

SixTen and Associates

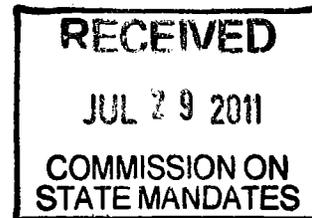
Mandate Reimbursement Services

KEITH B. PETERSEN, President
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July 25, 2011

Drew Bohan, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814



RE: Chula Vista Elementary School District
160/93 School District of Choice: Transfers and Appeals
Fiscal Year: 1997-98
Incorrect Reduction Claim

Dear Mr. Bohan:

Enclosed is the original and two copies of the above referenced incorrect reduction claim for Chula Vista Elementary School District.

SixTen and Associates has been appointed by the District as its representative for this matter and all interested parties should direct their inquiries to me, with a copy as follows:

Oscar Esquivel, Assistant Superintendent
Business Services and Support
Chula Vista Elementary School District
84 East J Street
Chula Vista, CA 91910-6199

Sincerely,

A handwritten signature in black ink, appearing to read "KB Petersen". The signature is fluid and cursive.

Keith B. Petersen

C: Oscar Esquivel, Assistant Superintendent
Business Services and Support

COMMISSION ON STATE MANDATES

1. INCORRECT REDUCTION CLAIM TITLE

160/93 and 1262/94 School District of Choice:
Transfers and Appeals

2. CLAIMANT INFORMATION

Chula Vista Elementary School District

Oscar Esquivel, Assistant Superintendent
Business Services and Support
Chula Vista Elementary School District
84 East J Street
Chula Vista, CA 91910-6199
Voice: 619-425-9600
Fax: 619-427-0463
E-Mail: oscar.esquivel@cvesd.org

3. CLAIMANT REPRESENTATIVE INFORMATION

Claimant designates the following person to act as its sole representative in this incorrect reduction claim. All correspondence and communications regarding this claim shall be forwarded to this representative. Any change in representation must be authorized by the claimant in writing, and sent to the Commission on State Mandates.

Keith B. Petersen, President
SixTen and Associates
P.O. Box 340430
Sacramento, CA 95834-0430
Voice: (916) 419-7093
Fax: (916) 263-9701
E-mail: Kbpsixten@aol.com

4. IDENTIFICATION OF STATUTES OR EXECUTIVE ORDERS

Statutes of 1993, Chapter 160
Statutes of 1994, Chapter 1262
Education Code Section 48209.13

For CSM Use Only

Filing Date:

RECEIVED

JUL 29 2011

COMMISSION ON
STATE MANDATES

IRC #:

11-4451-E-05

5. AMOUNT OF INCORRECT REDUCTION

<u>Fiscal Year</u>	<u>Amount of Reduction</u>
1997-98	\$25,081

6. NOTICE OF NO INTENT TO CONSOLIDATE

This claim is **not** being filed with the intent to consolidate on behalf of other claimants.

Sections 7-13 are attached as follows:

7. Written Detailed Narrative	Pages 1 to 14
8. Controller Desk Review Letter	Exhibit <u>A</u>
9. District Correspondence	Exhibit <u>B</u>
10. Annual Claim	Exhibit <u>C</u>
11. Statements of Decision	Exhibit <u>D</u>
12. Parameters and Guidelines	Exhibit <u>E</u>
13. Claiming Instructions	Exhibit <u>F</u>

14. CLAIM CERTIFICATION

This claim alleges an incorrect reduction of a reimbursement claim filed with the State Controller's Office pursuant to Government Code section 17561. This incorrect reduction claim is filed pursuant to Government Code section 17551, subdivision (d). I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this incorrect reduction claim submission is true and complete to the best of my own knowledge or information or belief.

Oscar Esquivel, Assistant Superintendent
Business Services and Support


Signature

7/19/11
Date

1 **Claim Prepared by:**
2 Keith B. Petersen, President
3 SixTen and Associates
4 P.O. Box 340430
5 Sacramento, CA 95834-0430
6 Voice: (916) 419-7093
7 Fax: (916) 263-9701
8 E-mail: Kbpsixten@aol.com

9
10 BEFORE THE
11 COMMISSION ON STATE MANDATES
12 STATE OF CALIFORNIA

12 INCORRECT REDUCTION CLAIM OF:)
13) No. CSM _____
14)
15) Statutes of 1993, Chapter 160
16)
17 **CHULA VISTA ELEMENTARY**) Education Code Section 48209.13
18)
19 **SCHOOL DISTRICT**) School District of Choice: Transfers
20) and Appeals
21)
22) Annual Reimbursement Claim:
23 Claimant)
24) Fiscal Year 1997-98
25)
26 _____)
INCORRECT REDUCTION CLAIM FILING

27 PART I. AUTHORITY FOR THE CLAIM

28 The Commission on State Mandates has the authority pursuant to Government
29 Code Section 17551(d) " . . . to hear and decide upon a claim by a local agency or
30 school district, filed on or after January 1, 1985, that the Controller has incorrectly
31 reduced payments to the local agency or school district pursuant to paragraph (2) of
32 subdivision (d) of Section 17561." Chula Vista Elementary School District (hereafter
33 "District") is a school district as defined in Government Code Section 17519. Title 2,
34 CCR, Section 1185 (a), requires the claimant to file an incorrect reduction claim with the

Incorrect Reduction Claim of Chula Vista Elementary School District
160/93 School District of Choice: Transfers and Appeals

1 Commission.

2 This incorrect reduction claim is timely filed. Title 2, CCR, Section 1185(b),
3 requires incorrect reduction claims to be filed no later than three years following the
4 date of the Controller's "written notice of adjustment notifying the claimant of a
5 reduction." The Controller conducted a desk review of the District's FY 1997-98 annual
6 claim. The District received a "results of review" letter dated April 29, 2009, reducing its
7 claim as a result of the desk review. This letter constitutes a demand for repayment
8 and adjudication of the claim. The letter is attached as Exhibit "A."

9 PART II. SUMMARY OF THE CLAIM

10 The Controller conducted a "desk review" of the District's annual reimbursement
11 claim for FY 1997-98 for the cost of complying with the legislatively mandated program
12 Chapter 160, Statutes of 1993 and Chapter 1262, Statutes of 1994, School District of
13 Choice: Transfers and Appeals. As a result of the review, the Controller determined
14 that the entire \$25,081 of the claimed costs were unallowable:

15	<u>Fiscal</u>	<u>Amount</u>	<u>Review</u>	<u>SCO</u>	<u>Amount Due</u>
16	<u>Year</u>	<u>Claimed</u>	<u>Adjustment</u>	<u>Payments</u>	<u><State> District</u>
17	1997-98	\$25,081	\$25,081	\$ 0	\$ 0

18 The Controller's April 29, 2009, results of review letter does not indicate that any
19 previous payment was made on this annual claim.

20 Chronology of the Desk Review Action

21 The documentation available to the claimant indicates that the State Controller
22 adjudicated the claim for FY 1997-98 as follows:

Incorrect Reduction Claim of Chula Vista Elementary School District
160/93 School District of Choice: Transfers and Appeals

- 1 1. On or about December 16, 1999, the District submitted its annual reimbursement
2 claim for FY 1997-98 actual costs in the amount of \$25,081. It appears from a
3 date-stamp on the annual claim form FAM-27 that the claim may have been
4 received by the Controller on January 6, 2000. See Exhibit "C."
- 5 2. In a letter dated April 29, 2009, the Controller notified the District of its "results of
6 review" of the FY 1997-98 annual claim which eliminated the entire claimed
7 amount of \$25,081 as an "Intradistrict Cost Adjustment" and related "Indirect
8 Costs Overstated." It cannot be ascertained from this letter why the adjustment
9 was made. See Exhibit "A."
- 10 3. The District has no record of any remittance advices or payment action notice
11 letters received from the Controller prior to April 29, 2009. The Controller is the
12 custodian of those records and can provide them in their response to this
13 incorrect reduction claim.
- 14 4. On behalf of the District, SixTen and Associates sent an e-mail dated May 4,
15 2009, to Kim Nguyen, State Controller's Office, Division of Accounting and
16 Reporting, requesting an explanation of the reasons for the April 29, 2009,
17 action. On the same date, Ms. Nguyen responded by e-mail stating that the
18 request would need to be made to Dennis Speciale, State Controller's Office,
19 Division of Accounting and Reporting. SixTen and Associates forwarded the
20 May 4, 2009, Nguyen e-mail to Mr. Speciale on the same day. Mr. Speciale
21 responded by e-mail on June 2, 2009, stating that the activity of responding to

Incorrect Reduction Claim of Chula Vista Elementary School District
160/93 School District of Choice: Transfers and Appeals

1 information requests for *interdistrict* transfers are “valid costs,” but that
2 information requests for *intradistrict* requests are “not reimbursable.” See Exhibit
3 “B.”

