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RECEIVED
October 04, 2023
**Commission on
State Mandates**

October 4, 2023

Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Incorrect Reduction Claim: California Assessment of Student
Performance And Progress Program (CAASPP)
Claimant: Fresno Unified School District

Dear Ms. Halsey:

Fresno Unified School District (“District” or “Claimant”) has reviewed the State Controller’s Office’s (Controller’s) comments dated October 2, 2023. The comments are in response to the Incorrect Reduction Claim (“IRC”) submitted to the Commission on State Mandates (“Commission”) by the Claimant regarding the California Assessment of Student Performance And Progress Program (“CAASPP”).

**Commission Must Reject In Its Entirety Finance Comments dated
October 3, 2023.**

Government Code section 17553(d) provides: “The Controller *shall* have no more than 90 days after the date the claim is delivered or mailed to file any rebuttal to an incorrect reduction claim. The failure of the Controller to file a rebuttal to an incorrect reduction claim shall not serve to delay the consideration of the claim by the commission,” the approval of this request is limited to 60 days. (emphasis added)

Claimant filed their IRC on April 11, 2023, Controller was notified of the filing on April 14, 2023.

On May 24, 2023, the Commission received the Controller's request for a 90-day extension of time to file written comments on the above-captioned IRC that was due on July 13, 2023.

Commission denied the Controller's request for a 90-day extension, but approved a 60-day extension from the original due date. Controller's comments on the IRC were due by 5:00 p.m. on September 13, 2023. Controller ignored the Commission's denial of an extension exceeding 60-days and filed **late** comments dated October 2, 2023 consisting of 142 pages. Claimant received notice of the late comments on October 3, 2023.

Commission informed the Controller in a letter dated May 25, 2023 the following:

However, as a matter of Commission practice and due to the duty to expedite all matters before the Commission and the requirements of Government code section 17553(d) which provides: "The Controller *shall* have no more than 90 days after the date the claim is delivered or mailed to file any rebuttal to an incorrect reduction claim. The failure of the Controller to file a rebuttal to an incorrect reduction claim shall not serve to delay the consideration of the claim by the commission," the approval of this request is limited to 60 days. (emphasis added)

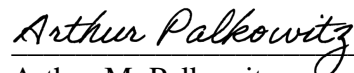
Based on the above Claimant requests Controller's comments be removed from the record and not be relied upon in the Commission analysis. Accordingly, Claimant will not incur the time and expense to review Controller's comments and submit rebuttal comments.

If for any reason the Commission will not be removing the Controller's comments from the record, please provide the Claimant the legal authority supporting the decision allowing the Claimant ample time to consider submitting rebuttal comments.

A. Certification

I certify by my signature below, under penalty of perjury under the laws of the State of California, that the statements made in this document are true and complete to the best of my own personal knowledge or based on information and belief and that I am authorized and competent to do so.

October 4, 2023


Arthur M. Palkowitz
Representative for the Claimant

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 October 5, 2023, I served the:

- **Current Mailing List dated August 18, 2023**
- **Claimant's Rebuttal Comments filed October 4, 2023**

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

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 October 5, 2023 at Sacramento, California.

David Chavez
Commission on State Mandates
980 Ninth Street, Suite 300
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(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 8/18/23

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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