[REDACTED]	656.25

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 By T3/31/96

CLIENT# 005156
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PAGE# 3

MERCED CITY ELEMENTARY
 SCHOOL DISTRICT
 ATTN: SUPERINTENDENT
 444 WEST 23RD STREET
 MERCED CA 95340

THIS STATEMENT IS PAYABLE IN FULL UPON
 PRESENTATION. AMOUNTS REMAINING UNPAID
 AFTER 30 DAYS SHALL BE SUBJECT TO SERVICE
 CHARGE OF 1.0% PER MONTH. ANNUAL RATE OF
 12%.

AMOUNT REMITTED \$ _____

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PREVIOUS BALANCE

3/18/96 CONFERENCE OFFICE; REVIEW CORRESPONDENCE RE RANK	[REDACTED]	93.75
3/18/96 REVIEW COMPLAINTS; PREPARE INTERVIEW QUESTIONS RE RANK	[REDACTED]	125.00
3/19/96 CONFERENCE OFFICE; INTERVIEW PARENTS RE RANK	[REDACTED]	1,375.00
3/19/96 TELEPHONE CLIENT B. MCGUIRE; LEGAL RESEARCH AND CORRESPONDENCE OPPOSING COUNSEL RE LARSON	[REDACTED]	93.75
3/19/96 CONFERENCE OFFICE; REVIEW CORRESPONDENCE RE RANK	[REDACTED]	62.50
3/19/96 CONFERENCE OFFICE RE RANK	[REDACTED]	62.50
3/19/96 INTERVIEW PARENTS RE RANK	[REDACTED]	1,062.50
3/20/96 CONFERENCE OFFICE; PREPARE REPLY TO GRADE COMPLAINTS; CORRESPONDENCE PARENT RE RANK	(1.25)	156.25
3/20/96 PREPARE INTERVIEW MATERIALS; TELEPHONE PARENTS RE INTERVIEWS; CONFERENCE OFFICE; TELEPHONE CLIENT D. DELONG RE RANK	(2.00)	250.00
3/20/96 CONFERENCE OFFICE RE RANK	[REDACTED]	62.50
3/21/96 TELEPHONE WITNESS K. COLLINS RE RANK	[REDACTED]	93.75
3/21/96 REVIEW MATERIAL RE RANK INVESTIGATION	(.50)	62.50
3/25/96 LEGAL RESEARCH RE RANK	[REDACTED]	125.00
3/26/96 REVIEW CORRESPONDENCE; TELEPHONE CLIENT D. DELONG RE RANK	[REDACTED]	62.50
3/26/96 TELEPHONE CLIENT; PREPARE FOR WITNESS INTERVIEWS RE RANK	[REDACTED]	250.00
3/27/96 INTERVIEW PARENTS RE RANK	[REDACTED]	843.75
3/28/96 PREPARE TAPES FOR TRANSCRIPTION RE RANK	[REDACTED]	

Wood City Elementary Sd

April 9, 1996
Invoice 141829

Page 2

General

For Professional Services through 03/25/1996 Reference # 07939.001

01/29/96	Ann M Murray	0.50	57.50
	Meeting with D. DeLong re potential case re teacher and parental complaints.		
01/31/96	Ann M Murray	0.25	28.75
	Telephone conference with D. De Long re meeting with parents and telephone call to teacher.		
02/05/96	Ann M Murray	0.50	57.50
	Telephone conference with D. De Long re: parental rights to attendance in the classroom; telephone conference with Mrs. Moore, Oakland, re dress code litigation.		
02/15/96	Ann M Murray	1.00	115.00
	Draft and finalization of letter to D. De Long re dress codes.		
02/16/96	Ann M Murray	2.00	230.00
	Preparation of letter to D. De Long re parental rights on campus.		

Total Fees For Professional Services \$ 488.75

REIMBURSABLE COSTS

02/21/96	LD Telephone Recovery		3.00
03/05/96	Photocopy Cost Recovery		2.88
03/19/96	Facsimile Cost Recovery		3.50
03/08/96	Sustaita & Associates - Legislative Intent Research		206.75

TOTAL COSTS \$ 216.13

TOTAL CURRENT CHARGES THIS INVOICE 07939.001 \$ 704.88

KINSON, ANDELSON, LOYA, RUUD & ROMO
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 DATE 4/30/96

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MERCED CITY ELEMENTARY
 SCHOOL DISTRICT
 ATTN: SUPERINTENDENT
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 MERCED, CA 95340

75 hr
 100 M

THIS STATEMENT IS PAYABLE IN FULL UPON
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 AFTER 30 DAYS SHALL BE SUBJECT TO SERVICE
 CHARGE OF 1.0% PER MONTH, ANNUAL RATE OF
 12%

138 14.5
 158

AMOUNT REMITTED \$ _____

Please detach here. Return upper portion with your payment. Thank You.

PREVIOUS BALANCE 14,938.19

ADJUSTMENTS

4/30/96 BILLING ERROR FROM STATEMENT DATED 3/31/96		62.50-
	ADJUSTMENTS:	62.50-
	TOTAL ADJUSTMENTS	62.50-
PROFESSIONAL SERVICES RENDERED		
RE: GENERAL LEGAL ADVICE		
4/01/96 CORRESPONDENCE PARENTS RE STUDENT INTERVIEWS IN RANK	(.75)	56.25
4/01/96 CORRESPONDENCE PARENTS: CONFERENCE OFFICE RE STUDENT INTERVIEWS IN RANK	(1.00)	75.00
4/02/96 REVIEW CORRESPONDENCE: REVIEW GRIEVANCE AND PREPARE RESPONSE RE RANK	.75 ASP	93.75
4/02/96 REVIEW INTERVIEW TRANSCRIPTS: PREPARE FOR INTERVIEWS WITH STUDENTS AND RANK	(3.75)	281.25
4/03/96 CONFERENCE OFFICE: PREPARE FOR STUDENT INTERVIEWS: CORRESPONDENCE PARENT: PREPARE MATERIALS RE RANK	(3.00)	225.00
4/03/96 PREPARE INTERVIEW QUESTIONS FOR STUDENTS RE RANK	(2.00)	150.00
4/04/96 CONFERENCE OFFICE RE STUDENT INTERVIEWS: PREPARE INTERVIEW QUESTIONS: CORRESPONDENCE PARENT: TELEPHONE CLIENT RE STUDENT INTERVIEWS IN RANK	(3.00)	225.00
4/04/96 REVIEW AND REVISE INTERVIEW QUESTIONS FOR STUDENTS RE RANK	(1.00)	75.00

LOGSHEET # CB 16
 Source VC
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DATE 4/30/96
 CLIENT# 005156
 PML
 PAGE# 2

MERCED CITY ELEMENTARY
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13B 27.5 75/hr
ASB 125 109/hr

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AMOUNT REMITTED \$ _____

Please detach here. Return upper portion with your payment. Thank You.

PREVIOUS BALANCE

DATE	DESCRIPTION	AMOUNT	BALANCE
4/05/96	INTERVIEW STUDENTS; CONFERENCE CLIENT R. FLORES RE RANK	(5.75)	431.25
4/05/96	INTERVIEW STUDENTS AND PARENTS RE RANK	(5.00)	375.00
4/08/96	CONFERENCE OFFICE; CORRESPONDENCE PARENTS RE STUDENT INTERVIEWS; PREPARE FOR STUDENT INTERVIEWS; PREPARE INTERVIEW TAPES FOR TRANSCRIPTION RE RANK	(2.50)	187.50
4/08/96	CONFERENCE OFFICE RE INVESTIGATION IN RANK	(.75)	56.25
4/09/96	TELEPHONE CLIENT D. DELONG; REVIEW CONTRACT; PREPARE GRIEVANCE RESPONSE; REVIEW CORRESPONDENCE; CONFERENCE OFFICE RE RANK	1.00 ASB	125.00
4/09/96	REVIEW CORRESPONDENCE PARENT; REVIEW PARENT INTERVIEW RE RANK	(1.50)	112.50
4/10/96	REVIEW PARENT INTERVIEW; CORRESPONDENCE PARENT RE RANK	2.00	150.00
4/11/96	PREPARE RESPONSE TO RANK GRIEVANCE	.25 ASB	31.25
4/11/96	CORRESPONDENCE C. BURKE RE PAY COMPLAINT	.50	62.50
4/11/96	REVIEW INTERVIEW TRANSCRIPTS; CORRESPONDENCE PARENTS RE VERIFICATION OF INTERVIEWS IN RANK	(4.25)	318.75
4/12/96	REVIEW INTERVIEW TRANSCRIPTS; REVIEW CORRESPONDENCE COUNSELLOR RE RANK	(2.50)	187.50
4/15/96	REVIEW INTERVIEW TRANSCRIPTS; CORRESPONDENCE INTERVIEWEES RE VERIFICATION; TELEPHONE CLIENT D. DELONG AND I. BROUGHTON RE STUDENT INTERVIEWS IN RANK	(5.00)	375.00
4/15/96	TELEPHONE CLIENT D. DELONG RE RANK	(.25)	18.75
4/15/96	REVIEW CORRESPONDENCE FROM OPPOSING COUNSEL; LEGAL RESEARCH RE RANK		

LOGSHEET # CB17
 Source VC
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 By T/M

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DATE 4/30/96

CLIENT# 005156
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PAGE# 3
 (\$98.27)

MERCED CITY ELEMENTARY
 SCHOOL DISTRICT
 ATTN: SUPERINTENDENT
 444 WEST 23RD STREET
 MERCED CA 95340

~~0125 125 138~~
 075 27.25 138

THIS STATEMENT IS PAYABLE IN FULL UPON PRESENTATION. AMOUNTS REMAINING UNPAID AFTER 30 DAYS SHALL BE SUBJECT TO SERVICE CHARGE OF 1.0% PER MONTH. ANNUAL RATE OF 12%.

AMOUNT REMITTED \$ _____

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		PREVIOUS BALANCE	
		0125	312.50
/16/96 REVIEW STUDENT INTERVIEW TRANSCRIPTS; PREPARE SUMMARY RE RANK			
	5.00 @ 75		375.00
/16/96 PREPARE AND FILE UNFAIR LABOR PRACTICE CHARGES RE RANK	.50 NGR		37.50
/17/96 CONFERENCE OFFICE RE PUBLIC RECORDS REQUEST (RANK)		0125	31.25
/17/96 REVIEW INTERVIEW TRANSCRIPTS; CORRESPONDENCE PARENT; SCHEDULE STUDENT INTERVIEWS; PREPARE SUMMARIES OF STUDENT INTERVIEWS RE RANK	4.25 @ 75		318.75
/17/96 REVIEW INTERVIEW TRANSCRIPT; CORRESPONDENCE INTERVIEWEE RE RANK	1.50 75		112.50
/17/96 CONFERENCE OFFICE RE RANK	.50 75		37.50
/17/96 LEGAL RESEARCH RE REQUEST FOR PUBLIC RECORDS IN RANK		0125	187.50
/18/96 REVIEW STUDENT INTERVIEW TRANSCRIPTS; PREPARE SUMMARY; CORRESPONDENCE C. RANK RE INTERVIEW; TELEPHONE CLIENT RE INTERVIEWS IN RANK	5.75 75		431.25
/18/96 REVIEW STUDENT INTERVIEW QUESTIONS; PREPARE FOR STUDENT INTERVIEWS; REVIEW CORRESPONDENCE FROM PARENTS RE RANK	1.00 75		75.00
/19/96 LEGAL RESEARCH AND CORRESPONDENCE OPPOSING COUNSEL RE TENDER OF DEFENSE AND PUBLIC RECORDS ACT REQUEST IN RANK		0125	468.75
/19/96 INTERVIEW STUDENTS RE RANK	4.75 75		356.25
/19/96 INTERVIEW STUDENTS RE RANK	4.50 75		337.50
22/96 REVIEW INTERVIEW SUMMARIES; REVISE CORRESPONDENCE FROM C. RANK'S COUNSEL RE PUBLIC RECORD REQUEST; TELEPHONE CLIENT D. DELONG RE RANK		0125	156.25

LOG SHEET # 2018
 Source
 Date Entered
 By T/12

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13304 EAST ALONDRA BOULEVARD
 CERRITOS, CALIFORNIA 90703
 (310) 404-4444 (714) 826-5480

DATE 4/30/96

CLIENT# 005156
 PML

PAGE# 4

W/375
W/174

MERCED CITY ELEMENTARY
 SCHOOL DISTRICT
 ATTN: SUPERINTENDENT
 444 WEST 23RD STREET
 MERCED CA 95340

THIS STATEMENT IS PAYABLE IN FULL UPON
 PRESENTATION. AMOUNTS REMAINING UNPAID
 AFTER 30 DAYS SHALL BE SUBJECT TO SERVICE
 CHARGE OF 1.0% PER MONTH, ANNUAL RATE OF
 12%

75 23620.5

~~005156~~

\$98.27

AMOUNT REMITTED \$ _____

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PREVIOUS BALANCE

4/22/96	CONFERENCE OFFICE; REVIEW STUDENT INTERVIEWS AND PREPARE SUMMARY; TELEPHONE CLIENT RE RANK	4.00	300.00
4/23/96	PREPARE FOR STUDENT INTERVIEWS; TELEPHONE CLIENT R. FLORES; PREPARE SUMMARY OF INTERVIEWS RE RANK	4.25	318.75
4/24/96	REVIEW CORRESPONDENCE FROM PARENT; CONFERENCE CLIENT D. DELONG; CONFERENCE OFFICE RE RANK	005156	62.50
4/24/96	CONFERENCE CLIENT R. FLORES; CONFERENCE OFFICE; TELEPHONE PARENTS; REVIEW CORRESPONDENCE PARENT RE RANK	1.50	112.50
4/24/96	CONFERENCE CLIENT R. FLORES RE RANK	.25	18.75
4/24/96	CONFERENCE OFFICE RE RANK	.25	18.75
4/24/96	REVIEW CORRESPONDENCE FROM PARENT RE RANK	.25	18.75
4/25/96	CORRESPONDENCE PARENT RE RANK	.50	62.50
4/25/96	TELEPHONE ATTORNEY; CORRESPONDENCE ATTORNEY RE INTERVIEW; CORRESPONDENCE PARENT; PREPARE SUMMARY OF INTERVIEWS RE RANK	3.00	225.00
4/26/96	REVIEW CORRESPONDENCE PARENT; CONFERENCE OFFICE RE RANK	.25	18.75
4/29/96	REVIEW INTERVIEW TRANSCRIPTS; PREPARE REPORT OF FINDING; TELEPHONE CLIENT RE RANK	2.25	168.75
4/30/96	REVIEW STUDENT INTERVIEWS; PREPARE REPORT OF FINDING RE RANK	4.00	300.00
	CURRENT FEES:		8,475.00

TOTAL CURRENT FEES: 8,475.00

LOGSHEET # 18B
 Source VC
 Date Entered
 By T/M

KINSON, ANDELSON, LOYA, RUUD & ROMO
 PROFESSIONAL CORPORATION
 ATTORNEYS AT LAW
 13304 EAST ALONDRA BOULEVARD
 CERRITOS, CALIFORNIA 90703
 (310) 404-4444 (714) 826-5480

DATE 5/31/96

CLIENT# 005156
 PML

PAGE# 2

~~0125 138 5~~

\$98.27

MERCED CITY ELEMENTARY
 SCHOOL DISTRICT
 ATTN: SUPERINTENDENT
 444 WEST 23RD STREET
 MERCED CA 95340

75 138 44

THIS STATEMENT IS PAYABLE IN FULL UPON
 PRESENTATION. AMOUNTS REMAINING UNPAID
 AFTER 30 DAYS SHALL BE SUBJECT TO SERVICE
 CHARGE OF 1.0% PER MONTH. ANNUAL RATE OF
 12%.