4 5. SixTen and Associates sent an e-mail dated December 15, 2009, to Mr. Speciale
5 requesting a copy of the FY 1997-98 annual claim and supporting documents.
6 Mr. Ryan Jeske, State Controller’s Office, Division of Accounting and Reporting,
7 responded by e-mail on the same date and indicated the information would be
8 located in archives and sent later by e-mail. See Exhibit “B.”

9 6. A copy of the filed annual claim with the Controller’s desk review notations was
10 received from the Controller on December 16, 2009. See Exhibit “C.”

11 The District has no record of any audit findings or any other explanation of the reasons
12 for the adjustment. No information about the adjudication of the FY 1997-98 annual
13 claim has been received by the District other than that stated in the e-mails referenced
14 above.

15 PART III. PREVIOUS INCORRECT REDUCTION CLAIMS

16 The District has not filed any previous incorrect reduction claim for this mandate
17 program. Four other school districts filed incorrect reduction claims in 2004 and 2005
18 for this program on different subject matter, that of the “contemporaneous source
19 document rule” that later was the subject of the *Clovis* litigation. The incorrect reduction
20 claim of Newport-Mesa Unified School District was withdrawn April 6, 2011, as a result
21 of a revised audit report issued in March 2011, to implement the *Clovis* appellate court

1 case decision regarding “contemporaneous source documentation” standards. The
2 incorrect reduction claim of Norwalk-La Mirada Unified School District was withdrawn
3 July 7, 2011, for the same reason. The District is not aware of the status of the
4 incorrect reduction claim of Clovis Unified School District. The District is informed and
5 believes that the Controller plans to issue a revised audit report for the Grossmont
6 Union High School District to implement the *Clovis* appellate court case decision
7 regarding “contemporaneous source documentation” standards, which when confirmed
8 by a payment notice, may result in the withdrawal of that incorrect reduction claim.

9 PART IV. BASIS FOR REIMBURSEMENT

10 1. Mandate Legislation

11 Chapter 160, Statutes of 1993 added Article 1.5, “Pupil Attendance Alternatives,”
12 to Chapter 2, Part 27 of the Education Code (section 48209, et seq.) which established
13 a new program of optional interdistrict attendance based on student choice among
14 participating districts. Chapter 1262, Statutes of 1994, amended Education Code
15 Section 48209.9, adding new subdivision (d), to establish the statutory right of the
16 parent or guardian of a pupil who is prohibited from transferring pursuant to either
17 Education Code section 48209.1, subdivision (b), or section 48209.7 to appeal this
18 decision to the county board of education.

19 2. Test Claims

20 On February 23, 1995, the Commission on State Mandates, in test claim CSM
21 4451, determined that Education Code sections 48209.1, 48209.10, 48209.13 and

Incorrect Reduction Claim of Chula Vista Elementary School District
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1 48209.14, as added by Chapter 160, Statutes of 1993, imposed a new program of
2 optional interdistrict attendance based on a choice of participating districts. Regarding
3 Section 48209.13, the statement of decision states (on pages 7 and 11):

4 " Regarding Education Code section 48209.13, the Commission observed
5 that this section is worded broadly, covering many types of information already
6 required under other statutory provisions. For example, a request for a copy of
7 the annual notification to parents falls within the broad categories set forth in
8 section 48209.13, but such a request includes the same information described
9 under Education Code section 48980. The Commission found the only difference
10 is that section 48290.13 stipulates the information be provided upon request,
11 which implies maintaining a supply of the annual parental notification on hand.

12 The Commission also found that the requirement to make information
13 available upon request applies to all school districts, not just school districts
14 offering alternative pupil attendance choices.

15 The Commission found that there is a higher level of service imposed
16 upon school districts to the extent that such requests are specifically related to
17 alternative pupil attendance choices. Further, the Commission recognized that
18 Education Code section 48209.13 does not specify how the information is to be
19 conveyed and, therefore, found that it is a reasonable presumption that this
20 information could be conveyed by phone, in person, or via a mailed request,
21 Lastly, the Commission found that some of the reimbursable costs for this limited
22 mandated activity would be offset or reduced by the amount of fees that may be
23 charged by school districts as authorized under the California Public Records Act
24 (Government Code section 6250 and following).

25
26 Further, the Commission concludes that Education Code section
27 48209.13, as added by Chapter 160/93, imposes a new program or higher level
28 of service in an existing program within the meaning of section 6 of article XIII B
29 of the California Constitution and Government Code section 17514 by requiring
30 all school districts to make information specifically related to alternative pupil
31 attendance choices available to any interested person upon request. However,
32 this limited mandated activity would not apply to such requests already provided
33 for elsewhere in the law. Further, some of the reimbursable costs for this
34 mandated activity would be offset or reduced by the amount of fees that may be
35 charged by school districts as authorized under the California Public Records Act
36 (Government Code section 6250 and following)."

37 On March 28, 1996, the Commission on State Mandates, in test claim CSM

Incorrect Reduction Claim of Chula Vista Elementary School District
160/93 School District of Choice: Transfers and Appeals

1 4476, determined that Education Code section 48209.9 as amended by Chapter 1262,
2 Statutes of 1994 to add new subdivision (d), imposed an increased level of service on
3 school districts and county offices of education by establishing the statutory right of the
4 parent or guardian of a pupil who is prohibited from transferring pursuant to either
5 Education Code section 48209.1, subdivision (b), or section 48209.7 to appeal this
6 decision to the county board of education. Section 48209.13 was not the subject of this
7 second test claim and was not modified by the findings of the second test claim.

8 Copies of the statements of decisions are attached as Exhibit "D."

9 3. Parameters and Guidelines

10 The original parameters and guidelines for this test claim were adopted on
11 August 24, 1995. The original parameters and guidelines (for CSM 4451) were then
12 amended on July 25, 1996, to include the increased reimbursable activities mandated
13 by Chapter 1262, Statutes of 1994 (CSM 4476). The parameters and guidelines, as
14 amended on July 25, 1996, state:

15 "II. COMMISSION ON STATE MANDATE DECISION

- 16 5) Pursuant to section 48209.13, make information specifically related
17 to alternative pupil attendance choices available to any interested
18 person upon request. This limited mandated activity would not
19 apply to such request already provided for elsewhere in the law.

20 V. REIMBURSABLE COSTS

21 A) Scope of the Mandate

- 22 1) All school districts shall be reimbursed for the costs incurred
23 to make information specifically related to alternative pupil
24 attendance choices available to any interested person upon

Incorrect Reduction Claim of Chula Vista Elementary School District
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1 request. This reimbursement does not apply to such
2 requests already provided for elsewhere in the law. These
3 costs shall be offset to the extent that fees may be charged
4 pursuant to the California Public Records Act (Government
5 Code section 6250 et seq.).”

6 The parameters and guidelines were amended on May 27, 2004, to terminate
7 reimbursement for this program pursuant to Statutes 2002, Chapter 1032, effective
8 September 27, 2002. A copy of the parameters and guidelines, as amended on July
9 25, 1996, is attached as Exhibit “E.”

10 4. Claiming Instructions

11 The Controller has periodically issued or revised claiming instructions for the
12 School District of Choice program. A copy of the March 1997 original claiming
13 instructions, as revised September 1997, is attached as Exhibit “F.” The
14 March/September 1997 claiming instructions are believed to be the version extant at
15 the time the claims which are the subject of this incorrect reduction claim were filed.
16 However, since the Controller’s claim forms and instructions have not been adopted as
17 regulations, they have no force of law, and, therefore, have no effect on the outcome of
18 this incorrect reduction claim.

