

COMMISSION ON STATE MANDATES

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



June 25, 2001

Mr. Paul C. Minney, Esq.
Sector, Middleton, Young & Minney
7 Park Center Drive
Sacramento, Ca 95825

And Affected Parties and State Agencies (See Enclosed Mailing List)

Re: *California English Language Development Test (CELDT); 00-TC-16*
Modesto City School District, Claimant
Statutes of 1997, Chapter 936 (AB 748)
Statutes of 1999, Chapters 78 (AB 1115) and (SB 678)
Statutes of 2000, Chapter 71 (SB 1667)
Education Code Sections 313, 60810, 60811, and 60812

Dear Mr. Minney:

The Commission on State Mandates determined that the subject test claim submittal is complete. The test claim initiates the process for the Commission to consider whether the provisions listed above impose a reimbursable state-mandated program upon local entities. State agencies and interested parties are receiving a copy of this test claim because they may have an interest in the Commission's determination.

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 section 6, article XIII B of the California Constitution and costs mandated by the state pursuant to 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?

Mr. Paul Minney
June 25, 2001
Page 2

The Commission requests your participation in the following activities concerning this test claim:

- **Informal Conference.** An informal conference may be scheduled if requested by any interested party. See Title 2, California Code of Regulations, section 1183.04 (the regulations).
- **State Agency Review of Test Claim.** State agencies receiving this letter are requested to analyze the merits of the enclosed test claim and to file written comments on the key issues before the Commission. Alternatively, if a state agency chooses not to respond to this request, please submit a written statement of non-response to the Commission. Requests for extensions of time may be filed in accordance with sections 1183.01 (c) and 1181.1 (g) of the regulations. State agency comments are due 30 days from the date of this letter.
- **Claimant Rebuttal.** The claimant and interested parties may file rebuttals to state agencies' comments under section 1183.02 of the regulations. The rebuttal is due 30 days from the service date of written comments.
- **Hearing and Staff Analysis.** A hearing on the test claim will be set when the record closes. Pursuant to section 1183.07 of the Commission's regulations, at least eight weeks before the hearing is conducted, a draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due 30 days following receipt of the analysis. Following receipt of any comments, and before the hearing, a final staff analysis will be issued.
- **Mailing Lists.** Under section 1181.2 of the Commission's regulations, the Commission will promulgate a mailing list of parties, interested parties, and interested persons for each test claim and provide the list to those included on the list, and to anyone who requests a copy. Any written material filed on that claim with the Commission shall be simultaneously served on the other parties listed on the claim.
- **Dismissal of Test Claims.** Under section 1183.09 of the Commission's regulations, test claims filed after May 5, 2001, may be dismissed if postponed or placed on inactive status by the claimant for more than one year. Prior to dismissing a test claim, the Commission will provide 150 days notice and opportunity for other parties to take over the claim.

MAILED: Mail List
FAXED:
DATE: 6/26/01
INITIAL: VS
CHRON:
FILE:
WORKING BINDER:

Mr. Paul Minney

June 25, 2001

Page 3

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. 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.

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Patton for".

SHIRLEY OPIE

Assistant Executive Director

Enclosures: Mailing List and Test Claim

f:/mandates/2000/tc/00tc16/completeltr

Commission on State Mandates

List Date: 06/15/2001

Mailing Information

Mailing List

Claim Number 00-TC-16 **Claimant** Modesto City School District

Subject Stats of 1997, Ch. 936 (AB 748), Stats of 1999, Ch. 78 (AB 1115) & (SB 678), Stats of 2000, Ch. 71

Issue California English Language Development Test (CELDT)

Harmeet Barkschat,
Mandate Resource Services

8254 Heath Peak Place
Antelope CA 95843

Tel: (916) 727-1350
FAX: (916) 727-1734

Interested Person

Dr. Carol Berg, Ph. D,
Education Mandated Cost Network

1121 L Street Suite 1060
Sacramento CA 95814

Tel: (916) 446-7517
FAX: (916) 446-2011

Interested Person

Mr. Glenn Haas, Bureau Chief (B-8)
State Controller's Office

Division of Accounting & Reporting
3301 C Street Suite 500
Sacramento CA 95816

Tel: (916) 445-8756
FAX: (916) 323-4807

State Agency

Mr. James Lombard, Principal Analyst (A-15)
Department of Finance

915 L Street
Sacramento CA 95814

Tel: (916) 445-8913
FAX: (916) 327-0225

State Agency

Mr. Paul Minney,
Spector, Middleton, Young & Minney, LLP

7 Park Center Drive
Sacramento Ca 95825

Tel: (916) 646-1400
FAX: (916) 646-1300

Interested Party

Claim Number

00-TC-16

Claimant

Modesto City School District

Subject

Stats of 1997, Ch. 936 (AB 748), Stats of 1999, Ch. 78 (AB 1115) & (SB 678), Stats of 2000, Ch. 71

Issue

California English Language Development Test (CELDT)

Mr. Keith B. Petersen, President
Sixten & Associates

5252 Balboa Avenue Suite 807
San Diego CA 92117

Tel: (858) 514-8605
FAX: (858) 514-8645

Interested Person

Ms. Sandy Reynolds, President (Interested Person)
Reynolds Consulting Group, Inc.

P.O. Box 987
Sun City CA 92586

Tel: (909) 672-9964
FAX: (909) 672-9963

Interested Person

Mr. Gerry Shelton, (E-8)
Department of Education
School Business Services
560 J Street Suite 150
Sacramento CA 95814

Tel: (916) 322-1466
FAX: (916) 322-1465

State Agency

Mr. Steve Smith, CEO
Mandated Cost Systems, Inc.

2275 Watt Avenue Suite C
Sacramento CA 95825

Tel: (916) 487-4435
FAX: (916) 487-9662

Interested Person

Jim Spano,
State Controller's Office
Division of Audits (B-8)
300 Capitol Mall, Suite 518 P.O. Box 942850
Sacramento CA 95814

Tel: (916) 323-5849
FAX: (916) 324-7223

State Agency