AMOUNT REMITTED \$ _____

Please detach here. Return upper portion with your payment. Thank You.

PREVIOUS BALANCE

/10/96 INTERVIEW C. RANK; CONFERENCE OFFICE RE RANK	5.75	431.25
/10/96 CONFERENCE OFFICE RE INTERVIEW AND REPORT STATUS IN RANK	125	156.25
/11/96 PREPARE REPORT OF FINDINGS RE RANK	4.00	300.00
/12/96 PREPARE REPORT OF FINDINGS RE RANK	1.00	75.00
/13/96 PREPARE REPORT OF FINDINGS RE RANK	6.50	487.50
/13/96 CONFERENCE OFFICE; REVIEW REPORT OF FINDINGS; TELEPHONE CLIENT D. DELONG RE RANK	125	125.00
/14/96 REVIEW AND REVISE REPORT OF FINDINGS; CONFERENCE OFFICE RE RANK	5.00	375.00
/14/96 PREPARE REPORT OF FINDINGS RE RANK	5.75	431.25
/14/96 REVIEW REPORT OF FINDINGS; CONFERENCE OFFICE RE RANK	125	156.25
/15/96 REVIEW AND REVISE REPORT OF FINDINGS RE RANK	3.00	225.00
/15/96 PREPARE REPORT OF FINDINGS; CONFERENCE OFFICE RE RANK	7.00	525.00
/15/96 REVIEW AND REVISE REPORT OF FINDINGS; LEGAL RESEARCH; CONFERENCE OFFICE RE RANK	125	187.50
/16/96 PREPARE REPORT OF FINDINGS; CONFERENCE OFFICE RE RANK	3.50	262.50
/16/96 REVIEW AND REVISE REPORT OF FINDINGS RE RANK	.50	62.50
/16/96 REVIEW REPORT AND FINDINGS RE RANK	1.00	75.00
/20/96 REVIEW QUESTIONS RE STUDENT REPORT IN RANK	.25	18.75
/21/96 REVIEW STUDENT RESPONSES RE RANK	.75	56.25

LOGSHEET # **CP 19**
 Source **VE**
 Date Entered
 By **TW/R**

KINSON, ANDELSON, LOYA, RUUD & ROMO
 PROFESSIONAL CORPORATION
 ATTORNEYS AT LAW
 13304 EAST ALONDRA BOULEVARD
 CERRITOS, CALIFORNIA 90703
 (310) 404-4444 (714) 826-5480

DATE **5/31/96**

~~13304 EAST ALONDRA BOULEVARD~~ **\$98.27**

CLIENT# **005156**
 PML
 PAGE# **3**

@ 75 I3B 2.25
@ 100 ASB .25

**MERCED CITY ELEMENTARY
 SCHOOL DISTRICT
 ATTN: SUPERINTENDENT
 444 WEST 23RD STREET
 MERCED CA 95340**

THIS STATEMENT IS PAYABLE IN FULL UPON PRESENTATION. AMOUNTS REMAINING UNPAID AFTER 30 DAYS SHALL BE SUBJECT TO SERVICE CHARGE OF 1.0% PER MONTH, ANNUAL RATE OF 12%.

AMOUNT REMITTED \$ _____

Please detach here. Return upper portion with your payment. Thank You.

PREVIOUS BALANCE

5/22/96 PREPARE MATERIALS RE RANK	.50	37.50
5/24/96 TELEPHONE CLIENT D. DELONG'S OFFICE RE CONFERENCE WITH C. RANK		
5/29/96 CONFERENCE CLIENT D. DELONG RE RANK	125 138 3	31.25
5/29/96 REVIEW INTERVIEW; CORRESPONDENCE C. RANK RE INTERVIEW	125 138	62.50
5/30/96 REVIEW LIST OF ARBITRATORS RE RANK	1.75	131.25
5/31/96 REVIEW FILE; TELEPHONE CLIENT B. MCGUIRE; CORRESPONDENCE ARCHITECT RE RECONSTRUCTION PROJECTS	125 ASB .25 RV	31.25
	125 138	93.75
	CURRENT FEES:	6,943.75

TOTAL CURRENT FEES: 6,943.75

DISBURSEMENTS

MISCELLANEOUS DISBURSEMENTS

5/31/96 DOCUMENT PREPARATION AND WORD PROCESSING	1,480.00
5/31/96 FAX/TELECOPY CHARGES	21.00
5/31/96 POSTAGE	12.90
5/31/96 PHOTOCOPIES	85.80
5/31/96 CLERICAL & SECRETARIAL EXPENSE	1,301.25

CURRENT DISBURSEMENTS: 2,910.95

TOTAL CURRENT DISBURSEMENTS: 2,910.95

KINSON, ANDELSON, LOYA, RUUD & ROMO
 PROFESSIONAL CORPORATION
 ATTORNEYS AT LAW
 13304 EAST ALONDRA BOULEVARD
 CERRITOS, CALIFORNIA 90703
 (310) 404-4444 (714) 826-5480

Guymon
PA 07/28
12/05/96
(Signature)

LOGSHEET # 19A
 Source VC
 Date Entered By T 11/12
 6/30/96

DATE
 CLIENT# 005156
 PHL

MERCED CITY ELEMENTARY
 SCHOOL DISTRICT
 ATTN: SUPERINTENDENT
 444 WEST 23RD STREET
 MERCED CA 95340

THIS STATEMENT IS PAYABLE IN FULL UPON PRESENTATION. AMOUNTS REMAINING UNPAID AFTER 30 DAYS SHALL BE SUBJECT TO SERVICE CHARGE OF 1.0% PER MONTH, ANNUAL RATE OF 12%.

AMOUNT REMITTED \$ _____

Please detach here. Return upper portion with your payment. Thank You.

PREVIOUS BALANCE 41,934.47

CREDITS & ACCOUNT CHANGES

6/13/96 PAYMENT ON ACCOUNT - THANK YOU 31.25
 6/13/96 PAYMENT ON ACCOUNT - THANK YOU 14,844.44
 6/27/96 PAYMENT ON ACCOUNT - THANK YOU 17,204.08

~~13B 9.25~~ CASH RECEIVED: 32,079.77

75 13B 7.25

TOTAL CASH RECEIVED: 32,079.77

PROFESSIONAL SERVICES RENDERED
 RE: GENERAL LEGAL ADVICE

6/03/96	REVIEW CORRESPONDENCE FROM D. DELONG AND OPPOSING COUNSEL RE RANK	125		31.25
6/05/96	CONFERENCE CLIENT D. DELONG, C. RANK AND OPPOSING COUNSEL RE RANK	125		218.75
6/06/96	PREPARE MATERIALS: CORRESPONDENCE COMPLAINANTS RE RANK	75	2.50	187.50
6/07/96	CONFERENCE OFFICE RE RANK	75	.25	18.75
6/10/96	CORRESPONDENCE C. RANK RE INVESTIGATION	125		156.25
6/10/96	CONFERENCE OFFICE RE RANK	75	.25	18.75
6/11/96	CORRESPONDENCE CLIENT RE RANK	75	4.00	300.00
6/12/96	CORRESPONDENCE C. RANK RE INVESTIGATION	125		125.00
6/12/96	CORRESPONDENCE CLIENT RE RANK	75	.25	18.75

Source VC
Date Entered 11/12
By T

KINSON, ANDELSON, LOYA, RUUD & ROMO

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

13304 EAST ALONDRA BOULEVARD
CERRITOS, CALIFORNIA 90703
(310) 404-4444 (714) 825-5480

DATE

~~198.27~~ 5/30/96

75 I3B .75
100 A5B 1.75

CLIENT# 005156

PML

PAGE# 2

MERCED CITY ELEMENTARY
SCHOOL DISTRICT
ATTN: SUPERINTENDENT
444 WEST 23RD STREET
MERCED CA 95340

THIS STATEMENT IS PAYABLE IN FULL UPON
PRESENTATION. AMOUNTS REMAINING UNPAID
AFTER 30 DAYS SHALL BE SUBJECT TO SERVICE
CHARGE OF 1.0% PER MONTH. ANNUAL RATE OF
12%.

AMOUNT REMITTED \$ _____

Please detach here. Return upper portion with your payment. Thank You.

PREVIOUS BALANCE

/14/96 TELEPHONE CLIENT T. GRAVE RE TEACHER'S RETURN TO CLASSROOM IN RANK	125		31.25
/14/96 REVIEW FILE; REVIEW CORRESPONDENCE; PREPARE MATERIALS RE RANK	75	.25	18.75
/17/96 REVIEW CORRESPONDENCE PARENT RE RANK		.25	18.75
/18/96 REVIEW CORRESPONDENCE PARENT RE RANK		.25	18.75
/18/96 REVIEW CORRESPONDENCE; TELEPHONE CLIENT D. DELONG; CORRESPONDENCE COMPLAINANTS; CONFERENCE OFFICE RE RANK		.25	18.75
/19/96 TELEPHONE CLIENT D. DELONG AND T. GRAVE RE RANK		125	156.25
/21/96 TELEPHONE CLIENT RE INVESTIGATIVE REPORT IN RANK			31.25
/24/96 TELEPHONE CLIENT D. DELONG RE ARBITRATION; REVIEW TORT CLAIM; LEGAL RESEARCH AND PREPARE RESPONSE TO TORT CLAIM		1.50	187.50
/25/96 TELEPHONE CLIENT; LEGAL RESEARCH RE TAPE RECORDING PARENTS CONFERENCE IN RANK MATTER		125	93.75
/26/96 PREPARE LAND SALES AGREEMENT AND GRANT DEED FOR PROPERTY CONVEYANCE		1.50	187.50
/27/96 TELEPHONE CLIENT D. DELONG. T. GRAVE AND SUN STAR RE RANK		125	62.50
/28/96 REVIEW CORRESPONDENCE FROM AMERICAN ARBITRATION RE RANK		125	31.25
/28/96 PREPARE PROPERTY SALE DOCUMENTS		.50	62.50
CURRENT FEES:			2,006.25

PROOF OF SERVICE VIA FIRST CLASS UNITED STATES MAIL

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of 18 years and not a party to the within entitled action. My place of employment and business address is 300 Capitol Mall, Suite 1850, Sacramento, California 95814.

On February 20, 2002, I served the foregoing **INCORRECT REDUCTION CLAIMS OF SARATOGA, DAVIS, ELK GROVE, MERCED, MILPITAS, SANTA MARIA AND DAVIS** by causing the same to be deposited in the United States Mail to the person(s) named below at the address(es) shown:

Stephen Smith
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on February 20, 2002, at Sacramento, California.



SHAWN SILVA



EXHIBIT B,
TAB 7

KATHLEEN CONNELL
Controller of the State of California

February 20, 2002

RECEIVED

FEB 21 2002

**COMMISSION ON
STATE MANDATES**

Shirley Opie, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Incorrect Reduction Claims
Certification of Teacher Evaluator's Demonstrated Competence
Davis Joint Unified School District, CSM 01-4136-I-047
Education Code Section 35160.5
Statutes of 1983, Chapter 498

Dear Ms. Opie:

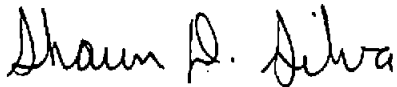
This letter constitutes the Controller's Office response to the above-entitled incorrect reduction claim. It appears that the issues involved in the IRCs received recently concerning this mandate are identical. Therefore, the analysis in the IRCs numbered CSM 01-4136-I-041 through CSM 01-4136-I-047 is identical. However, the responses are being submitted under separate cover to facilitate record keeping, and because the supporting documentation is slightly different in each case.

In the end, the outcome of these IRCs comes down to the terms of the Parameters & Guidelines. The Parameters & Guidelines simply do not provide for reimbursement of the wages of probationary teachers. They provide for costs related to probationary teachers such as: (1) Training, assisting, and evaluating probationary teachers (over and above that usually provided to permanent teachers); (2) Training materials and clerical services; (3) Registration fees and travel costs to attend training activities; (4) Costs of substitute teachers so that probationary teachers may attend training sessions; (5) Costs of consultants to train and assist probationary teachers, if needed. Notably absent is any reference to the salaries of probationary teachers. Since there is no provision in the Parameters & Guidelines for the reimbursement of probationary teachers salaries, these IRCs should be denied.

Claimant's reliance on the *Physical Performance and American Government Course Document Requirements Parameters & Guidelines* is misplaced. Although reference to other Parameters & Guidelines may be appropriate when attempting to interpret a phrase of a Parameter & Guideline, claimant is attempting to add language in this case, rather than merely interpret it. The appropriate process for that type of change would be an amendment to the Parameters & Guidelines. In fact, Stockton Unified School District submitted such a request on April 4, 1995 (Exhibit 1). Apparently, they believed that the Parameters & Guidelines did not properly address probationary teachers salaries. However, that request was ultimately withdrawn before it was ever heard (Exhibit 2). Claimant should not be allowed to circumvent the required procedures for an amendment by using an IRC to add language to a set of Parameters & Guidelines, therefore their request should be denied.

Please find attached the analysis of the Division of Accounting and Reporting (Exhibit 3), as well as relevant supporting documentation, with declaration (Exhibit 4). Exhibits referred to in DAR's analysis are either included or have already been exchanged between the parties.