19 V. CLAIMANT’S RESPONSE TO THE STATE CONTROLLER

20 As indicated in the e-mails, the District contacted the Controller to obtain a
21 description of the reason for the adjustment. After receipt of that information, no further
22 action was taken by the District with the Controller since the Controller’s position on the
23 subject matter of this incorrect reduction claim has already been stated in the

Incorrect Reduction Claim of Chula Vista Elementary School District
160/93 School District of Choice: Transfers and Appeals

1 December 23, 2005, audit report for Grossmont Union High School District for this
2 mandate program, and the Controller's May 1, 2009, response to the still pending
3 incorrect reduction claim (CSM 05-4451-I-03) filed March 20, 2006, by Grossmont
4 Union High School District. These extensive documents are a matter of public record
5 and available to interested parties at the Commission's website. The issue presented
6 by this incorrect reduction claim is also the subject of the Palmdale School District audit
7 of this mandate dated October 6, 2006. Audit reports are a matter of public record and
8 available to interested parties at the Controller's website.

9 **PART VI. STATEMENT OF THE ISSUES**

10 **Information Requests**

11 The Controller's results of review letter and e-mails assert that the District
12 claimed unallowable costs of \$25,081 (direct employee salaries and benefit costs in the
13 amount of \$23,884 and related indirect costs of \$1,197) for the activity of responding to
14 information requests, which is the entire amount claimed. In the Grossmont Union High
15 School District audit report, the Controller similarly asserted that the Grossmont District
16 improperly claimed staff time spent on information requests for other transfers, that is,
17 interdistrict transfers for parent employment and other reasons (pages 5 and 8):

18 "Furthermore, when we inquired about how employees spent the
19 estimated time, the district revealed that the estimate included time spent
20 responding to all information requests. Per the district, information requests
21 could relate to both intradistrict and interdistrict transfer requests. Activities
22 associated with responding to intradistrict transfer requests and interdistrict
23 transfer requests based on parent's place of employment (Interdistrict Transfer
24 Requests; Parent's Employment mandate) and other interdistrict transfers
25 (Interdistrict Attendance Permit mandate) are unrelated to this mandated

Incorrect Reduction Claim of Chula Vista Elementary School District
160/93 School District of Choice: Transfers and Appeals

1 program.

2
3 Parameters and Guidelines specifically states that costs incurred for
4 requests provided elsewhere in the law are not reimbursable. The Education
5 Code Section 48209.13 contains no express reference to any type of pupil
6 transfer, between either schools or districts. This section, when reviewed in the
7 context of the mandate (Chapter 160, Statutes of 1993, Article 1.5, Pupil
8 Attendance Alternative) implies that pupils be provided with the alternative to
9 transfer to a school district of choice—an interdistrict transfer. Thus, the mandate
10 only provides reimbursement for costs incurred for information request for
11 alternative pupil choices as it relates to the school district of choice.”

12 The Controller states in the Grossmont audit report that since Education Code
13 Section 48209.13 contains no “express” reference to any type of pupil transfer, that the
14 section “reviewed in the context of the mandate” somehow “implies” that the mandate
15 provides only for reimbursement for costs incurred for information requests for
16 alternative pupil choices as it relates to the school district of choice program. The
17 Controller is straining to extract a specific meaning from the statute when no such effort
18 is required. The statement of decision is quite clear: all school districts are required “to
19 make information specifically related to alternative pupil attendance choices available to
20 any interested person upon request.”

21 Education Code 48209.13, as added by Chapter 160/93, states: “Each school
22 district shall make information regarding its schools, programs, policies, and procedures
23 available to any interested person upon request.” By contrast, Education Code section
24 48209.15 as added by Chapter 160/93, states at subdivision (a) that: “ It is the intent of
25 the Legislature that every parent in this state be informed of their opportunity for
26 currently existing choice options under this article regardless of ethnicity, primary

Incorrect Reduction Claim of Chula Vista Elementary School District
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1 language, or literacy." Note that the clear language of Section 48209.15 limits its scope
2 to the program created by Chapter 160/93, but the clear language of Section 48209.13
3 includes all types of information without regard to the scope of Chapter 160/93. Thus,
4 there is no need for the Controller to extract an artificial implication. The statute is
5 clear: the scope of the activity applies to "information regarding its schools, programs,
6 policies, and procedures available to any interested person upon request."

7 The parameters and guidelines have included, as a reimbursable activity, the
8 cost of responding to information requests for all alternative attendance choices
9 available. The scope of this mandate is to respond to all alternative attendance
10 choices, not just school district of choice, unless responding to the request was
11 otherwise provided for by law. In order for the Controller to exclude the cost of
12 responding to any particular type of alternative attendance transfer because it is
13 provided for reimbursement elsewhere, the Controller would have to demonstrate the
14 type and amount of those costs. The Controller has not done so.

15 **Statute of Limitations for Audit**

16 This issue is not a finding of the Controller. The District asserts that the FY
17 1997-98 annual claim was beyond the statute of limitations for an audit when the
18 Controller issued its results of the review letter on April 29, 2009.

19 Chronology of Claim Action Dates

20 January 6, 2000	FY 1997-98 annual claim received by the Controller
21 December 31, 2002	FY 1997-98 statute of limitations for audit expires

Incorrect Reduction Claim of Chula Vista Elementary School District
160/93 School District of Choice: Transfers and Appeals

1 April 29, 2009 Results of Review Letter issued

2 Prior to January 1, 1994, no statute specifically governed the statute of
3 limitations for audits of mandate reimbursement claims. Statutes of 1993, Chapter 906,
4 Section 2, operative January 1, 1994, added Government Code Section 17558.5 to
5 establish for the first time a specific statute of limitations for audit of mandate
6 reimbursement claims:

7 “(a) A reimbursement claim for actual costs filed by a local agency or school
8 district pursuant to this chapter is subject to audit by the Controller no later than
9 four years after the end of the calendar year in which the reimbursement claim is
10 filed or last amended. However, if no funds are appropriated for the program for
11 the fiscal year for which the claim is made, the time for the Controller to initiate
12 an audit shall commence to run from the date of initial payment of the claim.”

13 Thus, there are two standards. A funded claim is “subject to audit” for four years after
14 the end of the calendar year in which the claim was filed. An “unfunded” claim must
15 have its audit “initiated” within four years of first payment. Statutes of 1995, Chapter
16 945, Section 13, operative July 1, 1996, repealed and replaced Section 17558.5,
17 changing only the period of limitations:

18 “(a) A reimbursement claim for actual costs filed by a local agency or school
19 district pursuant to this chapter is subject to audit by the Controller no later than
20 two years after the end of the calendar year in which the reimbursement claim is
21 filed or last amended. However, if no funds are appropriated for the program for
22 the fiscal year for which the claim is made, the time for the Controller to initiate
23 an audit shall commence to run from the date of initial payment of the claim.”
24

25 The FY 1997-98 annual claim is subject to the two-year statute of limitations
26 established by Chapter 945, Statutes of 1995. Since funds were appropriated for the
27 program for the fiscal year which are the subject of the audit, the alternative

Incorrect Reduction Claim of Chula Vista Elementary School District
160/93 School District of Choice: Transfers and Appeals

1 measurement date is not applicable, and the potential factual issue of when the audit is
2 initiated is not relevant. Therefore, the audit adjustments are barred by the statute of
3 limitations and the FY 1997-98 claim was no longer subject to audit adjustment when
4 the desk review letter was issued.

5 PART VII. RELIEF REQUESTED

6 The District filed its annual reimbursement claims within the time limits
7 prescribed by the Government Code. The amounts claimed by the District for
8 reimbursement of the costs of implementing the program imposed by Chapter 160,
9 Statutes of 1993, Chapter 1262, Statutes of 1994, School District of Choice: Transfer
10 and Appeals, represent the actual costs incurred by the District to carry out this
11 program. These costs were properly claimed pursuant to the Commission's parameters
12 and guidelines. Reimbursement of these costs is required under Article XIII B, Section 6
13 of the California Constitution. The Controller denied reimbursement without any basis
14 in law or fact. The District has met its burden of going forward on this claim by
15 complying with the requirements of Section 1185, Title 2, California Code of
16 Regulations. Because the Controller has enforced and is seeking to enforce these
17 adjustments without benefit of statute or regulation, the burden of proof is now upon the
18 Controller to establish a legal basis for its actions. The District requests that the
19 Commission make findings of fact and law on each and every adjustment made by the
20 Controller and each and every procedural and jurisdictional issue raised in this claim,
21 and order the Controller to correct its audit report findings therefrom.

Incorrect Reduction Claim of Chula Vista Elementary School District
160/93 School District of Choice: Transfers and Appeals

1 PART VIII. CERTIFICATION

2 By my signature below, I hereby declare, under penalty of perjury under the laws
3 of the State of California, that the information in this incorrect reduction claim
4 submission is true and complete to the best of my own knowledge or information or
5 belief, and that the attached documents are true and correct copies of documents
6 received from or sent by the state agency which originated the document.

