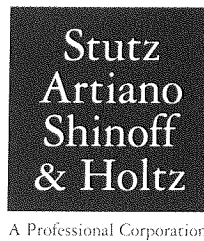


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February 27, 2014

Heather Halsey
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Race to the Top 10-TC-06
Twin Rivers Unified School District
Education Code Sections 48353 *et. al.*
Statutes 2009-2010, 5th Extraordinary Session, Chapters 2 and 3,
SBX5 1 and SBX5 4 *et. al.*
California Code of Regulations, Title 5, Section 4702 (Register 2010, No. 32)

Dear Ms. Halsey:

The following comments are submitted in response to the Commission Draft Staff Analysis and Proposed Statement of Decision dated February 6, 2014.

1. INTRODUCTION.

(A) Race To The Top (RTTT)

Once a school is identified by the state as a persistently lowest-achieving school, the governing school district is required to hold at least two public hearings to notify staff, parents, and the community of the designation and to seek input regarding the options for implementing one of the four intervention models for turning around the school. These models include the following:

- Turn around model. This includes replacing the principal, screening all staff and rehiring no more than 50 percent of the existing staff and adopting a new governance structure.
- Restart model. This model includes converting to a charter school or hiring an education management company to run the school.
- School closure. This model envisions closing the school down and sending the students to a higher-achieving school.

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Twin Rivers Unified School District
Education Code Sections 48353 et. al.

- Transformation model. This model involves specific interventions including the following: developing and increasing teacher and school leader effectiveness by replacing the principal and using rigorous and equitable evaluation systems for teachers and principals; identifying and rewarding school leaders, teachers, and staff, who have increased student achievement and graduation rates, and identifying and removing those who have not improved their professional practice; providing staff with professional development; and implementing strategies for financial incentives, increased opportunities for promotion and career growth, and retaining staff with the skills necessary to meet the needs of the students. The district is then required to select an intervention model and implement that model for an identified persistently lowest-achieving school.

(B) Parent Empowerment Act

The Parent Empowerment Act allows parents to petition a school to implement one of the RTTT intervention models described above to improve academic achievement or pupil safety. Among other requirements, this test claim establishes an open enrollment program, which authorizes a pupil enrolled in a low achieving school, as defined, to attend any higher achieving school in the state; and establishes a Parent Empowerment Program that authorizes parents of specified schools to sign a petition requiring a local educational agency (LEA) to implement a school intervention model, as specified.

(C) Open Enrollment Act

The Open Enrollment Act is intended to improve the academic achievement of pupils and to enhance parental choice in education by providing pupils enrolled in low-achieving schools with additional options to enroll in higher-achieving public schools throughout the state regardless of the pupil's residence. The Open Enrollment Act and Title 5, California Code of Regulations, section 4702 impose specified notice, enrollment and related requirements on school districts of residence and school districts of enrollment and grant authority to the districts to take specified actions in furtherance of the program.

2. CLAIMANT HAS COMPLIED WITH TEST CLAIM REQUIREMENTS.

Claimant, Twin Rivers Unified School District, filed the test claim on November 23, 2010. On December 22, 2010, Commission on State Mandates (Commission) staff deemed the filing complete and numbered it 10-TC-06.

Heather Halsey
Executive Director
Commission on State Mandates

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3. EDUCATION CODE SECTION 53100 IMPOSES A NEW PROGRAM OR HIGHER LEVEL OF SERVICE.

The DSA is misguided in concluding a reimbursable mandate does not exist for Education Code Section 53100. The plain reading of the language, section (b) states,

"Participating local educational agencies shall enter into a memorandum of understanding, with the Superintendent and the President of the state board, that meets the requirements expressed in the Race to the Top guidelines and that is signed by as many as possible of each participating local educational agency's."
(emphasis added)

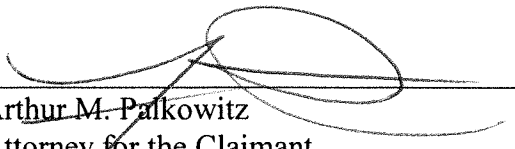
Whether the activity is based on the plain reading of the statute or a "downstream" activity, reimbursement is required as the public purpose is for improving academic achievement. In *San Diego Unified School District. v. Commission on State Mandates* (2004) 33 Cal.4th 859, "All hearing costs incurred by school district as result of mandatory actions related to expulsions of students for possession of firearm, at time relevant to mandamus proceeding initiated by district, constituted state-mandated "higher level of service" within meaning of state constitutional provision providing for reimbursement of local government for costs of "new program or higher level of service" imposed on local government by statute or state regulation, and thus were fully reimbursable; providing public schooling clearly constituted governmental function, enhancing safety of those who attended such schools constituted service to public, and mandatory expulsion provision did not implement federal law or regulation then extant."

4. CONCLUSION

Based on the test claim filed timely and complete, no state agency or other interested party filing a response to the test claim and no evidence to the contrary, the test claim statute is a reimbursable state mandated program.

CERTIFICATION

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


Arthur M. Palkowitz
Attorney for the Claimant

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

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

On February 28, 2014, I served the:

Claimant Comments

Race to the Top, 10-TC-06

Education Code Sections 48353 et al.

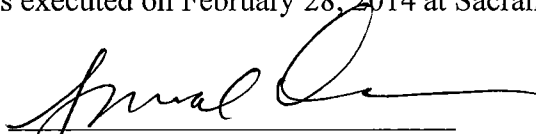
Statutes 2009-2010, 5th Extraordinary Session, Chapters 2 and 3, SBX5 1 and SBX5 4 et al.

California Code of Regulations, Title 5, Section 4702 (Register 2010, No. 32)

Twin Rivers Unified School District, Claimant

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on February 28, 2014 at Sacramento, California.



Lorenzo R. Duran Jr.

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/28/14

Claim Number: 10-TC-06

Matter: Race to the Top

Claimant: Twin Rivers Unified School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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