Sincerely,



SHAWN D. SILVA
Staff Counsel

cc: Stephen Smith

EXHIBIT 1



STOCKTON UNIFIED SCHOOL DISTRICT

BUSINESS SERVICES

701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4124 • FAX (209) 953-4477

BOARD OF EDUCATION

JOSE A. BERNARDO
CHARLES D. BLOCH
VICIO BRAND
LOUIS GONZALEZ
CLEN G. LEE
FRANK E. GREGGIO
JAMES L. URSANI
SUPERINTENDENT
GARY MCHENRY

April 4, 1995

W. McElwain
7/23/95

RECEIVED
APR 05 1995
COMMISSION ON
STATE MANDATES

Ms. Shelly Mateo
Interim Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Ms. Mateo:

Pursuant to Title 2, California Code of Regulations, Section 1183.2 enclosed is our district's request to amend the parameters and guidelines for the **Certification of Teacher Evaluator's Demonstrated Competence** mandate. This mandate was enacted by **Chapter 498/Statutes of 1983**.

We have enclosed a narrative outlining the reasons the amendment is required as well as proposed amended parameters and guidelines. The proposed changes to the current parameters and guidelines have been underlined.

If you have any questions, please contact our consultant, Steve Smith of Mandate Cost Systems at (916) 487-4435.

Thank you for your cooperation.

Sincerely,

Norma Mearns

Norma E. Mearns
Director of Budget

NEM:cmb

enclosure:

**Justification for Amendment to the Parameters & Guidelines
for Certification of Teacher Evaluator's Demonstrated Competence
Chapter 498/Statutes of 1983**

The current Parameters & Guidelines for Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498, Statutes of 1983 do not address whether the time spent by probationary teachers receiving training, assistance or evaluation, over and above that usually provided to permanent teachers, is claimable.

We have specifically identified the following activities/costs as new programs implemented to comply with the requirements of this mandate. The increased activities required of probationary teachers as a result of this mandate are:

- 1) Probationary teacher time spent attending district sponsored training sessions that are provided specifically for probationary teachers. These sessions take place after school and prior to the start of the school year.
- 2) Probationary teacher time spent receiving assistance or training on a weekly or monthly basis, from district employees as part of the district's probationary teacher training & assistance program.

The district sponsored training sessions ~~prior to the start of school~~ represents a new program because most districts bring in their probationary teachers one or two days earlier than their permanent teacher to orientate them to the district and provide training specific to their needs. This is accomplished by requiring that probationary teachers work 185 day years instead of the 183 day year required of permanent teachers.

Likewise, after school district sponsored training sessions and one-on-one training received from employees with assigned responsibilities to train and assist probationary teachers represents a new program because it takes probationary teachers away from other duties that they perform outside the classroom.

Precedents in other claims

Precedents in other claims exist that provide reimbursement for time spent receiving training. These include:

- 1) The Emergency Procedures, Earthquakes and Disasters claim, Chapter 1659/Statutes of 1984 allows reimbursement for "the costs by the district of employees attending these meetings to receive instruction" (on earthquake and disaster procedures).

- D
- 2) The Collective Bargaining claim, Chapter 961/Statutes of 1975 allows reimbursement for "reasonable costs incurred for a reasonable number of training sessions held for supervisory and management personnel regarding contract administration and the interpretation of the negotiated contract".
 - 3) The Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498/Statutes of 1983 allows reimbursement for "time of district administrators spent in certification training excluding classroom observation"
 - 4) District employee time receiving various training are also listed as reimbursable under the
 - a) Mandate Reimbursement Process claim, Chapter 1459/Statutes of 1984,
 - b) Credential Monitoring claim, Chapter 1376/Statutes of 1987 and
 - c) AIDS Instruction, Chapter 818/Statutes of 1991

Restrictions

We have identified other time spent by probationary teachers attributable to this mandate, however based on precedents from other claims are not requesting reimbursement for them. These are listed below and should be identified as restrictions.

- 1) In-classroom probationary teacher receiving hands-on training (In classroom teacher time restriction from the Emergency Procedures, Earthquakes & Disasters Chapter 1659/States of 1984 and AIDS Instruction, Chapter 818/Statutes of 1991)
- 2) In cases where substitutes are provided, the district can only claim the substitute cost.

PROPOSED AMENDMENT

Adopted: 4/24/86
Amended: 1/24/91
WP 1080A

PARAMETERS AND GUIDELINES

Education Code Section 35160.5

Chapter 498, Statutes of 1983

Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

- A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.
 - a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three-year period.
 - a. Time of district administrators spent in certification training excluding classroom observation.
 - b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.
 - c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.
 - d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

- e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.
- B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.
- 1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.
 - b. Training materials and clerical services for probationary teachers.
 - c. Registration fees and travel costs of probationary teachers attending training activities.
 - d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

- e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.
- f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year.
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probationary teacher training and assistance program.
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable.
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty

(20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

EXHIBIT 2



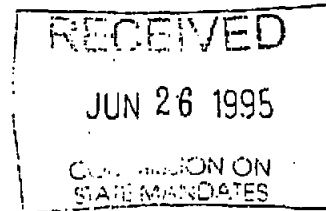
STOCKTON UNIFIED SCHOOL DISTRICT

BOARD OF EDUCATION

BUSINESS MANAGER
701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4055 • FAX (209) 953-4477

JOSE A. BERNARDO
CHARLES D. BLOCH
VICKI BRAND
LOUIS GONZALES
CLEM G. LEE
FRANK E. OROZCO
JAMES L. URBANI
SUPERINTENDENT
GARY MCHENRY

June 23, 1995



Mr. Kirk Stewart
Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Mr. Stewart:

This letter is to inform you that we are withdrawing our request dated April 4, 1995 to amend the Parameters and Guidelines for the Certification of Teacher Evaluator's Demonstrated Competence mandate. This mandate was enacted by Chapter 498/Statutes of 1983.

This request is being withdrawn because after numerous discussions with Commission Staff and other interested parties, it is clear that any positive action resulting from clarifying this issue is more than offset by the possibility that re-opening this claim could result in the entire claim being denied.

If you have any questions, please contact our consultant, Steve Smith, of Mandated Cost Systems at (916) 487-4435.

Sincerely,

Norma E. Mearns
Director of Budget

NEM:mw

EXHIBIT 3

**Davis Joint Unified School District
Certification of Teacher Evaluators Demonstrated Competence
Analysis of Incorrect Reduction Claim
For Fiscal Year 1995/96**

Exhibit 1: Declaration of Virginia Brummels;

Exhibit 2: Analysis of the Davis Joint Unified School District (DJUSD) Incorrect Reduction Claim (IRC);

Exhibit 3: Includes a copy of the Incorrect Reduction Claim (IRC) for the Certification of Teacher Evaluators Demonstrated Competence program for the DJUSD;

On December 2, 1996, the DJUSD filed an actual claim of \$175,995 for the state mandated Certification of Teacher Evaluators Demonstrated Competence (CTEDC) program. The CTEDC mandated cost claim was filed based on actual costs, and the DJUSD included costs for probationary teachers' salaries and wages in the amount of \$103,983 and indirect costs of \$6,426, for a total of \$110,409.

Exhibit 4: Includes copies of the reimbursement claim and supporting documentation;

Exhibit 5: Includes a copy of the Annual Claiming Instructions for School Districts;

The mandate was amended on January 24, 1991, to allow for reimbursement of individual administrator training, for a maximum of ten days (eighty hours in any three-year period). This amendment was considered necessary due to Chapter 498, Statutes of 1983 when the Legislature required each school district to adopt rules and regulations to certify that personnel assigned to evaluate teachers, have demonstrated specified competence in instructional methodologies to evaluate probationary teachers; to ensure that each probationary teacher was assigned to a school with assurance that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and when possible, resolve the complaints. The training reimbursement is for assistance and evaluating probationary teachers. The training of probationary teachers is not to include the cost of salaries and wages for the Mentor Teacher Program.

Reimbursement is provided for the cost of substitute teachers to allow probationary teachers to attend training activities, including visitations to other teachers' classrooms to observe teaching techniques (limit of three visits).

Davis Joint Unified School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

Exhibit 6: Includes a copy of the Commission on State Mandates' (COSM) Parameters and Guidelines (P's & G's);

Refer to Section V., Reimbursable Costs; B states as follows:

"The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program, can not be claimed as a reimbursable cost:
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers;
 - b. Training materials and clerical services for probationary teachers;
 - c. Registration fees and travel costs of probationary teachers attending training activities;
 - d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities, including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester); and
 - e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education."

The State Controller's Office (SCO) claiming instructions (Exhibit 4) are in agreement with the adopted P's & G's in this exhibit:

Davis Joint Unified School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

Exhibit 7: Includes a copy of the SCO Notice of Claim Adjustment letter, dated December 22, 1998, and a copy of the Mandated Cost Systems, Inc. letter, dated October 16, 2001;

The SCO letter notifies the DJUSD that the amount of \$115,948 for salaries and benefits of probationary teachers in training, is disallowed. This letter further states "...P's and G's do not provide reimbursement for probationary teachers' training costs. In lieu of that, the P's and G's reimburse the cost of substitute teachers while the probationary teachers attend training activities." Subsequently, in their letter dated October 21, 2001, Mandated Cost Systems, Inc., requested reinstatement of non-probationary teacher costs of \$1,171 and \$4,368, totaling \$5,539. This resulted in the amount of disallowed costs for salaries and benefits of probationary teachers being reduced to \$110,420.

Exhibit 8: Includes a copy of a letter dated April 4, 1995, from Stockton Unified School District (SUSD);

This letter contains a narrative outlining the reasons the amendment is required and includes proposed amendments to the P's & G's to clarify reimbursement for probationary teachers' salaries and benefits. In the letter dated April 4, 1995, SUSD proposed the following amendments to the Section V., Reimbursable Costs, B. 1. of the P's and G's last amended and adopted on January 24, 1991. The proposed amendments are as follows:

- " f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year;
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probation teacher training and assistance program;
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable; and
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time."

Page 4
Davis Joint Unified School District
Certification of Teacher Evaluators Demonstrated Competence
For Fiscal Year 1995-96

Exhibit 9: Includes a copy of a letter dated June 23, 1995, from SUSD;

On June 23, 1995, the Director of Budgets for SUSD corresponded in writing to Kirk Stewart, the Executive Director of the COSM, and withdrew their request for clarification due to their conversations with the COSM staff, that any positive action resulting from clarifying this issue could result in the possibility that re-opening this claim could result in the entire amendment being denied. Any questions were referred to their consultant, Steve Smith of Mandated Cost Systems. This clearly demonstrates that the reimbursement of training time for probationary teachers was on the "wish list" but was deemed not the right time to clarify the issue. The withdrawal of this action (6/23/95 letter) brings this issue of reimbursement before the COSM in the form of an incorrect reduction claim. Therefore, this is not an issue of the SCO incorrectly reducing the district's claim, but a means for the district to obtain reimbursement for what they withdrew as an amendment to the P's & G's.

Prepared by Ginny Brummels

January 29, 2002

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

(01) Claimant Identification Number:
S57005

(02) Mailing Address

Claimant Name

DAVIS JOINT UNIFIED SD

County Of Location

YOLO

Street Address or P.O. Box

526 B STREET

City

DAVIS

State

CA

Zip Code

95616

Reimbursement Claim Data

(22) TE-1,(04)(1)(d)

0

(23) TE-2,(04)(2)(d)

153,716

(24) TE-1,(04)(3)(d)

12,036

(25) TE-1,(05)(d)

165,752

(26) TE-1,(06)

6,1800

Type of Claim	Estimated Claim	Reimbursement Claim
(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(27) TE-1,(11)
(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(28)
(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(29)
		(30)

Fiscal Year of Cost (06) 19 ___ / ___ (12) 19 95 / 96 (31)

Total Claimed Amount (07) (13) \$ ~~175,995~~ ¹⁴¹⁰⁷ (32) 60047 -

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable) (14)

Less: Estimate Payment Received (15) 78871 (34) 78871 -

Net Claimed Amount (16) \$ ~~175,995~~ ⁶⁴⁷⁶⁷ (35) 218824

Due From State (08) (17) \$ 175,995 (36) + 64767

Due to State (18) 64767 (37) ~~18874~~ ⁴⁵⁹⁴³

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative
M. Carol Lindheimer
M. CAROL LINDHEIMER
Type or Print Name

Date 12-2-96
CONTROLLER
Title

(39) Name of Contact Person For Claim
Steve Smith, Mandated Cost Systems

Telephone Number 916-487-4435 Ext.

L
A
B
E
L
H
E
R
E

5-5-97
Cash payment
RA# 40315
CR# 06342
8-25-98
BALANCE DUE
PAID 12-23

MANDATED COSTS Certification of Teacher Evaluator's Demonstrated Competence CLAIM SUMMARY	FORM TE-1
--	----------------------------

(01) Claimant: S57005 DAVIS JOINT UNIFIED SD	(02) Type of Claim: <table style="margin-left: 20px;"> <tr> <td>Reimbursement</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Estimated</td> <td><input type="checkbox"/></td> </tr> </table>	Reimbursement	<input checked="" type="checkbox"/>	Estimated	<input type="checkbox"/>	Fiscal Year: 19 <u>95</u> / <u>96</u>
Reimbursement	<input checked="" type="checkbox"/>					
Estimated	<input type="checkbox"/>					

Claim Statistics

(03) Professional and Consultant Services Certifications:	Yes	No
a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?		X
b. If yes, explain.		