7 Executed on July 19, 2011, at Chula Vista, California, by

8 Oscar Esquivel
9 Oscar Esquivel, Assistant Superintendent
10 Business Services and Support
11 Chula Vista Elementary School District
12 84 East J Street
13 Chula Vista, CA 91910-6199
14 Voice: 619-425-9600
15 Fax: 619-427-0463
16 E-Mail: oscar.esquivel@cvesd.org

17 APPOINTMENT OF REPRESENTATIVE

18 Chula Vista Elementary School District appoints Keith B. Petersen, SixTen and
19 Associates, as its representative for this incorrect reduction claim.

20 Oscar Esquivel 7/19/11
21 Oscar Esquivel Assistant Superintendent Date
22 Business Services and Support
23 Chula Vista Elementary School District

24 Attachments:

- 25 Exhibit "A" Controller's "results of review letter" dated April 29, 2011
26 Exhibit "B" Desk Review e-mail correspondence
27 Exhibit "C" FY 1997098 Annual Reimbursement Claim (Controllers' copy)
28 Exhibit "D" CSM-4451 Commission Statement of Decision
29 CSM-4476 Commission Proposed Statement of Decision
30 Exhibit "E" Parameters and Guidelines, July 25, 1996
31 Exhibit "F" Controller's claiming instructions, March/September 1997



JOHN CHIANG
California State Controller
Division of Accounting and Reporting
APRIL 29, 2009

557035
00156
2009/04/29

BD OF TRUSTEES
CHULA VISTA ELEMENTARY SD
SAN DIEGO COUNTY
84 EAST J STREET
CHULA VISTA CA 91910-6199

RECEIVED

MAY 04 2009

CHULA VISTA ELEM SCH DIST
ACCOUNTING DEPT

DEAR CLAIMANT:

RE: SCH DIST CHOICE CH1262/94

WE HAVE REVIEWED YOUR 1997/1998 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED		25,081.00
ADJUSTMENT TO CLAIM:		
INDIRECT COSTS OVERSTATED	-	1,197.00
INTRADISTRICT COST ADJUSTMENT	-	23,884.00
TOTAL ADJUSTMENTS	-	<u>25,081.00</u>
AMOUNT DUE CLAIMANT	\$	<u>0.00</u>

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT KIM NGUYEN AT (916) 324-7876 OR IN WRITING AT THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875.

SINCERELY,

Ginny Brummels
GINNY BRUMMELS, MANAGER

LOCAL REIMBURSEMENT SECTION
P.O. BOX 942850 SACRAMENTO, CA 94250-5875

Subj: **Fwd: Chula Vista Elementary SD S37035**
Date: 6/2/2009 1:50:40 P.M. Pacific Daylight Time
From: Bpbsixten
To: Djbsixten

Diane,
Info received regarding CVE.
Bob

—Original Message—

From: DSpeciale@sco.ca.gov
To: Bpbsixten@aol.com
Cc: knguyen@sco.ca.gov; gibrummels@sco.ca.gov
Sent: Tue, 2 Jun 2009 11:48 am
Subject: RE: Chula Vista Elementary SD S37035

Hey Bob,

Hope things are going good. I will do the best I can to explain the adjustment below.

Referencing:
Chula Vista Elementary (S37035)
Program 156, School District of Choice Chapter 1262/94
Fiscal Year: 1997/1998

An adjustment was made, "Intradistrict Cost Adjustment" for \$23,884.00. This adjustment was made specifically for cost items dealing with Information Request. The adjustments criteria are has follows:

- 1) If a group of cost fall under the description of providing "...information request..." relating to "...interdistrict district transfer..." then no adjustments are made to these costs. These are valid costs as they relate to providing interdistrict information requests.
- 2) If a group of cost falls under the description of providing "...information requests..." relating to "...intradistrict..." or "...within the school district...", then we will need to remove these cost. Intradistrict-related cost are not reimbursable.

I hope this clears things up for you and the Chula Vista Elementary SD.
And yes, I am still working on the E-Claiming system, thanks for asking. I don't think I will ever be completely done. Programs are added, suspended or modified annually. You take it easy Bob.

Regards,

Dennis Speciale
Accounting Administrator I (Specialist)
State Controller Office
Local Reimbursements Section
(916) 324-0254

From: Bpbsixten@aol.com [mailto:Bpbsixten@aol.com]
Sent: Monday, May 04, 2009 01:14 PM
To: Speciale, Dennis
Cc: Djbsixten@aol.com; Nguyen, Kim D.
Subject: Fwd: Chula Vista Elementary SD S37035

Dennis,

I am forwarding this to you per Kim Nguyen, can you assist me with an explanation?

Thanks, are you still working on the on-line claim filing system or is that complete?

Bob Berg EA
SixTen and Associates
858-514-8605 Voice
858-514-8645 Fax

From: knguyen@sco.ca.gov
To: bpbsixten@aol.com
Sent: 5/4/2009 1:09:57 P.M. Pacific Daylight Time
Subject: RE: Chula Vista Elementary SD S37035

Hi Bob,
This claim adjustment of the SD made by Dennis Speciale, one of our co-workers, his work phone number is (916) 324-0254. He is off today, call him for assistance tomorrow. Thanks.

From: bpbsixten@aol.com [mailto:bpbsixten@aol.com]
Sent: Monday, May 04, 2009 12:45 PM
To: Nguyen, Kim D.
Cc: Djbsixten@aol.com
Subject: Chula Vista Elementary SD S37035

Kim,

Chula Vista Elementary (S37035) received an advisory dated April 29, 2009 regarding their Mandate Claim for Program 156, School District of Choice Chapter 1262/94 for fiscal year 1997/1998.

The advisory states "Intradistrict Cost Adjustment" of 23,884.00.

The district has requested that we query the state regarding this adjustment and ask for an explanation.

As you are listed as the "contact person" on this advisory, would you please provide us with an explanation of the adjustment?

Thank you,

Robert "Bob" Berg EA
SixTen and Associates
858-514-8605
858-514-8645 (Fax)

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2009 3 Free CREDIT SCORES: See Your 3 Credit Scores from All 3 Bureaus FREE!

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

Tuesday, June 02, 2009 AOL: Djbsixten

Subj: **RE: Chula Vista Elem SD S37035**
Date: 12/15/2009 1:46:07 P.M. Pacific Standard Time
From: RJeske@sco.ca.gov
To: Bpbsixten@aol.com
CC: DSpeciale@sco.ca.gov

Sir,

The records you requested are not currently on hand at our current location. Those older documents are at an offsite location and I placed the order from archives, and I will get that document scanned and forwarded to you as soon as I am able to. If the document is to large, I will contact you to figure out other arrangements.

Thank you,

Ryan F. Jeske

State Controller's Office
Division of Accounting & Reporting
P.O. Box 942850
Sacramento, CA 94250
(916) 323-2363, Fax (916)323-6527

From: Speciale, Dennis
Sent: Tuesday, December 15, 2009 01:33 PM
To: Jeske, Ryan
Subject: FW: Chula Vista Elem SD S37035

Ryan Jeske,

Mr. Berg, from SixTen and Associates, has requested getting copies of a claim and supporting documents for Program 156 "School District of Choice" for F/Y 1997-98. You will probably have to order these from archive. Please let me know how long will take to retrieve these. Thanks.

From: Bpbsixten@aol.com [<mailto:Bpbsixten@aol.com>]
Sent: Tuesday, December 15, 2009 09:33 AM
To: Speciale, Dennis
Cc: Djbsixten@aol.com
Subject: Chula Vista Elem SD S37035

Dennis,

Chula Vista Elem SD is a current client of ours and has asked for our assistance in obtaining a copy of their mandated cost claim for School District of Choice for F/Y 1997/1998 (Program 156). Would it be possible for you to provide us a copy of this claim plus all supporting documentation that has been submitted to date? Our phone and fax number are listed below.

Thank you for your time.

