

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

INCORRECT REDUCTION CLAIM FORM

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NOV 09 2001 COMMISSION ON STATE MANDATES
Claim No. <u>01-4130-I-44</u>

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 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 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:

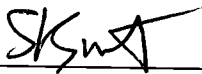
1. Claimant submitted its Certification of Teacher Evaluators' Demonstrated Competence claims for reimbursement in compliance with the State Controller's claiming instructions.
2. Claimant submitted the requisite documentation in support of its claim for reimbursement.
3. That the State Controller incorrectly 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 by
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,
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 05 of the Revenue and Taxation Code.

(2) The amount, if any, received pursuant to Pa 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 payed 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.

* * *

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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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* * *

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 districts 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

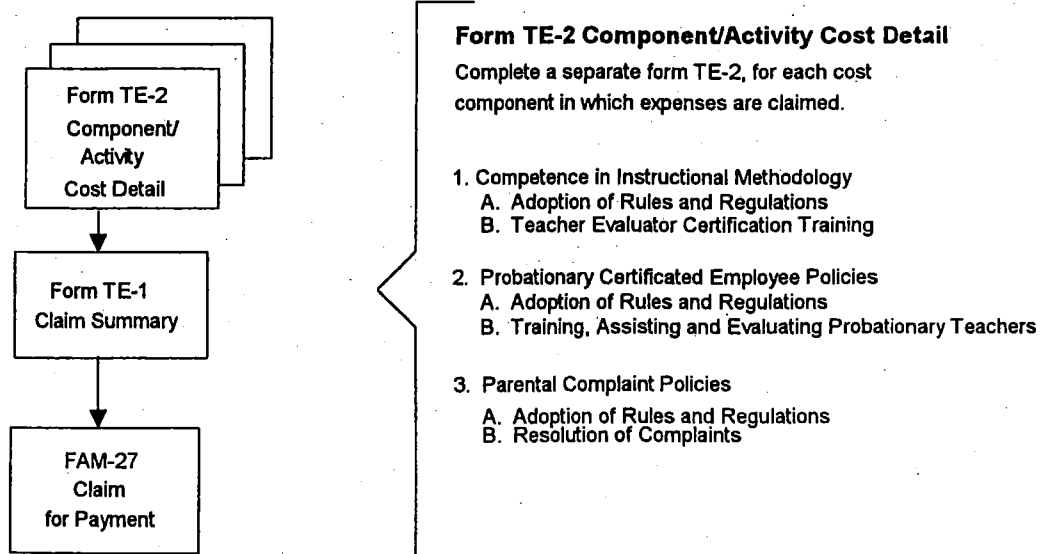
This form is used to summarize direct costs by claim component and compute allowable indirect costs for the mandate. Claim statistics shall identify the work performed for costs claimed.

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"/>
	(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
--	----------------------------------

- (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 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				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?			<input type="checkbox"/>	<input type="checkbox"/>
(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))]			

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.

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



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

DEL MAR

State

CA

Zip Code

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

(27) TE-1,(11)

73,349

(28)

(29)

(30)

Fiscal Year of Cost

(06)

19 /

(12)

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
73,349

(35)

Due From State

(08)

(17)

\$ 73,349

(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

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 Certification of Teacher Evaluator's Demonstrated Competence CLAIM SUMMARY	FORM TE-1
--	----------------------------

(01) Claimant: S37050 DEL MAR UNION 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	491	0	300	791 491
2. Probationary Certified Employee Policies	1,240 63,671	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>	4,085 364
(08) Total Costs:	[Line (05)(d) + line (07)]	73,349 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)]}

~~73,349~~
6472

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

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					
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		

Subtotal of Probationary Teachers are not reimbursed!