Direct Costs	Cost Elements			
--------------	---------------	--	--	--

(04) Reimbursable Components:	(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
1. Certification of Teacher Evaluators	0	0	0	0
2. Probationary Certified Employee Policies	1981 153,716	44516	0	1981 153,716
3. Parental Complaint Policies	12,036	0	0	12,036
(05) Total Direct Costs	165,752 165,752	0	0	165,752 165,752

Indirect Costs 9894 - 152469 - 5655 ✓ 5655 ✓

(06) Indirect Cost Rate	J-380 or J-580, as applicable	6.1800 %
(07) Indirect Costs	[[Line (05)(d) - line (05)(c)] x line (06)]	3495 -
(08) Total Costs:	[Line (05)(d) + line (07)]	10,243

Cost Reduction

(09) Less: Offsetting Savings, if applicable	
(10) Less: Other Reimbursements, if applicable	
(11) Total Claimed Amount:	(Line(08) - [Line(09) + line(10)])

109200

6748

115948

972

+

MANDATED COSTS

**FORM
TE-2**

**Certification of Teacher Evaluator's Demonstrated Competence
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: DAVIS JOINT UNIFIED SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
ADRYAN-WALLACE, A/TEACHER	22.41	52.50	1177		
ALLEGOMEN, M/TEACHER	45.35	5.00	227		
ANGEL, F/TEACHER	31.63	10.00	316		
ARMSTRONG, M/TEACHER	27.22	44.12	1201		
ARNOLD, M/TEACHER	55.52	44.12	2450		
BAZINET, J/	27.11	19.50	529		
BELL, M/TEACHER	55.52	68.62	3810		
BORGE, J/TEACHER	38.78	98.50	3820		
BRICE, A/TEACHER	42.93	50.00	2146		
BROWNELLER, P/TEACHER	33.05	59.25	1958		
BRUNSON, J/TEACHER	43.32	57.75	2501		
BRYNER, G/TEACHER	57.55	44.12	2539		
BURNETT, G/COUNSELOR	26.58	46.00	1223	X	
CARLSON, A/TEACHER	53.49	44.12	2360		
CHASON, W/TEACHER	53.22	94.12	5009		
CLARK, T/TEACHER	37.35	44.12	1648		
DEFRESNE, M/TEACHER	30.24	70.25	2125		
DIMELLO, D/TEACHER	30.88	52.50	1621		
DODD, J/TEACHER	36.88	46.00	1696		
FLYNN, J/TEACHER	31.63	46.00	1455		
GADISMAN, H/TEACHER	43.32	64.25	2783		
GALLAGHER, P/TEACHER	41.92	51.50	2159		
GONZALEZ, D/TEACHER	43.32	69.25	2999		
HALLBERG, S/TEACHER	57.55	44.12	2539		
HASKELL-DUVAIR, C/TEACHER	34.77	46.00	1599		
HENINGBURG, R/TEACHER	43.32	106.25	4603		
HERDLICK, S/TEACHER	30.88	69.25	2138		
HOLMES, C/TEACHER	43.32	10.00	433		
HOLTE, L/TEACHER	55.52	44.12	2450		
KALM, S/TEACHER	25.28	50.00	1264		
KING, P/TEACHER	47.48	84.12	3994		
LAMB, M/TEACHER	30.88	77.00	2377		

(05) Total Subtotal

Page: 1 of 1

\$ 69,149 0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DAVIS JOINT UNIFIED SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
LEUCHARS, M/TEACHER	33.14	69.25	2294		
LINGBLOOM, P/TEACHER	32.75	75.50	2474		
LOW, E/TEACHER	35.44	59.25	2101		
MARTIN, P/TEACHER	57.83	44.12	2551		
MCCOY, M/TEACHER	53.77	44.12	2372		
MILICH, N/TEACHER	43.32	64.25	2783		
MILLAM, R/TEACHER	53.77	44.12	2372		
MORAN, D/TEACHER	30.88	50.00	1544		
NAYYAR, R/TEACHER	39.25	53.75	2110		
NEWTON, K/TEACHER	49.42	30.42	1503		
NIELSEN, L/TEACHER	46.49	44.12	2051		
PATTERSON, J/TEACHER	49.42	64.25	3175		
PATZ, N/TEACHER	43.32	19.75	855		
PEHLKE, E/TEACHER	43.32	46.00	1993		
PERRY, H/PROJ COORDINATOR	30.83	10.00	308		
PERRY, M/TEACHER	41.28	53.75	2219		
PESHETTE, A/TEACHER	49.42	44.12	2180		
PITALO, M/DIR OF CIRRIC	44.97	10.00	450		
POWELL, T/TEACHER	31.11	19.75	614		
QUENON, M/TEACHER	32.64	62.25	2030		
RICH, V/TEACHER	36.46	104.00	3792		
RICHARDS, D/TEACHER	30.08	53.75	1618		
RODDEN, R/TEACHER	45.16	44.12	1992		
RONNING, K/TEACHER	42.47	59.25	2517		
ROSS, R/TEACHER	35.35	52.50	1856		
SANDRETTO, S/TEACHER	41.28	4.00	165		
SEANEY, M/TEACHER	51.45	44.12	2270		
SELLS, B/TEACHER	56.38	104.00	5862		
SHERMAN, T/TEACHER	43.32	53.75	2328		
SIMS, M/TEACHER	43.10	53.75	2317		
STREET, K/TEACHER	18.77	52.50	985		
TAYLOR, B/TEACHER	47.76	126.33	6033		
THOMSON, F/TEACHER	46.26	67.75	3135		

(05) Total Subtotal

Page: 1 of 1

974

72,849

0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DAVIS JOINT UNIFIED SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
VALENCIOH, M/TEACHER	37.21	10.00	372		
VRANA, M/TEACHER	36.14	51.50	1861		
WAID, P/TEACHER	30.88	50.00	1544		
WAYLAND, J/TEACHER	43.09	54.12	2332		
WELLS, B/PRINCIPAL	45.04	24.50	1103		
WELLS, S/TEACHER	34.10	19.00	648		
WHEELER, B/TEACHER	41.04	46.00	1888		
WILHELM, B/TEACHER	35.49	52.50	1864		
WINK, D/TEACHER	35.18	3.00	106		

44516
1987

(05) Total Subtotal

Page: 1 of 1

\$ 11,718 0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DAVIS JOINT UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

- (03) Reimbursable Component:
- Competence in Instructional Methodology
 - Probationary Certificated Employee Policies
 - Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
BOOCK, J/PRINCIPAL	.45.04	12.50	563		
BUCHHOLTZ, J/COUNSELOR	33.34	45 50.00	1687	1500 -	
BURNETT, G/COUNSELOR	26.58	45 50.00	1229	1196 -	
COUGHRAN, C/PRINCIPAL	41.41	28.84	1195		
EINING, C/PRINCIPAL	41.41	45 50.00	2071	1863 -	
HAGEMANN, M/PRINCIPAL	45.01	45 50.00	2251	2025 -	
MAUL, B/PRINCIPAL	45.21	29.35	1327		
WELLS, B/PRINCIPAL	45.04	31.75	1430		
ZIMMERMAN, D/PRINCIPAL	45.04	4.50	203		
			11307		

(05) Total Subtotal

Page: 1 of 1

\$ 12,036 0 0



KATHLEEN CONNELL
 Controller of the State of California

December 22, 1998

Mr. Steve Smith
 President
 Mandated Cost Systems, Inc.
 2275 Watt Avenue, Suite C
 Sacramento, CA 95825

Dear Mr. Smith:

RE: NOTICE OF CLAIM ADJUSTMENT
 DAVIS JOINT UNIFIED SCHOOL DISTRICT
 CHAPTER 498/83 CERTIFICATION OF TEACHER EVALUATORS
 FISCAL YEAR 1995-96

This is in reply to your letters dated October 14, 1998 and November 18, 1998 regarding the above claim for reimbursement of mandated cost program. The result of our review is as follows:

Amount Claimed		\$175,995
Adjustment to Claim:		
<i>Probationary Certificated Employee Policies</i>		
The amount of \$109,200 for salaries and benefits of probationary teachers in training is disallowed.	-\$109,200	
Parameters and guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities.		
Sub-total on Adjustment for Direct Costs		-\$109,200
Adjustment of Indirect Costs	(\$10,243-\$3,495)	-6,748
Total Adjustment for Claim		-\$115,948
Approved Claim		\$60,047
Less: Prior Payment of 5/15/97		-78,871
Amount Due State		<u>-\$18,824</u>

Mr. Steve Smith

-2-

December 22, 1998

If you have any questions, please contact Eduardo Antonio at (916) 323-0755 or in writing at the State Controller's Office, Attn: Local Reimbursements Section, Division of Accounting and Reporting, P.O. Box 942850, Sacramento, CA 94250-5875.

Sincerely,



JEFF YEE, Manager
Local Reimbursements Section

JY:ea



Date: November 18, 1998
To: Eduardo Antonio, State Controller's Office
From: Steve Smith, President *SS*
CC: Carol Lindheimer, Davis Joint Unified School District

2275 Watt Avenue
Suite C
Sacramento, CA 95825
916-487-4435 phone
916-487-9662 fax

222 West Carmen Lane
Suite 101
Santa Maria, CA 93458
805-922-1471 phone
805-922-7143 fax

3161 Bechelli Lane
Suite 202
Redding, CA 96002
530-224-7255 phone
530-224-9548 fax

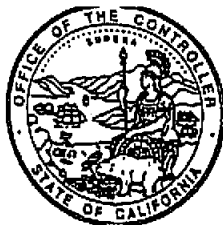
11835 W. Olympic Blvd.
Suite 680E
Los Angeles, CA 90064
310-477-4749 phone
310-477-5356 fax

Claimant: Davis Joint Unified School District, S57005
Program: Certification of Teacher Evaluators, Chapters 498/83
Fiscal Year: 1995/96

Per your request dated November 12, you asked that we submit time sheets and log sheets for time spent by personnel claimed under Parental Complaint Policies component of the Certification of Teacher Evaluators, Chapters 498/83 Program. Please note that the Parental Complaint component code is I3B. We have attached a detailed report that itemizes the source of all charges to this component and the requested documentation.

In addition, we have enclosed documentation for those district employees whose hours were in question on your claim review. Todd Wherry, Project Manager, left a message with you on November 16, to verify that you were not requesting documentation above these employees which were addressed in our October 14, reconsideration request letter. However, you never returned his call.

If you have any further questions or need further clarification, please call Todd Wherry, Project Manager, at 916-487-4435.



KATHLEEN CONNELL

California State Controller

FACSIMILE COVER PAGE

This document is intended only for the use of the individual to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable laws. If the recipient of this document is not the addressee (i.e., the intended recipient), you are hereby notified that you are strictly prohibited from reading, disseminating, distributing, or copying this document. If you have received this document in error, please notify the sender immediately by telephone, and we will provide further instructions about return or destruction of this document. Thank you.

To	Fax No.	Date
STEVE SMITH	(916) 487-9662	11-12-98

Organization
DAVIS JOINT UNIFIED SCHOOL DIST.

From	Telephone No.	No. of pages including cover
EDUARDO	(916) 323-0755	1

Comments/Special instructions
PLEASE SUBMIT LOGSHEET/TIMESHEET FOR PERSONNEL CLAIMED UNDER PARENTAL COMPLAINT POLICIES FOR CERTIFICATION OF TEACHERS PROGRAM FISCAL YEAR 1995-96 FOR THE ABOVE ORGANIZATION AS SOON AS POSSIBLE.

IF THERE ARE PROBLEMS WITH THE COPIES RECEIVED, PLEASE NOTIFY	TELEPHONE NO.
---	---------------

STATE CONTROLLER'S SACRAMENTO OFFICE FACSIMILE NUMBER: (916) 323-4807 OR (916) 323-6527

Original will not follow

Original will follow:

- Regular Mail
- Federal Express
- Hand Delivery
- Certified Mail

California State Controller's Office
3301 C Street, Suite 501
Sacramento, CA 95816
(916) 445-8717



October 14, 1998

Jeff Yee
Manager, Local Reimbursement Section
Division of Accounting and Reporting
State Controller's Office
P.O. Box 942850
Sacramento, CA 94250-5875

RE: Reconsideration Request (CTE 98-21)

Dear Mr. Yee:

The Davis Joint Unified School District, Claimant ID S57005 received a letter dated August 5, 1998 that disallowed costs on its 1995/96 Certification of Teacher Evaluator's Demonstrated Competence Chapter 498/83 claim as follows:

1)	Training Time for Non-probationary Teachers	\$ 50,703
2A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$ 96,516
2B)	1 day Training Time Disallowed for 1 st year Probationary Teachers	\$ 13,893
3)	Time in excess of 45 hours on Parental Complaint Policies	\$ 779
	Total	\$ 161,891

On August 31, 1998 one of my staff met with Eduardo Antonio to obtain the composition of this adjustment and to copy the work papers used in reviewing this claim.

Issue #1 - Training Time for Non-probationary Teachers (Trainers) Disallowed:

District personnel with the assigned responsibility to train and assist probationary teachers were disallowed. The State Controller's Office Claiming Instructions for this program states that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, (not including the site principal, ... used to train, assist or evaluate probationary teachers are reimbursable.)"

98-522

2275 Watt Avenue,
Suite C
Sacramento, CA 95825
916-487-4435 phone
916-487-9662 fax

222 West Carmen Lane
Suite 101
Santa Maria, CA 93458
805-922-1471 phone
805-922-7143 fax

3161 Bechelli Lane,
Suite 202
Redding, CA 96002
530-224-7255 phone
530-224-9548 fax

11835 W. Olympic Blvd.
Suite 680E
Los Angeles, CA 90064
310-477-4749 phone
310-477-5356 fax

In reviewing the work papers provided by your office, it is clear that salary and benefits of employees that were used to train and assist probationary teachers were disallowed. It appears that all teachers listed on the claim were assumed to be probationary teachers. In addition, our office has no record of receiving a request for additional information on this claim.

These employees are identified on the attached claim with a "T". These costs should be reinstated.

Issue #2 A & B - Probationary Teacher Time Disallowed:

The Claiming Instructions and Parameters & Guidelines are silent on whether the time spent by probationary teachers is reimbursable. We feel strongly that these are legitimate costs of the mandate and that they are reimbursable. The State Controller's Office Claiming Instructions state that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable".

A) The time spent by probationary teachers receiving additional training and assistance would be included as a cost of training, assisting and evaluating probationary teachers.

B) In addition, the district requires its probationary teachers to work one extra 7 hour day each fiscal year for teacher training. Permanent teachers work a 184 day work year, while the probationary teachers work a 185 work year. These training sessions exceed what is provided to permanent teachers and there are costs incurred by the district.

There is an identifiable increased cost to the school district for this extra day worked by probationary teachers and this extra day worked is specifically attributable to the mandate of probationary teacher training. Recent rulings by the Commission on State Mandates on test claims that involve teacher training costs have indicated that if the district incurs an increased cost of some kind (i.e. substitutes, stipends, overtime pay or an extended work year) then this identifiable increased cost would be reimbursable.

The probationary teachers are identified on the attached claim with a "P1" for 1st year teachers or "P2" for 2nd year teachers.

Issue #3 - Time in excess of 45 hours on Parental Complaint Policies Disallowed:

Per the review notes for this component, the following employee time was limited to a maximum of 45 hours per school year, per employee claimed.

Employee	Time	Hourly Rate	Amount
Buchholtz, J	50.00	\$33.34	\$ 1,667

Burnett, G	50.00	\$26.58	\$ 1,329
Eining, C	50.00	\$41.41	\$ 2,071
Hagemann, M	50.00	\$45.01	\$ 2,251

This maximum appears to have been arrived at arbitrarily based on an average of 15 minutes per day. However, below these notations on some claims is the comment "assuming 1 hour per day" which would equal 180 hours. Regardless of how your office arrived at this cap, there is no basis in the Claiming Instruction or the Parameters & Guidelines for a 45 hour per year cap.