Robert P. Berg
SixTen and Associates
www.sixtenandassociates.com
858-514-8605 Voice
858-514-8645 Fax

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

**SCHOOL DISTRICT OF CHOICE:
TRANSFERS AND APPEALS**

(19) Program Number 00156

JAN 6 2000

(20) Date File

~~DEC 31 1999~~

(21) LRS Input

L A B E L H E R E	(01) Claimant Identification Number: S37035		Reimbursement Claim Data	
	(02) Mailing Address		(22) SDC-1, (03)(a)	0
	Claimant Name CHULA VISTA ELEMENTARY SD		(23) SDC-1, (03)(b)	0
	County Of Location SAN DIEGO		(24) SDC-1, (03)(c)	0
	Street Address or P.O. Box 84 EAST J STREET		(25) SDC-1, (03)(d)	0
	City	State	Zip Code	
CHULA VISTA	CA	91910	(26) SDC-1, (04)(1)(d)	23,884
Type of Claim	Estimated Claim	Reimbursement Claim		
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(27) SDC-1, (04)(2)(d)	0
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(28) SDC-1, (04)(3)(d)	0
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(29) SDC-1, (04)(4)(d)	0
(30) SDC-1, (04)(5)(d)				0
Fiscal Year of Cost	(06) _____ / _____	(12) 1997 / 1998	(31) SDC-1, (06)	6
Total Claimed Amount	(07)	(13) \$ 25,081	(32)	
Less: 10% Late Penalty, not to exceed \$1000		(14) \$ 0	(33)	
Less: Estimated Claim Payment Received		(15) (25081)	(34) adjustment	
Net Claimed Amount		(16) \$ 0	(35)	
Due From State	(08)	(17) \$ 0	(36)	
Due to State		(18)	(37)	

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the local agency to file claims with the State of California for costs mandated by Chapter 160, Statutes of 1993 and Chapter 1262, Statutes of 1994, 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 was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of services of an existing program mandated by Chapter 160, Statutes of 1993 and Chapter 1262, Statutes of 1994.

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 160, Statutes of 1993 and Chapter 1262, Statutes of 1994, set forth on the attached statements.

Signature of Authorized Representative

Date

Lowell Billings
LOWELL BILLINGS, Ed.D.

12-16-99
ASSISTANT SUPERINTENDENT BUSINESS SERVICES

Type or Print Name

Title

(39) Name of Contact Person For Claim

Telephone Number

Steve Smith, Mandated Cost Systems

916-487-4435

Ext. _____

Original

<p>CLAIM PAYMENT Pursuant to Government Code Section 17561 SCHOOL DISTRICT OF CHOICE: TRANSFERS AND APPEALS</p>	<p>(19) Program Number 00156 (20) Date File <u>7/20/99</u> (21) LRS Input <u> </u> / <u> </u> / <u> </u></p>
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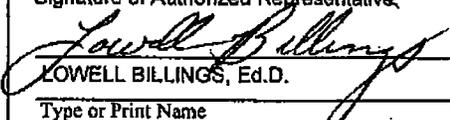
L A B E L H E R E	(01) Claimant Identification Number: S37035	Reimbursement Claim Data	
	(02) Mailing Address	(22)SDC-1, (03)(a)	0
	Claimant Name CHULA VISTA ELEMENTARY SD	(23)SDC-1, (03)(b)	0
	County Of Location SAN DIEGO	(24)SDC-1, (03)(c)	0
	Street Address or P.O. Box 84 EAST J STREET	(25)SDC-1, (03)(d)	0
	City State Zip Code CHULA VISTA CA 91910	(26)SDC-1, (04)(1)(d)	23,884

Type of Claim	Estimated Claim	Reimbursement Claim	
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(27)SDC-1, (04)(2)(d) 0
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(28)SDC-1, (04)(3)(d) 0
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(29)SDC-1, (04)(4)(d) 0
			(30)SDC-1, (04)(5)(d) 0
Fiscal Year of Cost	(06) _____ / _____	(12) 1997 / 1998	(31)SDC-1, (06) 6
Total Claimed Amount	(07)	(13) \$ 25,081	(32)
Less: 10% Late Penalty, not to exceed \$1000		(14) \$ 1,000	(33)
Less: Estimated Claim Payment Received		(15)	(34)
Net Claimed Amount		(16) \$ 24,081	(35)
Due From State	(08)	(17) \$ 24,081	(36)
Due to State		(18)	(37)

(38) CERTIFICATION OF CLAIM
In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the local agency to file claims with the State of California for costs mandated by Chapter 160, Statutes of 1993 and Chapter 1262, Statutes of 1994, 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 was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of services of an existing program mandated by Chapter 160, Statutes of 1993 and Chapter 1262, Statutes of 1994.

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 160, Statutes of 1993 and Chapter 1262, Statutes of 1994, set forth on the attached statements.

Signature of Authorized Representative  _____ LOWELL BILLINGS, Ed.D. Type or Print Name	Date <u>12-10-99</u> ASSISTANT SUPERINTENDENT BUSINESS SERVICES Title
(39) Name of Contact Person For Claim Steve Smith, Mandated Cost Systems	Telephone Number 916-487-4435 Ext. _____

MANDATED COSTS SCHOOL DISTRICT OF CHOICE: TRANSFERS AND APPEALS CLAIM SUMMARY	FORM SDC-1
--	-----------------------------

(01) Claimant: S37035 CHULA VISTA ELEMENTARY SD	(02) Type of Claim: Fiscal Year: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/> 1997 / 1998
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Claim Statistics	
(03) (a) Number of requests for "choice" transfers out of the district of residence	0
(b) Number of "choice" transfers out of the district of residence granted	0
(c) Number of requests for "choice" transfers into the district of choice	0
(d) Number of "choice" transfers into the district of choice that were granted	0
(e) Number of "choice" transfer appeals filed, when denied by the district of residence	0

Direct Costs	Object Accounts			
(04) Reimbursable Components	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contracted Services	(d) Total
1. Information Requests	23,884	0	0	23,884
2. Implementing Pupil Transfers	0	0	0	0
3. Data Collection and Reporting	0	0	0	0
4. Court-ordered Desegregation Plans	0	0	0	0
5. Appeals Process	0	0	0	0
(05) Total Direct Costs	23,884	0	0	23,884

Indirect Costs	
(06) Indirect Cost Rate	[From J-380 or J-580] 9635 < 23884 5.01 %
(07) Total Indirect Costs	[Line (06) x {(line (05)(d) - line (05)(c))}] 9920 < 1197 1,197
(08) Total Direct and Indirect Costs:	[Line (05)(d) + line (07)] 25,081 25,081

Cost Reduction	
(09) Less: Offsetting Savings, if applicable	
(10) Less: Other Reimbursements, if applicable	
(11) Total Claimed Amount	[Line (08) - {Line (09) + Line (10)}] 25,081 25,081

MANDATED COSTS SCHOOL DISTRICT OF CHOICE: TRANSFERS AND APPEALS COMPONENT / ACTIVITY COST DETAIL	FORM SDC-2
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(01) Claimant CHULA VISTA ELEMENTARY SD	(02) Fiscal Year costs were incurred 1997-1998
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(03) Reimbursable Component: Check **only** one box per form to identify the component being claimed.

<input checked="" type="checkbox"/> Information Requests	<input type="checkbox"/> Court-ordered Desegregation Plans
<input type="checkbox"/> Implementing Pupil Transfers	<input type="checkbox"/> Appeal Process
<input type="checkbox"/> Data Collection and Reporting	

(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
COSTS OF RESPONDING TO INFORMATION REQUESTS (BOTH ORALLY AND PROVIDING WRITTEN MATERIAL) REGARDING SCHOOLS WITHIN THE DISTRICT. THESE REQUESTS ARE FROM PARENTS WHO ARE CONSIDERING WHETHER TO REQUEST A SCHOOL (OTHER THAN THEIR SCHOOL OF RESIDENCE) UNDER THE ALTERNATIVE ATTENDANCE OPTIONS OF OPEN ENROLLMENT, INTRA-DISTRICT TRANSFER OR INTERDISTRICT TRANSFER.					
ACEVES, E/PRINCIPAL	58.70	13.58	797		
ALVARADO, L/PRINCIPAL	56.45	8.92	504		
ARAGON, S/SCHOOL SECRETARY	24.83	14.42	358		
ARAKI, S/SCHOOL SECRETARY	22.60	2.08	47		
BAXTER, N/SCHOOL SECRETARY	20.55	1.92	39		
BJORNSTAD, G/PRINCIPAL	58.13	5.92	344		
BOURKE, D/SCHOOL SECRETARY	20.76	4.33	90		
BOYLE, C/SCHOOL SECRETARY	23.32	6.25	146		
BYRNE, D/SCHOOL SECRETARY	15.96	5.17	83		
CACHO, M/SPECIALIST	21.85	13.33	291		
CASAS, L/SCHOOL SECRETARY	20.62	13.33	275		
CASTANEDA, R/PRINCIPAL	54.98	8.33	458		
COLLINS, W/PRINCIPAL	66.08	11.92	788		
COSTA, G/SCHOOL SECRETARY	21.15	5.58	118		
COX, C/ADMINISTRATOR	62.14	18.92	1176		
DIMAPILIS, C/SCHOOL SECRETARY	23.53	1.75	41		

(05) Total <input type="checkbox"/> Subtotal <input checked="" type="checkbox"/>	Page: <u>1</u> of <u>4</u>	5555			
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MANDATED COSTS SCHOOL DISTRICT OF CHOICE: TRANSFERS AND APPEALS COMPONENT / ACTIVITY COST DETAIL	FORM SDC-2
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(01) Claimant CHULA VISTA ELEMENTARY SD	(02) Fiscal Year costs were incurred 1997-1998
--	---

(03) Reimbursable Component: Check **only** one box per form to identify the component being claimed.

