



April 14, 2023

Mr. Robert Nelson  
Fresno Unified  
School District  
2309 Tulare Street  
Fresno, CA 93721

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Palkowitz  
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San Diego, CA 92130

Ms. Natalie Sidarous  
State Controller's Office  
Local Government Programs  
and Services Division  
3301 C Street, Suite 740  
Sacramento, CA 95816

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

**Re: Notice of Complete Incorrect Reduction Claim, Schedule for Comments, and Notice of Tentative Hearing Date**

*California Assessment of Student Performance and Progress (CAASPP),  
22-1401-I-01*

Education Code Section 60640, as amended by Statutes 2013, Chapter 489 (AB 484) and Statutes 2014, Chapter 32 (SB 858); California Code of Regulations, Title 5, Sections 850, 852, 853, 853.5, 857, 861(b)(5), and 864, as added or amended by Register 2014, Nos. 6, 30, and 35

Fiscal Years: 2015-2016 and 2016-2017

Fresno Unified School District, Claimant

Dear Mr. Nelson, Mr. Palkowitz, and Ms. Sidarous:

On December 21, 2022, the Fresno Unified School District (claimant) filed the above-captioned Incorrect Reduction Claim (IRC) with the Commission on State Mandates (Commission) based on the State Controller's (Controller's) reductions to its reimbursement claims for costs incurred under the *California Assessment of Student Performance and Progress* program for fiscal years 2015-2016 and 2016-2017. On February 3, 2023, Commission staff notified the claimant that the filing was incomplete. On March 2, 2023, the claimant filed documents to cure the IRC. On March 29, 2023, Commission staff notified the claimant that the filing was incomplete. On April 11, 2023, the claimant filed documents to cure the IRC. Upon review, Commission staff finds that this IRC is complete.

Government Code section 17551(d) requires the Commission to hear and decide claims by local agencies and school districts that the Controller has incorrectly reduced payments to the local agencies or school districts.

**Controller's Review and Response.** Please file the Controller's written comments and supporting documentation regarding this claim no later than **5:00 p.m. on July 13, 2023** in accordance with Government Code Section 11020 and sections 1185.2(d) and 1187.5 of the Commission's regulations. Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1185.2 and 1187.5.) The Commission's ultimate findings of fact must be supported by

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substantial evidence in the record.<sup>1</sup> Hearsay evidence (such as declarations not based on personal knowledge but information and belief alone) may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.<sup>2</sup> Please include an explanation of the reasons for the reductions and the computation of reimbursements.

The failure of the Controller to respond within this 90-day timeline shall not cause the Commission to delay consideration of this IRC. (Gov. Code §17553(d).)

**Claimant's Rebuttal.** Upon receipt of the Controller's comments, the claimant and interested parties may file rebuttals. The rebuttals are due by 5:00 p.m., 30 days from the service date of the comments (Gov. Code § 11020 and Cal. Code. Regs., tit. 2 §§ 1181.2(f) and 1185.2(e).) Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1185.2(e) and 1187.5.) If new written representations of fact are made, they must be supported with documentary evidence filed with the rebuttal. (Cal. Code. Regs., tit. 2 §§ 1181.3, 1185.2(e), and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.<sup>3</sup> Hearsay evidence (such as declarations not based on personal knowledge but information and belief alone) may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.<sup>4</sup>

**Filing Written Materials.** All written representations of fact made to the Commission are required to be supported by documentary or testimonial evidence submitted under penalty of perjury. (Cal. Code Regs., tit. 2, 1187.5.)

The Commission's regulations require that written materials filed with the Commission be electronically filed (e-filed) in an unlocked legible and searchable PDF file, using the Commission's Dropbox. (Cal. Code Regs., tit. 2, 1181.3(c)(1).) Refer to <https://www.csm.ca.gov/dropbox.php> on the Commission's website for electronic filing instructions. If e-filing would cause the filer undue hardship or significant prejudice, filing may occur by first class mail, overnight delivery or personal service only upon

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<sup>1</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

<sup>2</sup> Title 2, California Code of Regulations, section 1187.5.

<sup>3</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

<sup>4</sup> Title 2, California Code of Regulations, section 1187.5.

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approval of a written request to the executive director. (Cal. Code Regs., tit. 2, 1181.3(c)(2).)

If you would like to request an extension of time, please refer to section 1187.9(a) of the Commission's regulations.

**Informal Conference.** An informal conference may be scheduled if requested. Refer to section 1187.4 of the Commission's regulations.

**Public Hearing and Draft Proposed Decision.** The public hearing on this claim has been tentatively scheduled for **December 1, 2023**. The Draft Proposed Decision will be issued for comment at least eight weeks prior to the public hearing.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Halsey".

Heather Halsey  
Executive Director

## DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On April 14, 2023, I served the:

- **Notice of Complete Incorrect Reduction Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued April 14, 2023**
- **Incorrect Reduction Claim (IRC) filed by the Fresno Unified School District filed December 21, 2022**

*California Assessment of Student Performance and Progress (CAASPP),  
22-1401-I-02*

Education Code Section 60640, as amended by Statutes 2013, Chapter 489 (AB 484) and Statutes 2014, Chapter 32 (SB 858); California Code of Regulations, Title 5, Sections 850, 852, 853, 853.5, 857, 861(b)(5), and 864, as added or amended by Register 2014, Nos. 6, 30, and 35

Fiscal Years: 2015-2016 and 2016-2017

Fresno Unified School District, Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 14, 2023 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 4/14/23

**Claim Number:** 22-1401-I-01

**Matter:** California Assessment of Student Performance and Progress

**Claimant:** Fresno Unified School District

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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