The amount of time a school district spends on the resolution of parent complaints against employees of the district is not something they can necessarily control. If the district receives a complaint, district administrators must deal with the complaint. In some cases the issue can be resolved relatively quickly while in other cases it requires many meetings and a lot of investigation time. Since the district can not control when a complaint is filed or how many are filed, it is not realistic or fair to place an arbitrary cap of 45 hours per administrator.

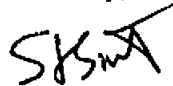
If you would like to have us send the time records for the employees, please let us know. We have no record of receiving a request for these records from your office.

Conclusion:

Based on the additional information and clarifications listed above, I request that \$161,891 in incorrectly reduced costs be reinstated. Please notify me within three weeks (November 4, 1998) of the State Controller's Office's decision on this matter. In the absence of a response within three weeks, we will assume that you intend to stand by this adjustment and not reinstate these costs.

If you have any questions or need any additional information, please contact me at (916) 487-4435.

Sincerely,



Steve Smith
 President
 Mandated Cost Systems, Inc.

Enclosures

cc: Carol Lindheimer, Davis Joint Unified School District



S57005

KATHLEEN CONNELL
CONTROLLER OF THE STATE OF CALIFORNIA
DIVISION OF ACCOUNTING AND REPORTING

DAVIS JT. UNIF. SCH. DIST.
BUSINESS SERVICES

AUGUST 5, 1998

98 AUG 17 AM 8:51

BOARD OF TRUSTEES
DAVIS JT UNIF SCH DIST
YOLO COUNTY
526 B STREET
DAVIS CA 95616

DEAR CLAIMANT:

RE: CERT TEACHERS EVAL CH 498/83

WE HAVE REVIEWED YOUR 1995/1996 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED	175,995.00
LESS: TOTAL ADJUSTMENTS (DETAIL ON PAGE 2)	- 161,891.00
CLAIM AMOUNT APPROVED	14,104.00
LESS: TOTAL PRIOR PAYMENTS (DETAIL ON PAGE 2)	78,871.00
AMOUNT DUE STATE	\$ 64,767.00

PLEASE REMIT A WARRANT IN THE AMOUNT OF \$ 64,767.00 WITHIN 30 DAYS FROM THE DATE OF THIS LETTER, PAYABLE TO THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875 WITH A COPY OF THIS LETTER. FAILURE TO REMIT THE AMOUNT DUE WILL RESULT IN OUR OFFICE PROCEEDING TO OFFSET THE AMOUNT FROM THE NEXT PAYMENTS DUE TO YOUR AGENCY FOR STATE MANDATED COST PROGRAMS.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT EDUARDO ANTONIO AT (916) 323-0755 OR IN WRITING AT THE ABOVE ADDRESS.

SINCERELY,

JEFF YEE,
MANAGER

ADJUSTMENT TO CLAIM:		
INDIRECT COSTS OVERSTATED	-	9,422.00
NON-REIMBURSABLE ITEM	-	152,469.00
		- 161,891.00
LESS: TOTAL ADJUSTMENTS		
PRIOR PAYMENTS:		
SCHEDULE NO. MA60717A		78,871.00
PAID 05-15-1997		
LESS: TOTAL PRIOR PAYMENTS		78,871.00

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number:
S57005

(02) Mailing Address

Claimant Name

DAVIS JOINT UNIFIED SD

County Of Location

YOLO

Street Address or P.O. Box

526 B STREET

City

DAVIS

State

CA

Zip Code

95616

Reimbursement Claim Data

(22) TE-1,(04)(1)(d)

0

(23) TE-2,(04)(2)(d)

153,716

(24) TE-1,(04)(3)(d)

12,036

(25) TE-1,(05)(d)

165,752

(26) TE-1,(06)

6,1800

Type of Claim

Estimated Claim

Reimbursement Claim

16,1891

(03) Estimated

(09) Reimbursement

(04) Combined

(10) Combined

(05) Amended

(11) Amended

(27) TE-1,(11)

175,995

(28)

(29)

(30)

Fiscal Year of Cost

(06) 19 /

(12) 95 / 96

(31)

Total Claimed Amount

(07)

(13) \$ 175,995

(32)

Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable)

(14)

(33)

Less: Estimate Payment Received

(15) 78871

(34)

Net Claimed Amount

(16) \$ 64,167

(35)

Due From State

(08)

(17) \$ 175,995

(36)

Due to State

(18)

64767

(37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498 Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grant or payments received, other than from the claimant for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amounts for Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

M. Carol Lindheimer

Date

12-2-96

M. CAROL LINDHEIMER

CONTROLLER

Type or Print Name

Title

(39) Name of Contact Person For Claim

Telephone Number

Steve Smith, Mandated Cost Systems

916-487-4435

Ext.

MANDATED COSTS

**FORM
TE-1**

**Certification of Teacher Evaluator's Demonstrated Competence
CLAIM SUMMARY**

(01) Claimant:

S57005

DAVIS JOINT UNIFIED SD

(02) Type of Claim:

Reimbursement

Estimated

Fiscal Year:

19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certifications:

Yes No

a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?

X

b. If yes, explain.

Direct Costs

Cost Elements

(04) Reimbursable Components:

	(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
1. Certification of Teacher Evaluators	0	0	0	0
2. Probationary Certified Employee Policies	1981	0	0	1981
3. Parental Complaint Policies	153,716	0	0	153,716
	1130	0	0	12,036
	12,036	0	0	1130
(05) Total Direct Costs	165,752	0	0	165,752
	734	0	0	13283

Indirect Costs

9894 - 152,469 -

(06) Indirect Cost Rate

J-380 or J-580, as applicable

6.1800 %

(07) Indirect Costs

{[Line (05)(d) - line (05)(c)] x line (06)}

9970 - 9405 - 821 - 10,243

(08) Total Costs:

[Line (05)(d) + line (07)]

175,995
14104 -

Cost Reduction

(09) Less: Offsetting Savings, if applicable

(10) Less: Other Reimbursements, if applicable

(11) Total Claimed Amount:

{Line(08) - [Line(09) + line(10)]}

14104 - 175,995

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DAVIS JOINT UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology
 Probationary Certificated Employee Policies
 Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
P1 ADRYAN-WALLAGE, A/TEACHER	22.41	52.50	1177		
P2 ALLEGOSSEN, M/TEACHER	45.35	5.00	227		
P2 ANGEL, F/TEACHER	31.63	10.00	316		
T ARMSTRONG, M/TEACHER	27.22	44.12	1201		
T ARNOLD, M/TEACHER	55.52	44.12	2450		
T BAZINET, J/	27.11	19.50	529		
T BELL, M/TEACHER	55.52	68.62	3810		
P1 BORGE, J/TEACHER	38.78	98.50	3820		
P1 BRICE, A/TEACHER	42.93	50.00	2146		
P1 BROWNELLER, P/TEACHER	33.05	59.25	1958		
P1 BRUNSON, J/TEACHER	43.32	57.75	2501		
T BRYNER, G/TEACHER	57.55	44.12	2539		
P1 BURNETT, G/COUNSELOR	26.58	46.00	1223		
T CARLSON, A/TEACHER	53.49	44.12	2360		
T CHASON, W/TEACHER	53.22	94.12	5009		
T CLARK, T/TEACHER	37.35	44.12	1648		
P1 DEFRESNE, M/TEACHER	30.24	70.25	2125		
P1 DIMELLO, D/TEACHER	30.88	52.50	1621		
P1 DODD, J/TEACHER	36.88	46.00	1696		
P1 FLYNN, J/TEACHER	31.63	46.00	1455		
P1 GADISMAN, H/TEACHER	43.32	64.25	2783		
P1 GALLAGHER, P/TEACHER	41.92	51.50	2159		
P1 GONZALEZ, D/TEACHER	43.32	69.25	2999		
T HALLBERG, S/TEACHER	57.55	44.12	2539		
P1 HASKELL-DUVAIR, C/TEACHER	34.77	46.00	1599		
P1 HENINGBURG, R/TEACHER	43.32	106.25	4603		
P1 HERDLICK, S/TEACHER	30.88	69.25	2138		
P2 HOLMES, C/TEACHER	43.32	10.00	433		
T HOLTE, L/TEACHER	55.52	44.12	2450		
P1 KALM, S/TEACHER	25.28	50.00	1264		
T KING, P/TEACHER	47.48	84.12	3994		
P1 LAMB, M/TEACHER	30.88	77.00	2377		

(05) Total Subtotal Page 1 of 1 \$ 69,149 0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DAVIS JOINT UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
P1 LEUCHARS, M/TEACHER	33.14	69.25	2294		
P1 LINGBLOOM, P/TEACHER	32.75	75.50	2474		
P1 LOW, E/TEACHER	35.44	59.25	2101		
T MARTIN, P/TEACHER	57.83	44.12	2551		
T MCCOY, M/TEACHER	53.77	44.12	2372		
P1 MILICH, N/TEACHER	43.32	64.25	2783		
T MILLAM, R/TEACHER	53.77	44.12	2372		
P1 MORAN, D/TEACHER	30.88	50.00	1544		
P1 NAYYAR, R/TEACHER	39.25	53.75	2110		
P1 NEWTON, K/TEACHER	49.42	30.42	1503		
T NIELSEN, L/TEACHER	46.49	44.12	2051		
P1 PATTERSON, J/TEACHER	49.42	64.25	3175		
P2 PATZ, N/TEACHER	43.32	19.75	855		
P1 PEHLKE, E/TEACHER	43.32	46.00	1993		
PERRY, H/PROJ COORDINATOR	30.83	10.00	308		
P1 PERRY, M/TEACHER	41.28	53.75	2219		
T PESHETTE, A/TEACHER	49.42	44.12	2180		
PITALO, M/DIR OF CIRRIC	44.97	10.00	450		
P2 POWELL, T/TEACHER	31.11	19.75	614		
P1 QUENON, M/TEACHER	32.64	62.25	2030		
P1 RICH, V/TEACHER	36.46	104.00	3792		
P1 RICHARDS, D/TEACHER	30.08	53.75	1618		
T RODDEN, R/TEACHER	45.16	44.12	1992		
P1 RONNING, K/TEACHER	42.47	59.25	2517		
P1 ROSS, R/TEACHER	35.35	52.50	1856		
P2 SANDRETTO, S/TEACHER	41.28	4.00	165		
T SEANEY, M/TEACHER	51.45	44.12	2270		
P1 SELLS, B/TEACHER	56.38	104.00	5862		
P1 SHERMAN, T/TEACHER	43.32	53.75	2328		
P1 SIMS, M/TEACHER	43.10	53.75	2317		
P1 STREET, K/TEACHER	18.77	52.50	985		
P1 TAYLOR, B/TEACHER	47.76	126.33	6033		
P1 THOMSON, F/TEACHER	46.26	67.75	3135		

(05) Total Subtotal

Page 1 of 1
990

\$ 22,849 0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DAVIS JOINT UNIFIED SD

(02) Fiscal Year costs were incurred: 95 - 96

(03) Reimbursable Component: Competence in Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
P2 VALENCIOH, M/TEACHER	37.21	10.00	372		
P1 VRANA, M/TEACHER	36.14	51.50	1861		
P1 WAID, P/TEACHER	30.88	50.00	1544		
T WAYLAND, J/TEACHER	43.09	54.12	2332		
T WELLS, B/PRINCIPAL	45.04	24.50	1103		
P2 WELLS, S/TEACHER	34.10	19.00	648		
P1 WHEELER, B/TEACHER	41.04	46.00	1888		
P1 WILHELM, B/TEACHER	35.49	52.50	1864		
P2 WINK, D/TEACHER	35.18	3.00	106		

1981

(05) Total Subtotal

Page 1 of 1

\$ 12,718 0 0

MANDATED COSTS

FORM

Certification of Teacher Evaluator's Demonstrated Competence

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: DAVIS JOINT UNIFIED SD

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: Competence in Instructional Methodology

Probationary Certificated Employee Policies

Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Cost Elements

(a) Employee Names, Job Classifications and Activities Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
BOOCK, J/PRINCIPAL	45.04	12.50	563		
BUCHHOLTZ, J/COUNSELOR	33.34	45 50.00	1667	1500 -	
BURNETT, G/COUNSELOR	26.58	45 50.00	1329	1196 -	
COUGHRAN, C/PRINCIPAL	41.41	28.84	1195		
EINING, C/PRINCIPAL	41.41	45 50.00	2071	1863 -	
HAGEMANN, M/PRINCIPAL	45.01	45 50.00	2251	2025 -	
MAUL, B/PRINCIPAL	45.21	29.35	1327		
WELLS, B/PRINCIPAL	45.04	31.75	1430		
ZIMMERMAN, D/PRINCIPAL	45.04	4.50	203		

11302

(05) Total Subtotal

Page 992 1 of 1

\$ 12,036 0 0

Issue 1

Issue 2 total 2A+2B

Issue 2B

0. *

0. *

0. *

- 1,201. +
- 2,450. +
- 529. +
- 3,810. +
- 2,539. +
- 2,360. +
- 5,009. +
- 1,648. +
- 2,539. +
- 2,450. +
- 3,994. +
- 2,551. +
- 2,372. +
- 2,372. +
- 2,051. +
- 2,180. +
- 1,992. +
- 2,270. +
- 2,332. +
- 1,103. +

PI & P2
TIME

- 1,177. +
- 227. +
- 316. +
- 3,820. +
- 2,146. +
- 1,958. +
- 2,501. +
- 2,125. +
- 1,621. +
- 1,696. +
- 1,455. +
- 2,783. +
- 2,159. +
- 2,999. +
- 1,861. +
- 1,544. +
- 648. +
- 1,888. +
- 1,864. +
- 106. +
- 2,474. +

- 157. +
- 227. +
- 221. +
- 271. +
- 301. +
- 231. +
- 303. +
- 212. +
- 216. +
- 258. +
- 221. +
- 303. +
- 293. +
- 303. +
- 243. +
- 303. +
- 216. +
- 303. +
- 177. +
- 216. +
- 232. +
- 229. +
- 248. +
- 303. +
- 216. +
- 275. +
- 346. +
- 346. +
- 303. +
- 303. +
- 289. +
- 13,084. +
- 809. +

Timers
Time

PI & P2
Thr. Orientation

020

051

47,752. 0

103,983. 0

47,752. X

103,983. X

6.18 Z

6.18 Z

2,951.0736*+

6,426.1494*+

47,752. *

103,983. *

47,752. +

103,983. +

2,951. +

6,426. +

50,703.*+

110,409.*+

0. *

Total

002

Total
(Issue 2B) 0. *

ISSUE 3

0. *

Parental
Complaint
Time
009

563. +
1,667. +
1,329. +
1,195. +
2,071. +
2,251. +
1,327. +
1,430. +
203. +
12,036. *+

12,036. +

Approved 11,302. -
000

734. *+

0. *

Indirect
Costs

734. X
6.18 Z
45.3612 *+

734. *

734. +

45. +

002

Total 779. *+

0. *

EXHIBIT 4

1 OFFICE OF THE STATE CONTROLLER
2 300 Capitol Mall, Suite 1850
3 Sacramento, CA 94250
4 Telephone No.: (916) 445-6854

5 BEFORE THE
6 COMMISSION ON STATE MANDATES
7 STATE OF CALIFORNIA

8
9 INCORRECT REDUCTION CLAIM ON:

10 Certification of Teacher
11 Evaluator's Demonstrated
12 Competence

13 Education Code section 35160.5
14 Statutes of 1983, Chapter 498

15 DAVIS JOINT UNIFIED SCHOOL
16 DISTRICT, Claimant

No.: CSM 01-4136-I-047

AFFIDAVIT OF CUSTODIAN

17 I, Virginia Brummels make the following declarations:
18

19 1) I am an employee of the State Controller's Office and over
20 the age of 18 years.