<input checked="" type="checkbox"/> Information Requests	<input type="checkbox"/> Court-ordered Desegregation Plans
<input type="checkbox"/> Implementing Pupil Transfers	<input type="checkbox"/> Appeal Process
<input type="checkbox"/> Data Collection and Reporting	

(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
DOMINGUEZ, S/SCHOOL SECRETARY	18.53	12.92	239		
DONDELINGER, G/PRINCIPAL	52.89	5.08	269		
EDROZA, A/SCHOOL SECRETARY	21.83	9.92	217		
ELLIOTT, F/PRINCIPAL	55.88	11.50	643		
ERNST, C/PRINCIPAL	54.79	12.67	694		
FREEMAN, R/SCHOOL SECRETARY	21.66	1.92	42		
GONZALES, A/PRINCIPAL	56.11	14.67	823		
GONZALEZ-SADLER, T/PRINCIPAL	56.46	1.75	99		
GRIGSBY, M/PRINCIPAL	59.67	7.83	467		
GUGERTY, J/PRINCIPAL	55.43	13.00	721		
HALL, W/PRINCIPAL	56.22	12.00	675		
HARDER, J/PRINCIPAL	56.90	6.00	341		
HASTINGS, C/CLERK	24.69	25.92	640		
HUMPHREY, M/PRINCIPAL	46.70	11.42	533		
HUNTINGTON, F/PRINCIPAL	56.05	1.92	108		
JANUARY, J/PRINCIPAL	58.47	17.00	994		
LALOR, C/SCHOOL SECRETARY	21.98	13.17	289		
LARA, M/SCHOOL SECRETARY	23.13	5.92	137		
LOUCH, M/SCHOOL SECRETARY	22.58	5.92	134		
MADISON, V/PRINCIPAL	56.90	6.17	351		
MAHLER, S/PRINCIPAL	54.76	1.75	96		
MANRIQUEZ, H/PRINCIPAL	46.12	11.17	515		
MARQUEZ, T/SCHOOL SECRETARY	21.19	2.08	44		
MATZ, P/PRINCIPAL	54.55	11.17	609		
MCGRATH, B/PRINCIPAL	58.19	4.92	286		
MESSERSMITH, S/SCHOOL SECRETARY	18.69	7.75	145		

(05) Total <input type="checkbox"/> Subtotal <input checked="" type="checkbox"/>	Page: <u>2</u> of <u>4</u>	15666
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MANDATED COSTS SCHOOL DISTRICT OF CHOICE: TRANSFERS AND APPEALS COMPONENT / ACTIVITY COST DETAIL	FORM SDC-2
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(01) Claimant CHULA VISTA ELEMENTARY SD	(02) Fiscal Year costs were incurred 1997-1998
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(03) Reimbursable Component: Check **only** one box per form to identify the component being claimed.

<input checked="" type="checkbox"/> Information Requests	<input type="checkbox"/> Court-ordered Desegregation Plans
<input type="checkbox"/> Implementing Pupil Transfers	<input type="checkbox"/> Appeal Process
<input type="checkbox"/> Data Collection and Reporting	

(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
NELSON, B/PRINCIPAL	54.38	7.42	404		
NELSON, J/PRINCIPAL	59.24	5.42	321		
NEWTON, B/SCHOOL SECRETARY	23.55	1.92	45		
PADILLA, C/PRINCIPAL	54.90	2.08	114		
PIERCE, T/SCHOOL SECRETARY	22.99	12.25	282		
PRALL, M/PRINCIPAL	52.83	10.00	528		
QUINONES, D/SCHOOL SECRETARY	20.01	5.50	110		
RAMIREZ, J/PRINCIPAL	39.23	6.67	262		
REGALADO, C/SCHOOL SECRETARY	20.84	1.92	40		
REILLY, E/SCHOOL SECRETARY	24.40	13.25	323		
RODRIGUEZ, C/PRINCIPAL	55.43	17.25	956		
ROTH, P/PRINCIPAL	53.70	11.83	635		
SAUNDERS, R/SCHOOL SECRETARY	22.21	6.00	133		
SMITH, C/PRINCIPAL	54.79	8.00	438		
SMITH, S/SCHOOL SECRETARY	22.29	1.92	43		
SPICER, L/SCHOOL SECRETARY	20.70	5.58	116		
SWIFT, C/SCHOOL SECRETARY	20.70	7.75	160		
TAGLE, L/PRINCIPAL	62.15	7.75	482		
VAN ZANT, S/PRINCIPAL	56.22	5.92	333		
WALKENHORST, L/SCHOOL SECRETARY	23.03	6.92	159		
WILLADSEN, S/PRINCIPAL	50.12	6.67	334		
ZAVALA, M/SCHOOL SECRETARY	21.44	1.75	38		
COSTS OF RESPONDING TO REQUESTS FOR INFORMATION REGARDING ALTERNATIVE PROGRAMS AVAILABLE WITHIN THE SCHOOL DISTRICT (I.E. INDEPENDENT STUDY, HOME STUDY ETC.)					

(05) Total <input type="checkbox"/> Subtotal <input checked="" type="checkbox"/>	Page: <u>3</u> of <u>4</u>	21922
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MANDATED COSTS SCHOOL DISTRICT OF CHOICE: TRANSFERS AND APPEALS COMPONENT / ACTIVITY COST DETAIL	FORM SDC-2
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(01) Claimant CHULA VISTA ELEMENTARY SD	(02) Fiscal Year costs were incurred 1997-1998
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(03) Reimbursable Component: Check **only** one box per form to identify the component being claimed.

<input checked="" type="checkbox"/> Information Requests	<input type="checkbox"/> Court-ordered Desegregation Plans
<input type="checkbox"/> Implementing Pupil Transfers	<input type="checkbox"/> Appeal Process
<input type="checkbox"/> Data Collection and Reporting	

(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
COX, C/ADMINISTRATOR	62.14	14.42	896		
HASTINGS, C/CLERK	24.69	12.25	302		
COSTS OF PROVIDING INFORMATION TO PARENTS ON THE POLICY AND PROCEDURE TO MAKE A REQUEST FOR ALTERNATIVE ATTENDANCE WITHIN THE DISTRICT.					
COX, C/ADMINISTRATOR	62.14	9.92	616		
HASTINGS, C/CLERK	24.69	6.00	148		

(05) Total <input checked="" type="checkbox"/> Subtotal <input type="checkbox"/>	Page: <u>4</u> of <u>4</u>	23884
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BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

Application by:)
San Diego Unifed)
School District,)
Claimant)

No. CSM-4451
Education Code
Sections 48209.1
48209.2, 48209.7
48209.10, 48209.13,
48209.14, and 48209.15
Chapter 160, Statutes of 1993

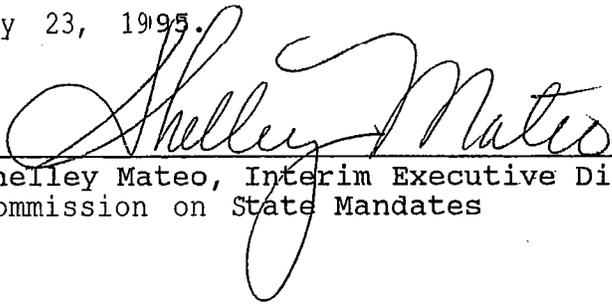
School District of Choice

DECISION

The attached Proposed Statement of Decision of the Commission on State Mandates is hereby adopted by the Commission on State Mandates as its decision in the above-entitled matter.

This Decision shall become effective on February 23, 1995.

