

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE FILING ON:

Education Code Sections 53100, 53101, 53200, 53201, 53201.5, 53202 and 53203, as added by Statutes 2009-2010, 5th Extraordinary Session, Chapter 2, Section 8 (SB5X 1), effective April 13, 2010;

Education Code Section 60601, Section 9 as added by Statutes 1995, Chapter 975, Section 1 (AB 265); Amended Statutes 1996, Chapter 69, Section 1 (SB 430), effective June 21, 1996, operative until January 1 2002; Statutes 2001, Chapter 722, Section 2 (SB 233); Statutes 2004, Chapter 233, Section 1 (SB 1448), repealed January 1, 2011; Statutes 2007, Chapter 174, Section 11 (SB 80), effective August 24, 2007, repealed January 1, 2012; Statutes 2009-2010, 5th Extraordinary Session, Chapter 2, Section 9 (SBX5 1), effective April 13, 2010, inoperative July 1, 2013, repealed January 1, 2014;

Education Code Sections 48353, 48354, 48355, 48356, 48357, 48358, 48359, 48359.5, 48360 and 48361, as added by Statutes 2009-2010, 5th Extraordinary Session, Chapter 3, Section 1 (SBX5 4), effective April 13, 2010;

Education Code Sections 53300, 53301 and 53303, as added by Statutes 2009-2010, 5th Extraordinary Session, Chapter 3, Section 2 (SBX5 4), effective April 13, 2010;

California Code of Regulations, Title 5, Section 4702; new section filed as emergency and operative August 2, 2010 (Register 2010, No. 32). A Certificate of Compliance must be transmitted to OAL by January 31, 2011, or emergency language will be repealed by operation of law on the following day;

Filed on November 23, 2010;

By Twin Rivers Unified School District,
Claimant.

No. 10-TC-06

Race to the Top

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

**TO: Twin Rivers Unified School District
Department of Education
Department of Finance
State Controller's Office
Interested Parties**

On November 23, 2010, Twin Rivers Unified School District, claimant, filed a test claim on the above-described statutes and/or executive orders alleging a reimbursable state-mandated program pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514. The test claim is complete and is titled *Race to the Top*, 10-TC-06.

A pdf file of the test claim will be posted on the Commission's website under "For Public Comment." The test claim will be heard and determined by the Commission on State Mandates pursuant to article XIII B, section 6, Government Code section 17500 et seq., and case law. The procedures for hearing and determining this claim are prescribed in the Commission's regulations, California Code of Regulations, title 2, chapter 2.5, section 1181. The Commission's regulations can be found at <http://www.csm.ca.gov/regulations.shtml>.

COMMENT PERIOD

The key issues before the Commission are:

- Do the provisions listed above impose a new program or higher level of service within an existing program upon local entities within the meaning of article XIII B, section 6 of the California Constitution and costs mandated by the state pursuant to Government Code section 17514 of the Government Code?
- Does Government Code section 17556 preclude the Commission from finding that any of the test claim provisions impose costs mandated by the state?¹
- Have funds been appropriated for this program (e.g., state budget) or are there any other sources of funding available? If so, what is the source?

State Agency Review of Test Claim - State agencies are requested to analyze the test claim merits and to file written comments within 30 days, or no later than **January 21, 2011**. Requests for extensions of time may be filed in accordance with sections 1183.01, subdivision (c), and 1181.1, subdivision (g) of the regulations.

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

Mailing Lists - Under section 1181.2 of the regulations, the Commission will promulgate a mailing list of parties, interested parties, and interested persons for each test claim and provide the list to those included on the list, and to anyone who requests a copy.

Filing Written Material on the Test Claim and Posting for Public Comment - When filing written material on this test claim, an original and one copy, or an original and a PDF file, shall be submitted to the Commission. PDF files should be e-mailed to: csminfo@csm.ca.gov. The comments will be posted on the Commission's website and the mailing list will be notified by electronic mail of the posting and the comment period. This procedure will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.2, subdivision (c).

¹ Government Code section 17556 was amended by Statutes 2010, chapter 719 (SB 856, urgency), effective October 19, 2010.

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

INFORMAL/PREHEARING CONFERENCE

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

HEARING AND STAFF ANALYSIS

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

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

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

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

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

Alternative Process - Within 30 days of the Commission's adoption of a Statement of Decision on a test claim, the test claimant and the Department of Finance may notify the executive director in writing of their intent to follow the process described in Government Code section 17557.1 to develop a reasonable reimbursement methodology and statewide estimate of costs for the initial claiming period and budget year for reimbursement of costs mandated by the state. The letter of intent shall include the date on which the test claimant and the Department of Finance will submit a plan to ensure that costs from a representative sample of eligible claimants are considered in the development of a reasonable reimbursement methodology. If this letter of intent is submitted, the Commission will provide further information for all parties and interested parties to the test claim.


DREW BOHAN
Executive Director

Dated: December 22, 2010