21 2) I am currently employed as an Accounting Administrator II,
22 and have been so for the past year. Before that I was employed
23 as a Staff Management Auditor-Specialist, and Accounting
24 Administrator I Specialist and Supervisor for 14 years.

25 3) As a section manager in the Department of Accounting &
Reporting I have access to, and am involved in, the intake and
processing of claims for reimbursement for expenditures mandated
by the state.

1 4) I am a duly authorized custodian of records or other
2 qualified witness with authority to certify such records.

3 5) Any attached copies of records are true copies of records as
4 retained at our place of business.

5 4) The records were prepared or received by the personnel of our
6 office in the ordinary course of business at or near the time of
7 the act, condition, or event.

8 5) The records include claims for reimbursement, along with any
9 attached supporting documentation, remittance advices,
10 explanatory letters, or other documents relating to the above-
11 entitled Incorrect Reduction Claim.

12 I do declare that the above declarations are made under
13 penalty of perjury and are true and correct to the best of my
14 knowledge, and that such knowledge is based on personal
15 observation, information, or belief.

16 Date: January 28, 2002

17 OFFICE OF THE STATE CONTROLLER

18 By: 
19

20 Virginia Brummels
21 Section Manager
22 Local Reimbursement Section
23
24
25

PROOF OF SERVICE VIA FIRST CLASS UNITED STATES MAIL

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of 18 years and not a party to the within entitled action. My place of employment and business address is 300 Capitol Mall, Suite 1850, Sacramento, California 95814.

On February 20, 2002, I served the foregoing **INCORRECT REDUCTION CLAIMS OF SARATOGA, DAVIS, ELK GROVE, MERCED, MILPITAS, SANTA MARIA AND DAVIS** by causing the same to be deposited in the United States Mail to the person(s) named below at the address(es) shown:

Stephen Smith
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on February 20, 2002, at Sacramento, California.



SHAWN SILVA

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Section 60800,
Chapter 975, Statutes of 1995, and the
California Department of Education
Memorandum Dated February 16, 1996;

And filed on December 23, 1996;

By San Diego Unified School District,
Claimant

NO. CSM 96-365-01

Physical Performance Tests


ADOPTION OF PARAMETERS AND
GUIDELINES PURSUANT TO
GOVERNMENT CODE SECTION 17557
AND TITLE 2, CALIFORNIA CODE OF
REGULATIONS, SECTIONS 1183.12.

(Adopted on September 24, 1998)

ADOPTED PARAMETERS AND GUIDELINES

The attached Parameters and Guidelines of the Commission on State Mandates is hereby adopted in the above-entitled matter.

This Decision shall become effective on October 8, 1998.


Paula Higashi, Executive Director

PARAMETERS AND GUIDELINES

Education Code Section 60800

Chapter 975, Statutes of 1995

and the

California Department of Education Memorandum

Dated February 16, 1996

Physical Performance Tests

I. SUMMARY AND SOURCE OF THE MANDATE

On June 25, 1998, the Commission on State Mandates adopted its Statement of Decision finding that Education Code section 60800, as added by Chapter 975, Statutes of 1995, and the California Department of Education Memorandum, dated February 16, 1996, imposed a reimbursable state mandated program on school districts. (Exhibit A.) The Commission limited its decision to the following reimbursable state mandated activities:

- Acquiring materials and equipment to administer the State Board of Education's designated physical performance test to students in grades 5, 7, and 9;
- Training teachers to conduct the designated physical performance test;
- Processing and analyzing score data by school personnel other than teachers; and
- Responding to requests by the California Department of Education for testing results pursuant to Education Code section 60800, subdivision (b).

II. ELIGIBLE CLAIMANTS

Any "school district," as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement.

III. PERIOD OF REIMBURSEMENT

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on December 23, 1996. Therefore, all costs incurred on or after July 1, 1995, are eligible for reimbursement, pursuant to these Parameters and Guidelines.

Actual costs for one fiscal year should be included in each reimbursement claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Section 17561 (d)(1) of the Government Code, all claims for reimbursement of initial years' costs shall be submitted within 120 days of issuance of the claiming instructions by the State Controller.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

IV. REIMBURSABLE COMPONENTS AND DESCRIPTION OF ACTIVITIES

The direct and indirect costs of labor, materials and supplies, contracted services, equipment, travel, and training incurred for compliance with the following mandate components are eligible for reimbursement on an on-going basis:

1. Acquiring materials, supplies and equipment to administer the State Board of Education's designated physical performance test to students in grades 5, 7 and 9.

The following activities associated with the acquisition of any materials, supplies, and equipment required by the Prudential Fitnessgram testing program are eligible for reimbursement:

- contacting the test provider and negotiating the purchase of the materials, preparing contracts or purchase orders for the purchase of materials, administering the purchase of materials;
- purchasing the materials, supplies, and equipment, including test administration manuals, test materials, testing equipment, test scoring and reporting materials and related software; and
- conducting an inventory of the purchased materials, and distributing materials.

2. Training to conduct the designated physical performance test to students in grades 5, 7, and 9.

The following activities associated with training teachers and other school district personnel to conduct, score, and process the physical performance tests and test results are eligible for reimbursement:

- reviewing the requirements of the testing program selected by the State Board of Education¹ by administrators, teachers and other school district personnel;
- preparing policies and procedures;
- developing and preparing for training sessions;
- attending training sessions; and
- providing materials and supplies in training sessions.

Increased costs for substitute teacher time during the school day or for teacher stipends to attend training sessions outside the regular school day (after school or on Saturday) are eligible for reimbursement. However, the labor time of the teacher spent in attending training sessions during that teacher's normal classroom hours is not reimbursable.

¹ Currently the Prudential Fitnessgram testing program.

3. Conducting the Physical Performance Tests

The following activity associated with conducting the physical performance tests is eligible for reimbursement:

- conducting the tests.

The Commission on State Mandates determined that the labor time of the teacher spent in conducting the tests during that teacher's normal classroom hours is *not* reimbursable.²

4. Processing and analyzing score data by school district personnel other than teachers.

The following activities associated with processing and analyzing test score data are eligible for reimbursement:

- re-recording raw test scores onto "scantron" or other score sheets used to process test scores, processing and analyzing test scores, and preparing and distributing personalized test score results; and
- data processing of test scores by the district, consultants, or other entities.

The Commission on State Mandates determined that labor time of the teacher spent on these activities during that teacher's normal classroom hours is *not* reimbursable.³

5. Responding to requests by the California Department of Education for testing results pursuant to Education Code section 60800, subdivision (b).

The following activities associated with responding to a request by the California Department of Education for physical fitness test results are eligible for reimbursement:

- data processing and analysis, preparing reports, and filing reports.

V. CLAIM PREPARATION

Each reimbursement claim for costs incurred to comply with this mandate must be timely filed and set forth a listing of each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified according to the components of reimbursable activity described in Section IV of this document.

Supporting Documentation

Claimed costs should be supported by the following information:

A. Direct Costs

Direct costs are defined as costs that can be traced to specific goods, services, units, programs, activities, or functions.

² In sum, the Commission found that physical performance testing requires teachers to substitute the tests for other activities. The time to administer and score the tests is therefore *absorbed* into the school day with no resultant increased costs to the school district. To be eligible for reimbursement a school district must incur increased costs as a result of administering physical performance tests. However, because testing takes place in an environment that has an identifiable limit on the number of hours in a normal workday, and the normal workday has not been extended, the Commission found that teacher time to administer physical performance tests is not reimbursable. The Claimant disagrees.

³ See Footnote 2.

1. Employee Salaries and Benefits

Identify the employee(s) and/or show the classification of the employee(s) involved. List the reimbursable activities performed by each employee and specify the time devoted to each reimbursable activity by each employee, productive hourly rate and the related fringe benefits. The average number of hours devoted to each reimbursable activity in these Parameters and Guidelines can be claimed if supported by a documented time study.

Reimbursement for personal services includes compensation for salaries, wages, and employee fringe benefits. Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g. annual leave, sick leave) and employer's contribution for social security, pension plans, insurance, and worker's compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities performed by the employee.

2. Materials and Supplies

List cost of materials and supplies which have been consumed or expended specifically for the purpose of this mandate. The cost of materials and supplies, which is not used exclusively for the mandate is limited to the pro rata portion used to comply with this mandate.

3. Contracted Services

Provide the name(s) of the contractor(s) who performed the service(s). Describe the activities performed by each named contractor, and give the number of actual hours spent on the activities, if applicable, show the inclusive dates when services were performed, and itemize all costs for those services. For fixed price contracts list only the activities performed, the dates services were performed, and the contract price.

4. Equipment

List the purchase price paid for equipment and other capital assets acquired for this mandate. Purchase price includes taxes, delivery costs, and installation costs. If the equipment or other capital asset is used for purposes other than this mandate, only the pro rata purchase price can be claimed.

5. Travel

Travel expenses for mileage, transportation, per diem, lodging, parking, and other employee entitlements are reimbursable in accordance with the rules of the local school district. Provide the name(s) of the person(s) traveling, purpose of the travel, inclusive dates and time of travel, destination(s), and travel expenses.

6. Training

The cost of training for activities specified in Section IV can be claimed. Identify the employee(s) by name and job classification. Provide the name of the training session, the dates attended and the location. Reimbursement costs:

include, but are not limited to, salaries and benefits of personnel conducting or attending the training, registration fees, and travel expenses.

B. Indirect Costs

1. School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.
2. County offices of education must use the J- 580 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the State Department of Education.

VI. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets to show evidence of the validity of costs. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim was filed or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of the initial payment of the claim. These documents must be made available to the State Controller's Office on request.

VII. DATA FOR DEVELOPMENT OF THE STATEWIDE COST ESTIMATE

The State Controller's claiming instructions shall include a request for claimants to send an additional copy of the completed test claim specific form for each of the initial years' reimbursement claims by mail or facsimile to the Commission on State Mandates, 1300 I Street, Suite 950, Sacramento, CA 95814, Facsimile Number: (916) 445-0278. Although providing this information to the Commission on State Mandates is not a condition of reimbursement, claimants are encouraged to provide this information to enable the Commission to develop a statewide cost estimate.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this mandate must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, including but not limited to, service fees collected, federal funds, and other state funds shall be identified and deducted from this claim.

IX. REQUIRED CERTIFICATION

An authorized representative of the claimant will be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Section 51230, as added by
Statutes of 1996, Chapter 778;

Filed on September 15, 1997;

By the San Diego Unified School District and
Sweetwater Union High School District,
Co-Claimants

NO. CSM 97-TC-02 (a.k.a. 97-258-01)

*American Government Course Document
Requirement*

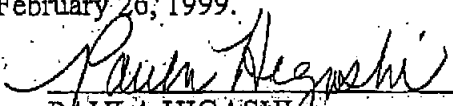
*ADOPTION OF PARAMETERS AND
GUIDELINES PURSUANT TO
GOVERNMENT CODE SECTION 17557;
TITLE 2, CALIFORNIA CODE OF
REGULATIONS, DIVISION 2, CHAPTER
2.5, SECTION 1183.12.*

(Adopted on February 25, 1999)

PARAMETERS AND GUIDELINES

The Commission on State Mandates adopted the attached Parameters and Guidelines on
February 25, 1999.

These Parameters and Guidelines are effective on February 26, 1999.



PAULA HIGASHI
Executive Director

Adopted: February 25, 1999

PARAMETERS AND GUIDELINES,

Education Code Section 51230
Statutes of 1996, Chapter 778

American Government Course Document Requirements

I. SUMMARY AND SOURCE OF THE MANDATE

On October 29, 1998, the Commission on State Mandates ("Commission") adopted its Statement of Decision finding that Education Code section 51230, as added by Chapter 778, Statutes of 1976, imposed a reimbursable state-mandated new program on school districts. Education Code section 51230 requires school districts to teach, and students to read, the Declaration of Independence, the United States Constitution, including the Bill of Rights, the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address as part of the American Government and Civics courses required for high school graduation.

II. ELIGIBLE CLAIMANTS

Any school district, as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement.

III. PERIOD OF REIMBURSEMENT

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on September 15, 1997, establishing an eligibility date of July 1, 1996. However, Chapter 778, Statutes of 1996, was enacted on September 23, 1996, and became effective on January 1, 1997. Therefore, costs incurred on or after January 1, 1997, are eligible for reimbursement, pursuant to these Parameters and Guidelines.

Actual costs for one fiscal year should be included in each reimbursement claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561(d)(1) of the Government Code, all claims for reimbursement of initial years' costs shall be submitted within 120 days of issuance of the claiming instructions by the State Controller.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17561.

IV. REIMBURSABLE COMPONENTS AND DESCRIPTION OF ACTIVITIES

The direct and indirect costs of labor, materials and supplies, contracted services, equipment, travel, and training incurred for compliance with the following mandate components are eligible for reimbursement:

- A. Preparing and Adopting Policies, Procedures and Forms

Preparing and adopting policies, procedures and forms related to teaching the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address as part of the American Government and Civics courses.

B. Training

Training teachers that teach American Government or Civics courses about the requirements to teach the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address, about new text materials related to these documents, and about methods of teaching these documents. This reimbursable component includes:

- 1) Activities performed by administrators, other school district personnel, and consultants to prepare for training sessions and to conduct training sessions;
- 2) Either the costs of providing a substitute teacher for each teacher who attends a training session during the teacher's normal classroom periods or the additional payments made to each teacher who attends a training session outside the teacher's normal classroom period (after school or on Saturday); and
- 3) The cost of materials and supplies used or distributed in training sessions on this mandated program.