IT IS so ORDERED February 23, 1995.



Shelley Mateo, Interim Executive Director
Commission on State Mandates

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BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

Claim of:)
San Diego Unified)
School District,)
Claimant)

No. CSM-445 1
Education Code
Sections 48209.1,
48209.2, 48209.7,
48209.10, 48209.13,
48209.14, and 48209.15
Chapter 160, Statutes of 1993
School District of Choice

PROPOSED STATEMENT OF DECISION

This claim was heard by the Commission on State Mandates (Commission) on February 23, 1995, in Sacramento, California, during a regularly scheduled hearing.

Mr. Keith Petersen appeared on behalf of the San Diego Unified School District, Ms. Carol Berg appeared on behalf of the Education Mandated Cost Network, and Mr. James Apps appeared on behalf of the Department of Finance. Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the Commission finds:

ISSUE

Do the provisions of Education Code sections 48209.1, 48209.2, 48209.7, 48209.10, 48209.13, 48209.14, and 48209.15, as added by Chapter 160, Statutes of 1993 (Chapter 160/93), require school districts to implement a new program or provide a higher level of service in an existing program, within the meaning of section 6 of article XIII B of the California Constitution and Government Code section 175 14?

//
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BACKGROUND AND FINDINGS OF FACT

1
2 The test claim was filed with the Commission on February 22, 1994, by the San Diego
3 Unified School District.

4
5 The elements for filing a test claim, as specified in section 1183 of Title 2 of the California
6 Code of Regulations, were satisfied.

7
8 Chapter 160/93 added Education Code sections 48209.1, 48209.2, 48209.7, 48209.10,
9 48209.13, 48209.14, and 48209.15 as follows:

10 48209.1:

11 "(a) The governing board of any school district may accept interdistrict transfers. No school district that receives
12 an application for attendance under this article is required to admit pupils to its schools. If, however, the
13 governing board elects to accept transfers as authorized under this article, it shall, by resolution, elect to accept
14 transfer pupils, determine and adopt the number of transfers it is willing to accept under this article, and ensure
that pupils admitted under the policy are selected through a random, unbiased process that prohibits an evaluation
of whether or not the pupil should be enrolled based upon his or her academic or athletic performance. Any
pupil accepted for transfer shall be deemed to have fulfilled the requirements of Section 48204.

15 "(b) Either the pupil's school district of residence or the school district of choice may prohibit the transfer of a
16 pupil under this article or limit the number of pupils so transferred if the governing board of the district
determines that the transfer would negatively impact any of the following:

17 "(1) The court-ordered desegregation plan of the district.

18 "(2) The voluntary desegregation plan of the district that meets the criteria of Section 42249.

"(3) The racial and ethnic balance of the district."

19 48209.2:

20 "School districts are encouraged to hold informational hearings during the spring semester of 1994 on the current
21 educational program the district is offering so that parents may provide input to the district on methods to
22 improve the current program and so that parents may make informed decisions regarding their children's
education. "

23 48209.7:

24 "(a) A school district of residence with average daily attendance greater than 50,000 may limit the number of
pupils transferring out each year to 1 percent of its current year estimated average daily attendance.

25 "(b) A school district of residence with average daily attendance less than 50,000 may limit the number of pupils
26 transferring out to 3 percent of its current year estimated average daily attendance and may limit the maximum
27 number of pupils transferring out for the duration of the program authorized by this article to 10 percent of the
average daily attendance for that period. "

28

1 48209.10:

2 "(a) Any school district of choice that admits any pupil under this section shall accept any completed coursework,
3 attendance, and other academic progress credited to that pupil by the school district or districts previously
4 attended by that pupil, and shall grant academic standing to that pupil based upon the district's evaluation of that
5 academic progress.

6 "(b) Any school district of choice that admits a pupil under this section may revoke the pupil's transfer if the
7 pupil is recommended for expulsion pursuant to Section 48918. "

8 48209.13:

9 ~~"Each school district shall make information regarding its schools, programs, policies, and procedures available
10 to any interested person upon request."~~

11 48209.14:

12 "(a) Pursuant to this article, each school district shall keep an accounting of all requests made for alternative
13 attendance and records of all disposition of those requests that shall include, but are not to be limited to, all of the
14 following:

15 "(1) The number of requests granted, denied, or withdrawn. In the case of denied requests, the records shall
16 indicate the reasons for the denials.

17 "(2) The number of pupils transferred out of the district.

18 "(3) The number of pupils transferred into the districts.

19 "(b) The information maintained pursuant to subdivision (a) shall be reported to the governing board of the
20 school district at an open meeting of the governing board. After the information is reported to the governing
21 board of the school district, the information shall be reported to the Superintendent of Public Instruction no later
22 than January 1, 1996, and annually thereafter, and the superintendent shall make the information available to the
23 Governor, the Legislature, and the public." (Section 48209.14, as amended by Chapter 915, Statutes of 1993,
24 which extended the date from 1995 to 1996 and made a typographical correction.)

25 48209.15:

26 ~~"(a) It is the intent of the Legislature that every parent in this state be informed of their opportunity for currently
27 existing choice options under this article regardless of ethnicity, primary language, or literacy."~~

28 "(b) Notwithstanding Section 48980, before the beginning of the first semester or quarter of the regular school
term, each county board of education shall, to the extent that funding is provided for the purposes of this section,
adopt a plan to conduct an aggressive, focused outreach program that meets the intent of this section."

29 By way of background, the Commission noted that the statutory provisions, commencing with
30 Education Code section 48209 of Chapter 160/93, create another pupil attendance alternative
31 or method under which interdistrict transfers may occur. The Commission observed that there
32 are two additional options that allow pupils to transfer between districts. Education Code
33 sections 46600 *et seq.* allows two or more districts to enter into an agreement for the
34 interdistrict transfer of pupils [the subject of another test claim entitled *Interdistrict Attendance
35 Permits* (CSM-4442) scheduled to be heard April, 1995]. In addition, the Commission

1 observed that Education Code section 48204, subdivision (f), provides for interdistrict
2 transfers based on the location of the parent's place of employment [the subject of a test claim
3 entitled *Interdistrict Transfer Requests: Parent's Employment* (CSM-4445) which the
4 Commission heard on January 19, 1995 , which was determined to contain a state-mandated
5 program].

6
7 The Commission noted that the school district of choice program does not supersede or revoke
8 either of the other previously mentioned interdistrict methods of pupil transfer.

9
10 Regarding Education Code section 48209.1, subdivision (a), the Commission observed that
11 this subdivision provides that a school district may elect to accept pupils from another district,
12 subject to conditions set forth therein. Thus, the Commission found that the election to
13 become a school district of choice, pursuant to subdivision (a), is a voluntary act and,
14 accordingly, does not impose a reimbursable state mandated program upon school districts of
15 choice. However, the Commission noted that school districts *of residence* (sending districts)
16 do not have a similar choice for participation. When pupils from a school district of residence
17 transfer to a school district of choice, a school district of residence must, under limited
18 circumstances, comply with certain statutory requirements. Thus, subdivision (a) establishes
19 the foundation of a state-reimbursable program for school districts of residence, the specific
20 duties of which are created in other subsections and subdivisions of Education Code section
21 48209.

22
23 Regarding Education Code section 48209. 1, subdivision (b), the Commission observed this
24 subdivision states that either the pupil's school district of residence or the school district of
25 choice may prohibit the transfer of a pupil if the transfer negatively impacts a court-ordered
26 desegregation plan of the district, a voluntary desegregation plan of the district, or the racial
27 and ethnic balance of the district. The Commission found there are no state mandated
28 activities imposed upon the school district of choice under subdivision (b) because the election

1 to become a school district of choice is a voluntary act and, therefore, such a district accepts
2 all of the terms and related conditions. Moreover, the statutory language under subdivision (b)
3 uses permissive language: "*may prohibit.*" Thus, the act of accepting or rejecting a transfer is
4 voluntary, regardless of the impact on the court-ordered or voluntary desegregation plan, or
5 the racial and ethnic balance of the district.

6
7 The Commission noted this permissive language also applies to a school district of residence
8 (sending districts). However, the Commission also recognized that a district of residence
9 operating under a court-ordered desegregation plan has little option but to manage that plan
10 assertively, despite the permissive wording of subdivision (b). The Commission therefore
11 found that Education Code section 48209.1, subdivision (b), does impose a state mandated
12 program limited to school districts of residence operating under or subject to a court-ordered
13 desegregation plan. To the extent that a school district of residence is otherwise prepared to
14 approve a transfer request to a school district of choice, the provisions of the test claim
15 legislation implicitly require the district of residence to confirm that the proposed transfer does
16 not negatively impact its court-ordered desegregation plan. The Commission found that there
17 was no prior law affecting this matter.