PT

1240
53,571

(05) Total Subtotal

Page: 1 of 1

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 <input checked="" type="checkbox"/> Subtotal <input type="checkbox"/>		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:

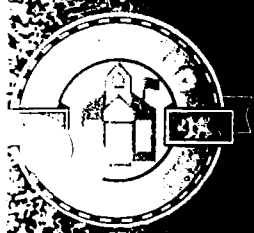
1)	Training Time for Non-probationary Teachers	\$	34,714
2A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$	28,855
2B)	4 hours Training Time Disallowed for Probationary Teachers	\$	2,583
3)	Contracted Services	\$	725
	Total	\$	66,877

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."



925 Watt Avenue,
Suite C
Sacramento, CA 95825
916-467-4435 phone
916-437-9662 fax

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

1161 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.

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
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

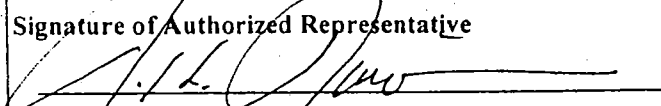
Type of Claim	Estimated Claim	Reimbursement Claim	
<i>10/28/92</i> (03) Estimated <input type="checkbox"/> (04) Combined <input type="checkbox"/> (05) Amended <input type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(27) TE-1,(11)	73,349
	(10) Combined <input type="checkbox"/>	(28)	
	(11) Amended <input type="checkbox"/>	(29)	
		(30)	
Fiscal Year of Cost	(06) 19 ___ / ___	(12) 19 95 / 96	(31)
Total Claimed Amount	(07)	(13) \$ 73,349 <i>6472</i>	(32) <i>X</i>
Less: 10% Late Penalty, but not to Exceed \$1000 (if applicable)	(14)		(33)
Less: Estimate Payment Received	(15)		(34)
Net Claimed Amount	(16)	\$ <i>32871</i> 73,349 <i>26,399</i>	(35)
Due From State	(08)	(17) \$ 73,349	(36)
Due to State		(18) <i>26,399</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

 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

(04) Reimbursable Components:

(a) Salaries and Benefits	(b) Supplies	(c) Contracted Services	(d) Total
491	0	300	791 491
63,671 1240	0	0	63,671 1240
4,377	0	425	4,802 4377
68,539 9911 - 725	0	725	69,264 6108

1. Certification of Teacher Evaluators

2. Probationary Certified Employee Policies

3. Parental Complaint Policies *9894 - 62431*

(05) Total Direct Costs

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)}

9920 - 3721

~~4,085~~
364

(08) Total Costs:

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

~~73,349~~
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)]}

~~73,349~~
6472

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**

(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		
T 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		

Salaries of Probationary Teachers are not reimbursable.

PT

(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

Issue 1

Non-Probationary
Teacher Time

2,932.00
 1,209.00
 4,925.00
 1,249.00
 3,979.00
 2,833.00
 1,912.00
 3,375.00
 2,243.00
 1,270.00

indirect costs

total

Issue 3

Contracted
Services

total

Issue 2A

Probationary
Teacher Time

3,100.00
 2,211.00
 3,911.00
 3,529.00
 3,121.00
 1,751.00
 223.00
 3,177.00
 1,172.00
 2,103.00
 2,577.00
 1,110.00
 2,207.00

indirect costs

total

issue 2B 2,533.50

total
Issue 2A

Issue 2B

4 hours training
time for
Probationary Teachers

110.00
 135.00
 102.00
 130.00
 135.00
 115.00
 130.00
 110.00
 135.00

indirect costs

total



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	<u>\$16,947</u>

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

CTE 98-80

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.



275 Watt Avenue,
Suite C
Sacramento, CA 95825
(916) 487-4435 Bus
(916) 487-9662 Fax

890 Park Marina Drive,
Suite 200
Redding, CA 96001
(530) 241-0767 Bus
(530) 241-9209 Fax

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

Sincerely,

A handwritten signature in black ink, appearing to read "Todd S. Wherry". The signature is fluid and cursive, with the first name "Todd" being more prominent.

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. MA80731A		
PAID 06-24-1999		16,947.00
SCHEDULE NO. MA60717A		
PAID 05-15-1997		32,871.00
LESS: TOTAL PRIOR PAYMENTS		49,818.00