Each school district may conduct more than one training session and may conduct training sessions in different fiscal years; however, the cost of providing either a substitute teacher during the school day or making additional payments to each teacher attending a training session outside the regular school day is eligible for reimbursement only once for each teacher who teaches an American Government or Civics course. The labor time of the teacher spent in attending a training session during that teacher's normal classroom hours is not eligible for reimbursement.

C. Acquiring Materials and Supplies

1. Acquiring Student Text Materials before the Scheduled Adoption of New Textbooks

- a) The one-time activity of reviewing student text materials purchased before January 1, 1997 (the effective date of the test claim statute) to determine whether they contain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address;
- b) If existing textbooks and materials do not contain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address, then the following activities are eligible for reimbursement:
 - 1) Contacting text publishers to determine what text materials are available that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address;
 - 2) Negotiating and coordinating the purchase of student materials that contain or explain about the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address; and
 - 3) Administering the purchase of student materials that contain or explain about the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address

and George Washington's Farewell Address, including preparing contracts or purchase orders for the purchase of student materials, distributing the purchased materials, and conducting an inventory of purchased materials.

The purchase price of the student materials that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address is eligible for reimbursement:

2. Adoption of New Textbooks

- a) Reviewing proposed student text materials to determine whether they contain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address.
- b) If the proposed new text materials contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address, then the pro rata share of costs directly related to performing the following activities is eligible for reimbursement:
 - 1) Negotiating and coordinating the purchase of student materials that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address; and
 - 2) Administering the purchase of student materials that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address, including preparing contracts or purchase orders for the purchase of student materials, distributing the purchased materials, and conducting an inventory of purchased materials.

The pro rata share of the purchase price directly related to the inclusion of text materials that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address is eligible for reimbursement.

- c) If the proposed new text materials do not contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address, then the pro rata share of costs directly related to performing the following activities is eligible for reimbursement:
 - 1) Contacting text publishers to determine what text materials are available that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address;
 - 2) Negotiating and coordinating the purchase of student materials that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address; and
 - 3) Administering the purchase of student materials that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address, including preparing contracts or purchase orders for the purchase of student materials, distributing the purchased materials, and conducting an inventory of purchased materials.

The pro rata share of the purchase price directly related to the inclusion of text materials that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address is eligible for reimbursement.

3. Acquiring Teacher Reference and Resource Materials

- a) Reviewing teacher reference and resource materials purchased before January 1, 1997 (the effective date of the test claim statute) to determine whether they are sufficient to facilitate the teaching of the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address;
- b) If existing teacher reference and resource materials are not sufficient to facilitate the teaching of the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address, then the following activities are eligible for reimbursement:
 - 1) Contacting text publishers to determine what teacher reference and resource materials are available to facilitate the teaching of the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address;
 - 2) Negotiating and coordinating the purchase of teacher reference and resource materials that are sufficient to facilitate the teaching of the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address; and
 - 3) Administering the purchase of teacher reference and resource materials that are sufficient to facilitate the teaching of the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address, including preparing contracts or purchase orders for the purchase of student materials, distributing the purchased materials, and conducting an inventory of purchased materials.

Each school district may purchase teacher reference and resource materials in different fiscal years; however, the cost of providing teacher reference and resource materials is eligible for reimbursement only once for each teacher who teaches an American Government or Civics course.

The purchase price of teacher reference and resource materials that are sufficient to facilitate the teaching of the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address is eligible for reimbursement.

V. CLAIM PREPARATION

Each reimbursement claim for costs incurred to comply with this mandate must be timely filed and set forth a listing of each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified according to the components of reimbursable activity described in Section IV of this document.

Supporting Documentation

Claimed costs should be supported by the following information:

A. Direct Costs

Direct costs are defined as costs that can be traced to specific goods, services, units, programs, activities, or functions.

1. Employee Salaries and Benefits

Identify the employee(s) and/or show the classification of the employee(s) involved. List the reimbursable activities performed by each employee and specify the time devoted to each reimbursable activity by each employee, productive hourly rate and the related fringe benefits. The average number of hours devoted to each reimbursable activity in these Parameters and Guidelines can be claimed if supported by a documented time study.

2. Materials and Supplies

List cost of materials and supplies which have been consumed or expended specifically for the purpose of this mandate. The cost of materials and supplies, which are not used exclusively for the mandate is limited to the pro rata portion used to comply with this mandate.

3. Contracted Services

Provide the name(s) of the contractor(s) who performed the service(s). Describe the activities performed by each named contractor, and give the number of actual hours spent on the activities, if applicable, show the inclusive dates when services were performed, and itemize all costs for those services. For fixed price contracts list only the activities performed, the dates services were performed, and the contract price.

4. Equipment and Capital Assets

List the purchase price paid for equipment and other capital assets acquired for this mandate. Purchase price includes taxes, delivery costs, and installation costs. If the equipment or other capital asset is used for purposes other than this mandate, only the pro rata purchase price is eligible for reimbursement.

5. Travel

Travel expenses for mileage, transportation, meals, per diem, lodging, parking, and other employee entitlements are reimbursable in accordance with the rules of the local school district. Provide the name(s) of the person(s) traveling, purpose of the travel, inclusive dates and time of travel, destination(s), and travel expenses.

6. Training

The cost of training for activities specified in Section IV can be claimed. Identify the employee(s) by name and job classification. Provide the name of the training session, the dates attended and the location. Reimbursement costs include, but are not limited to, salaries and benefits of personnel conducting or attending the training, registration fees, and travel expenses.

B. Indirect Costs

1. School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.
2. County offices of education must use the J- 580 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the State Department of Education.

VI. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets to show evidence of the validity of costs. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim was filed or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of the initial payment of the claim. These documents must be made available to the State Controller's Office on request.

VII. DATA FOR DEVELOPMENT OF THE STATEWIDE COST ESTIMATE

The State Controller's claiming instructions shall include a request for claimants to send an additional copy of the completed test claim specific form for each of the initial years' reimbursement claims by mail or facsimile to the Commission on State Mandates, 1300 I Street, Suite 950, Sacramento, CA, 95814, Facsimile Number: (916) 445-0278. Although providing this information to the Commission on State Mandates is not a condition of reimbursement, claimants are encouraged to provide this information to enable the Commission to develop a statewide cost estimate.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this mandate must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, including but not limited to, service fees collected, federal funds, and other state funds shall be identified and deducted from this claim.

IX. REQUIRED CERTIFICATION

An authorized representative of the claimant will be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300

SACRAMENTO, CA 95814

PHONE: (916) 323-3582

(916) 445-0278

E-mail: csminfo@cam.ca.gov



April 9, 2003

Mr. Steve Smith
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

Mr. Mike Havey
State Controller's Office
Division of Accounting and Reporting
Local Reimbursement Section
3301 C Street, Suite 501
Sacramento, CA 95816

RE: **Draft Staff Analysis**
Certification of Teacher Evaluator's Demonstrated Competence
99-4136-I-40 through -47, Various Claimants
Education Code Section 51225.3
Statutes 1983, Chapter 498

Dear Mr. Smith and Mr. Havey:

As provided in section 1185, subdivision (c), of the Commission's regulations, the *Certification of Teacher Evaluator's Demonstrated Competence* incorrect reduction claims (IRCs) filed by Mandated Cost Systems, Inc. on behalf of various claimants have been combined. Claimants' names are listed on the first page of the enclosed draft staff analysis.

Written Comments

Any party or interested person may file written comments on the draft staff analysis by Wednesday, **April 30, 2003**. You are advised that the Commission's regulations require comments filed with the Commission to be simultaneously served on other interested parties on the mailing list, and to be accompanied by a proof of service on those parties. If you would like to request an extension of time to file comments, please refer to section 1183.01, subdivision (c)(1), of the Commission's regulations.

Hearing

These IRCs are set for hearing on Thursday, **May 29, 2003**, at 9:30 a.m. in Room 126 of the State Capitol, Sacramento, California. The final staff analysis will be issued on or about Friday, May 16, 2003. 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, subdivision (c)(2), of the Commission's regulations.

Please contact Cathy Cruz at (916) 323-8218 if you have any questions.

Sincerely,

SHIRLEY OPIE

Assistant Executive Director

Enclosure

ITEM ____

**INCORRECT REDUCTION CLAIMS
DRAFT STAFF ANALYSIS**

Education Code Section 35160.5

Statutes 1983, Chapter 498

Claimants:

Elk Grove Unified School District (01-4136-I-41),
Santa Maria-Bonita School District (01-4136-I-42),
Milpitas Unified School District (01-4136-I-43),
Del Mar Union School District (01-4136-I-44),
Saratoga Union Elementary School District (01-4136-I-45),
Merced City Elementary School District (01-4136-I-46),
Davis Joint Unified School District (01-4136-I-47)

Certification of Teacher Evaluator's Demonstrated Competence

EXECUTIVE SUMMARY

The Executive Summary will be included with the Final Staff Analysis.

CHRONOLOGY

Test Claim

- 09/20/84 San Jose Unified School District filed a test claim with the Board of Control
- 09/26/85 Commission on State Mandates (Commission) determined that Statutes 1983, chapter 498 imposes reimbursable state mandated costs
- 10/24/85 Commission adopted its Statement of Decision
- 04/24/86 Commission adopted original parameters and guidelines
- 01/24/91 Commission amended parameters and guidelines
- 09/95 State Controller's Office (SCO) issued claiming instructions
- 07/22/96 Education Trailer Bill to the Budget Act of 1996 (Stats. 1996, ch. 204) repealed this mandate effective with the 1996-1997 fiscal year

Incorrect Reduction Claims (IRCs)

- 11/19/96
- 11/26/97 Claimants filed reimbursement claims for fiscal year 1995-1996
- 08/5/98 SCO issued remittance advices
- 10/13/98
- 03/29/99 Claimants requested the SCO to reconsider its payment action
- 12/11/98
- 10/25/01 SCO issued final notices of adjustment
- 11/09/01 Elk Grove Unified School District, Santa Maria-Bonita School District, Milpitas Unified School District, Del Mar Union School District, Saratoga Union Elementary School District, and Merced City Elementary School District filed IRCs with the Commission
- 11/19/01 Commission sent copies of the IRCs filed on November 9, 2001, to the SCO
- 12/12/01 Davis Joint Unified School District filed its IRC with the Commission
- 12/21/01 Commission sent a copy of the IRC filed on December 12, 2001, to the SCO
- 02/20/02 SCO filed comments on the claimants' IRCs
- 04/09/03 Draft staff analysis issued

COMMISSION AUTHORITY

Government Code section 17551, subdivision (d), requires the Commission to determine whether the SCO has incorrectly reduced payments to a local agency or school district. That section states the following:

The commission, pursuant to the provisions of this chapter, shall hear and decide upon a claim by a local agency or school district filed on or after January 1, 1985, that the Controller has incorrectly reduced payments to the local agency or school district pursuant to paragraph (2) of subdivision (d) of Section 17561.

Government Code section 17561, subdivision (d), authorizes the SCO to audit claims filed by local agencies and school districts and to reduce any claim for reimbursement of state mandated costs that the SCO determines is excessive or unreasonable.

If the Commission determines that a reimbursement claim has been incorrectly reduced, California Code of Regulations, title 2, section 1185.1, requires the Commission to submit its Statement of Decision to the SCO and request that all costs that were incorrectly reduced be reinstated.

SUMMARY OF THE MANDATE AND CLAIMS

On October 24, 1985, the Commission adopted its decision that the *Certification of Teacher Evaluator's Demonstrated Competence* program constitutes a reimbursable state-mandated program. Education Code, section 35160.5, as added by Statutes 1983, chapter 498, requires that the governing board of each school district shall, as a condition for the receipt of school apportionments, adopt rules and regulations on or before December 1, 1984, establishing district policies regarding:

- a) The certification of the demonstrated competence of administrators who would be conducting teacher evaluations.
- b) Assurances that probationary teachers will have their needs for training, assistance, and evaluations recognized by the district.
- c) Filing of parent complaints regarding district employees.

On April 24, 1986, the Commission adopted the original parameters and guidelines. These parameters and guidelines were subsequently amended on January 24, 1991, and described the following activities as eligible for reimbursement:

- A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board. [¶] . . . [¶]
- B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.
 1. Training, assisting, and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program cannot be claimed as a reimbursable cost.
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.
 - b. Training materials and clerical services for probationary teachers.
 - c. Registration fees and travel costs of probationary teachers attending training activities.

- d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).
 - e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.
- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.¹

In September 1995, the SCO issued its claiming instructions.² Section 5, "Reimbursable Components," provides the following:

B. Probationary Certificated Employee Policies

(2) Training, Assisting and Evaluating Probationary Teachers

The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist or evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available within the school district or county office of education, is reimbursable. Registration fees, travel costs and the cost of substitute teachers provided for probationary teachers so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester.

The claimants filed their reimbursement claims for fiscal year 1995-1996 between November 19, 1996 and November 26, 1997. On August 5, 1998, the SCO sent the claimants notices of adjustment denying reimbursement for the salaries and benefits of probationary teachers in training. The claimants requested that the SCO reconsider its payment action between October 13, 1998 and March 29, 1999. The SCO issued final notices of adjustment between December 11, 1998 and October 25, 2001. Specifically, the letters stated:

[The] Parameters and Guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the [parameters and guidelines] reimburse the cost of substitute teachers while the probationary teachers attend training activities.³

¹ Exhibit A, tab 1, page 33.

² Exhibit A, tab 1, page 43.

³ Exhibit A, tab 1, pages 103, 111; tab 2, page 199; tab 3, page 285; tab 4, pages 367, 375; tab 5, page 457; tab 6, page 541; tab 7, pages 625, 633.

Thus, on November 9, 2001 and December 12, 2001, seven school districts filed IRCs on the *Certification of Teacher Evaluator's Demonstrated Competence* program.⁴ The seven claimants here contend that the SCO incorrectly reduced their claims, in an aggregate amount of \$324,465 for fiscal year 1995-1996, for the cost of training probationary teachers. Table 1, as shown below, lists the alleged incorrect reduction for each individual claimant.

TABLE 1

Number	Claimant	Cost Categories Disallowed		Total Alleged Incorrect Reduction
		1 st & 2 nd year Probationary Teacher Time	Add'l Probationary Teachers Training Time	
01-4136-I-41	Elk Grove Unified School District	\$ 119,796	\$ 49,724	\$ 18,882
01-4136-I-42	Santa Maria-Bonita School District	4,656	6,215	10,871
01-4136-I-43	Milpitas Unified School District	6,336	25,030	*56,802
01-4136-I-44	Del Mar Union School District	28,855	2,583	31,438
01-4136-I-45	Saratoga Union Elementary School District	54,318	2,727	57,045
01-4136-I-46	Merced City Elementary School District	27,353	11,665	39,018
01-4136-I-47	Davis Joint Unified School District	96,516	13,893	110,409
	TOTALS	\$ 337,833	\$ 111,837	\$ 324,465

STATEMENT OF ISSUES

DID THE STATE CONTROLLER'S OFFICE INCORRECTLY REDUCE THESE CLAIMS?

1. Is the cost of salaries and benefits for probationary teachers receiving additional training outside their regular workday or work year a reimbursable cost under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program?
2. Is the cost of salaries and benefits for probationary teachers attending training and mentoring during the course of their regular workday a reimbursable cost under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program?

For the reasons stated in the staff analysis, staff concludes that the SCO did not incorrectly reduce these reimbursement claims.

POSITIONS OF THE PARTIES

Claimants' Position

The claimants contend that the cost of probationary teachers receiving mandated additional training should be reimbursed because it is authorized by the parameters and guidelines under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program.

⁴ Exhibit A, tabs 1-7.

* The alleged incorrect reduction amount includes \$25,437 in new teacher training stipends.

The claimants assert that probationary teacher training costs consist of two categories:

- 1) probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular work day; and
- 2) probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements.

The claimants state that "the [Commission] should be guided by the common rule of interpretation which provides that where express provisions of a rule are clear and unambiguous the explicit meaning of those provisions, interpreted in their ordinary and popular sense, controls the interpretation."⁵ Therefore, the claimants assert that costs associated with the first category are allowed because the parameters and guidelines provide reimbursement for costs of "training, assisting and evaluating probationary teachers *over and above that usually provided to permanent teachers.*"

Further, the claimants contend that the second category is reimbursable because it is consistent with allowable costs of other mandated programs, such as *Physical Performance Testing* and *American Government Course Document Requirements*. While permanent teachers work a fixed number of days a year, the claimants assert that this mandate requires all probationary teachers to work additional days for teacher training, occurring either after the regular workday or at the end of the regular work year when a substitute teacher is not necessary. For example, the Elk Grove Unified School District states that its permanent teachers work 184 days a year while its probationary teachers work a total of 186 work days to accommodate two additional 7.5-hour days for teacher training.⁶

State Controller's Office Position

The SCO argues that "[t]he parameters and guidelines simply do not provide for reimbursement of the wages of probationary teachers while they attend training...[n]otably absent is any reference to the salaries of probationary teachers."⁷ In its final notices of adjustment, the SCO stated that the parameters and guidelines reimburse the cost of substitute teachers while the probationary teachers attend training. The SCO also notes that on April 4, 1995, the Stockton Unified School District (SUSD) submitted a request to amend the parameters and guidelines to include salaries and wages for probationary teachers while they attend training.⁸ However, this request was withdrawn by letter dated June 23, 1995.⁹ Therefore, the SCO concluded that the parameters and guidelines did not intend to provide reimbursement for the salary costs of probationary teachers while attending training.

⁵ Exhibit A, tab 1, page 5.

⁶ Exhibit A, tab 1, page 5. The number of additional training days for probationary teachers varies by claimant, ranging from half a day to two days. One claimant did not specify the number of additional days.

⁷ Exhibit B, tab 1, page 635; tab 2, page 669; tab 3, page 703; tab 4, page 735; tab 5, page 805; tab 6, page 881; tab 7, page 947.

⁸ Exhibit B, tab 1, page 641.

⁹ Exhibit B, page 653.

Therefore, the SCO disallowed the cost of salaries and benefits for training probationary teachers and associated indirect costs claimed under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program.

STAFF ANALYSIS

Background

The parameters and guidelines were originally adopted on April 24, 1986, and were subsequently amended on January 24, 1991, to allow reimbursement of individual administrator training for a maximum of 10 days in any three-year period.

On April 4, 1995, the SUSD filed a request to amend the parameters and guidelines with the Commission. SUSD proposed to include the following language under Reimbursable Costs, section V.B.1.:

- f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year.
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probationary teacher training and assistance program.
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable.
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time.¹⁰

SUSD asserted that these amendments were necessary because the parameters and guidelines did not address whether probationary teacher time receiving training, assistance, and evaluation, was reimbursable. SUSD maintained that district-sponsored training sessions prior to the start of the school year required probationary teachers to work one or two days earlier than permanent teachers, and thus, they worked a longer school year. During these training sessions, probationary teachers received orientation and training specific to their needs. Further, SUSD contended that the district-sponsored training sessions after school and the one-on-one training should be reimbursable because it took probationary teachers away from other duties.

To support its position, SUSD noted parameters and guidelines for programs that provide reimbursement for employee time spent receiving training, such as the *Emergency Procedures, Earthquakes, and Disasters* program. Specifically, the *Emergency Procedures, Earthquakes, and Disasters* Parameters and Guidelines provide reimbursement for: "The cost incurred by the district of employees attending [emergency procedures] meetings to receive instruction."

However, on June 23, 1995, SUSD withdrew its request to amend the parameters and guidelines because "after numerous discussions with Commission Staff and other interested parties, it is clear that any positive action resulting from clarifying this issue is more than offset by the possibility that re-opening this claim could result in the entire claim being denied."¹¹

¹⁰ Exhibit B, tab 1, page 648.

¹¹ Exhibit B, tab 1, page 653.

On July 22, 1996, the Education Trailer Bill to the Budget Act of 1996 (Stats. 1996, ch. 204) repealed this mandate beginning with the 1996-1997 fiscal year.

Issue 1: Is the cost of salaries and benefits for probationary teachers receiving additional training outside their regular workday or work year a reimbursable cost under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program?

The claimants contend that their districts required probationary teachers to work additional days each fiscal year for teacher training specifically attributable to this mandate. The claimants assert that while permanent teachers work a fixed number of days a year, this mandate requires all probationary teachers to work additional days for teacher training, occurring either after the regular workday or at the end of the regular work year when a substitute teacher is not necessary. Therefore, the claimants argue that the salary costs of probationary teachers to attend the training outside the regular workday or work year should be reimbursed because the training sessions exceed what is provided to permanent teachers.

The SCO maintains that "[t]he parameters and guidelines simply do not provide for reimbursement of the wages of probationary teachers while they attend training. . . [n]otably absent is any reference to the salaries of probationary teachers." In lieu of that, the SCO states that the parameters and guidelines reimburse the cost of substitute teachers while the probationary teachers attend training.

For the reasons provided below, staff finds that the SCO did not incorrectly reduce the claimants' reimbursement claims for the cost of salaries and benefits for probationary teachers to attend the training outside the regular workday or work year.

To support its arguments, the claimants cited the Commission's decision in the parameters and guidelines for *Physical Performance Tests* (CSM 96-365-01). Specifically, the Commission found that:

Increased costs for *substitute teacher time* during the school day or for teacher stipends to attend training sessions outside the regular school day (after school or on Saturday) are eligible for reimbursement.¹² (Emphasis added.)

The claimants also cited the Commission's decision in the parameters and guidelines for *American Government Course Document Requirements* (97-TC-02), in which the Commission found the following to be reimbursable:

Either the cost of providing a *substitute teacher* for each teacher who attends a training session during the teacher's normal classroom periods or the *additional payments* made to each teacher who attends a training session *outside the teacher's normal classroom period* (after school or on Saturday). (Emphasis added.)¹³

It is true that the Commission previously found the cost of teachers to attend training sessions outside the regular school day to be reimbursable. However, in both of the above-mentioned programs, the Commission's parameters and guidelines provided reimbursement for either the cost of a substitute teacher, if the training session was during the regular school day, or for teacher

¹² Exhibit C, page 1004.

¹³ Exhibit D, page 1011.

stipends to attend training outside the regular school day. The parameters and guidelines here clearly provide reimbursement for the costs of substitute teachers so that probationary teachers could attend training activities. However, the parameters and guidelines do not explicitly provide reimbursement for teacher stipends to attend training outside the regular school day. Although a request to amend the parameters and guidelines was filed to include reimbursement for teachers' salaries when training occurs outside the regular school day, that request was withdrawn. Therefore, staff finds that the Commission intended that probationary teacher training be provided during the regular school day when a substitute teacher could be hired.

Moreover, the claimants state that the probationary teachers worked extra hours and a longer work year because the additional training was mandated by Education Code section 35160.5 (Stats. 1983, ch. 498). Education Code section 35160.5,¹⁴ as added by Statutes 1983, chapter 498, required that the governing board of each school district, as a condition for the receipt of school apportionments, adopt rules and regulations on or before December 1, 1984, establishing district policies regarding:

- a) The certification of the demonstrated competence of administrators who would be conducting teacher evaluations.
- b) Assurances that probationary teachers will have their needs for training, assistance, and evaluations recognized and met by the district.
- c) Filing of parent complaints regarding district employees.

Neither the test claim statute, the Statement of Decision, the parameters and guidelines, nor the evidence in the record supports the claimants' contention that the state has mandated additional training to be provided outside the regular school year. Since the 1959 Education Code,¹⁵ the state has required public schools to provide education for a minimum of 175 days in a fiscal year and 240 minutes in a day. Here, neither the school day, nor the school year, increased as a result of the test claim legislation. Accordingly, there is no showing that the state mandated an increased level of service on school districts resulting in increased costs for probationary teachers to attend additional training outside the regular workday or work year. If a school district chooses to increase the school day or the school year by requiring its probationary teachers to work additional days each fiscal year for teacher training, the district does so at its own discretion.

Therefore, staff finds that the cost of salaries and benefits for probationary teachers to attend the training outside the regular workday or work year is not reimbursable, and the SCO did not incorrectly reduce this portion of the claim.

Issue 2: Is the cost of salaries and benefits for probationary teachers attending training and mentoring during the course of their *regular workday* a reimbursable cost under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program?

The claimants contend that the cost of probationary teachers receiving mandated additional training during the regular workday should be reimbursed because it is authorized by the parameters and guidelines under the Probationary Certificated Employee Policies component of

¹⁴ Repealed by Statutes 1996, chapter 204, effective July 22, 1996.

¹⁵ Education Code sections 41420, 46113, 46141, and 46142.

the *Certification of Teacher Evaluator's Demonstrated Competence* program. The claimants maintain that the parameters and guidelines provide reimbursement for costs of "training, assisting and evaluating probationary teachers *over and above that usually provided to permanent teachers.*" The claimants assert that "the [Commission] should be guided by the common rule of interpretation which provides that where express provisions of a rule are clear and unambiguous the explicit meaning of those provisions, interpreted in their ordinary and popular sense, controls the interpretation."¹⁶ Therefore, the salary costs of probationary teachers receiving one-on-one training and mentoring during the course of their regular workday should be reimbursed.

The SCO maintains that "[t]he parameters and guidelines simply do not provide for reimbursement of the wages of probationary teachers while they attend training... [n]otably absent is any reference to the salaries of probationary teachers." The SCO states that, in lieu of that, the parameters and guidelines reimburse the cost of substitute teachers while the probationary teachers attend training. Further, the SCO states that a request to amend the parameters and guidelines to explicitly include salaries and wages for probationary teachers while they attend training was submitted by the SUSD on April 4, 1995. However, this request was subsequently withdrawn by letter dated June 23, 1995. Therefore, the SCO concluded that the parameters and guidelines did not intend to provide reimbursement for the salary costs of probationary teachers while attending training.

For the reasons provided below, staff finds that the SCO did not incorrectly reduce the claimants' reimbursement claim for the cost of salaries and benefits for probationary teachers attending training and mentoring during the course of their regular work day.

Section V. of the parameters and guidelines, entitled "Reimbursable Costs," provides that the following costs are reimbursable:

- A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board. [] . . . []
- B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.
 1. Training, assisting, and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program cannot be claimed as a reimbursable cost.
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.
 - b. Training materials and clerical services for probationary teachers.

¹⁶ Exhibit A, tab 1, page 5.

- c. Registration fees and travel costs of probationary teachers attending training activities.
 - d. *Costs of substitute teachers provided for probationary teachers so that they might attend training activities* including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester). (Emphasis added.)
 - e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.
- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

The parameters and guidelines clearly provide reimbursement for the costs of substitute teachers so that probationary teachers can attend training activities, including visitations to other teachers' classrooms to observe teaching techniques. The SCO's claiming instructions mirrored the Commission's parameters and guidelines. Thus, staff finds, that based on the express language contained in the parameters and guidelines, the claimants are only entitled to reimbursement for salaries of substitute teachers while probationary teachers attend training and mentoring during the course of their regular workday.

In this case, training is explicitly included in the parameters and guidelines. However, to be eligible for reimbursement, a school district must incur increased costs mandated by the state as a result of complying with the test claim statute.¹⁷ Staff finds that school districts do not incur increased costs mandated by the state for the salaries and benefits of probationary teachers when they attend training and mentoring during the course of their regular workday. As discussed in Issue 1, neither the school day nor the school year increased as a result of the test claim legislation. Rather, training time is absorbed into the school day. Thus, there are no resultant increased costs mandated by the state to the school district. This is consistent with the Commission's decision in *Physical Performance Tests* (CSM 96-365-01), *Emergency Procedures, Earthquakes and Disasters* (CSM-4241), and *Standardized Testing and Reporting* (97-TC-23).

Accordingly, staff finds that the cost of salaries and benefits for probationary teachers to attend training sessions during that teacher's normal classroom hours is not reimbursable, and therefore, the SCO did not incorrectly reduce this portion of the claim. However, if a substitute teacher is hired, the cost of the substitute teacher is reimbursable.

¹⁷ *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1283-1284; Government Code section 17514.

CONCLUSION

Staff finds that the SCO did not incorrectly reduce the claimants' reimbursement claims on the *Certification of Teacher Evaluator's Demonstrated Competence* program based on the following findings:

- The Commission intended that probationary teacher training be provided during the regular school day when a substitute teacher could be hired. In addition, there is no evidence in the record to support the claimants' contention that the additional training provided outside the regular school year was mandated by this program.
- School districts do not incur increased costs mandated by the state when probationary teachers attend training and mentoring during the course of their regular workday because this time is *absorbed* into the school day. Instead, the parameters and guidelines provide reimbursement for the costs of substitute teachers so that probationary teachers could attend training activities.

STAFF RECOMMENDATION

Staff recommends that the Commission adopt this staff analysis and deny the *Certification of Teacher Evaluator's Demonstrated Competence* IRCs filed by:

1. Elk Grove Unified School District (01-4136-I-41),
2. Santa Maria-Bonita School District (01-4136-I-42),
3. Milpitas Unified School District (01-4136-I-43),
4. Del Mar Union School District (01-4136-I-44),
5. Saratoga Union Elementary School District (01-4136-I-45),
6. Merced City Elementary School District (01-4136-I-46), and
7. Davis Joint Unified School District (01-4136-I-47)