18
19 With respect to Education Code section 48209.2, the Commission observed that this section
20 evidences the Legislature's intent to enhance parental opportunity to contribute to improvement
21 of educational programs. Further, the Commission noted that school districts are *encouraged*
22 but not *required* to hold informational hearings. Therefore, the Commission found that
23 informational hearings held in the spring semester of 1994 pursuant to section 48209.2 are
24 optional and *not* required for school districts.

25
26 Regarding Education Code section 48209.7, subdivisions (a) and (b), the Commission
27 observed that these provisions describe attendance conditions under which a district of
28 residence may limit the number of pupils transferring out. The limitation varies with district

1 size, as measured by average daily attendance. Further, under this section, the Commission
2 noted that districts of residence *may* limit, rather than *shall* limit. The Commission therefore
3 found that the activities set forth in Education Code section 48209.7 are permissive and do not
4 require a school district of residence to establish mandatory limits on transfers to school
5 districts of choice.

6
7 Regarding Education Code section 48209.10, subdivision (a), the Commission observed that
8 this subdivision directs school districts of choice to accept records of transfers and that
9 subdivision (b) authorizes districts of choice to revoke a transfer if the pupil is recommended
10 for expulsion. With respect to school districts of choice, the requirement set forth in
11 subdivision (a) results from the election to become a school district of choice. Further, the
12 authorization in paragraph (b) is permissive in execution. Therefore, the Commission found
13 the activities under Education Code section 48209.10, subdivisions (a) and (b), are not
14 required upon school districts of choice.

15
16 However, the Commission did find that subdivision (a) of Education Code section 48209.10
17 implicitly requires school districts of residence to send the transferring pupil's coursework and
18 other records to the school district of choice. Further, the Commission found that
19 subdivision (b) implicitly requires school districts of residence to accept back pupil records
20 when a recommendation to expel results in revocation of transfer by the school district of
21 choice. This workload is not optional for school districts of residence. Although the
22 Commission noted that prior law (former Education Code section 49068, as amended by
23 Chapter 1010/76) required a pupil's records to be transferred by the former district to the new
24 district of attendance, the activities under subdivision (b) impose a higher level of service.

25
26 In summary, the Commission found that subdivisions (a) and (b) of Education Code section
27 48209.10 impose an increased level of service on school districts of residence to provide the
28 pupil's completed coursework, attendance, and other academic progress to the school district

1 of choice. Further, if a transfer is revoked based upon a recommendation to expel, school
2 districts of residence are required to accept the pupil back, along with any completed
3 coursework, attendance, and other academic progress. In addition, the Commission noted that
4 any activities performed by the school district of residence related to further review or
5 implementation of an expulsion recommended by the school district of choice, will be
6 addressed in the test claim entitled *Pupil Expulsions* (CSM-4455).

7
8 Regarding Education Code section 48209.13, the Commission observed that this section is
9 worded broadly, covering many types of information already required under other statutory
10 provisions. For example, a request for a copy of the annual notification to parents falls within
11 the broad categories set forth in section 48209.13, but such a request includes the same
12 information described under Education Code section 48980. The Commission found the only
13 difference is that section 48290.13 stipulates the information be provided upon request, which
14 implies maintaining a supply of the annual parental notification on hand.

15
16 The Commission also found that the requirement to make information available upon request
17 applies to all school districts, not just school districts offering alternative pupil attendance
18 choices.

19
20 The Commission found that there is a higher level of service imposed upon school districts to
21 the extent that such requests are specifically related to alternative pupil attendance choices.
22 Further, the Commission recognized that Education Code section 48209.13 does not specify
23 how the information is to be conveyed and, therefore, found that it is a reasonable presumption
24 that this information could be conveyed by phone, in person, or via a mailed request. Lastly,
25 the Commission found that some of the reimbursable costs for this limited mandated activity
26 would be offset or reduced by the amount of fees that may be charged by school districts as
27 authorized under the California Public Records Act (Government Code section 6250 and
28 following).

1 With respect to Education Code section 48209.14, the Commission observed this section
2 48209.14 provides that each school district is required to keep an accounting of all requests
3 and to report such information as specified in the statute. Under prior law (Education Code
4 section 46600, derived from Chapter 2, Statutes of 1959), attendance reporting was required
5 for school funding, among other purposes. Moreover, county boards of education have been
6 granted the right to adopt reporting requirements for transfers between school districts under
7 their jurisdiction (Education Code section 48202, added by Chapter 1009, Statutes of 1965,
8 and amended by Chapter 125, Statutes of 1970, and Chapter 1253, Statutes of 1975). In
9 addition, data on interdistrict transfers had to be maintained for physically handicapped,
10 mentally handicapped or multiple handicapped pupils (Education Codes section 48203, added
11 by Chapter 598, Statutes of 1973.) However, the Commission did not identify any state
12 requirements under prior law that directed the accounting and reporting of school of choice
13 interdistrict transfers.

14
15 The Commission observed that the accounting and reporting requirements pursuant to
16 Education Code section 48209.14 can be subdivided into two categories. In the first category
17 are all transfer requests to enter a "school district of choice." Because a school district elects
18 to become a school district of choice, the accounting and reporting requirements by a school
19 district of choice for transfer requests into that district stems from that voluntary election.
20 Therefore, such statutory conditions do not impose a reimbursable state mandated program.

21
22 In the second category are all transfer requests to leave a district of residence. The
23 Commission found that when pupils transfer from their school district of residence, the
24 accounting and reporting of this information are now required of the school district of
25 residence. (The Commission noted that a school district of choice is also regarded as a school
26 district of residence for the pupils living within its boundaries).

27
28

1 Further, the Commission found the statutory language at hand implicitly requires that school
2 districts adopt cost effective methods of assembling and maintaining the data as specified in
3 section 48209.14, subdivisions (a) and (b).

4
5 In view of the foregoing, the Commission found that a higher level of service is imposed upon
6 school districts of residence to account for all requests made to a school district of choice and
7 record the disposition of those requests including the number granted, denied or withdrawn.
8 In the case of denied requests, the records shall indicate the reasons for the denials. Also the
9 records shall disclose the number of pupils transferred out of these districts. In addition, the
10 information maintained shall be reported to the governing board of the school district and to
11 the Superintendent of Public Instruction no later than January 1, 1996, and annually thereafter.

12 The Commission also found that school districts of residence are required to adopt cost
13 effective methods of assembling and maintaining the information described section 48209.14.

14
15 Lastly, the Commission found that the provisions of Education Code section 48209.14,
16 subdivisions (a) and (b), do not impose upon school districts of choice a reimbursable state
17 mandated program because these districts voluntarily elected to participate as a school district
18 of choice to receive new pupils.

19
20 Regarding subdivision (a) of Education Code section 48209.15, the Commission observed that
21 while the language does evidence legislative intent, it does not mandate a duty on school
22 districts. With respect to subdivision (b), the Commission noted that, despite the "shall adopt"
23 language, the adoption of a plan for an outreach program is not required unless funding is
24 provided specifically for the purpose of section 48209.15. The Commission found that
25 Education Code section 48209.15, subdivisions (a) and (b), does not impose a reimbursable
26 state mandated program .

27
28

1 APPLICABLE LAW RELEVANT TO THE DETERMINATION
2 OF A REIMBURSABLE STATE MANDATED PROGRAM

3
4 Government Code section 17500 and following, and section 6 of article XIII B of the California
5 Constitution and related case law.

6
7 CONCLUSION

8
9 The Commission determines that it has the authority to decide this claim under the provisions
10 of Government Code sections 17500 and 1755 1, subdivision (a).

11
12 In view of all of the foregoing, the Commission concludes that Education Code sections
13 48209.1, subdivision (b), 48209.10, subdivisions (a) and (b), and 48209.14, as added by
14 Chapter 160, Statutes of 1993, do impose a new program or higher level of service in an
15 existing program within the meaning of section 6 of article XIII B of the California
16 Constitution and Government Code section 17514 by requiring school districts of residence
17 (sending districts) to:

- 18
19 1) Determine whether the transfer will negatively impact the district's applicable court-
20 ordered desegregation plan (to the extent that a school district of residence is otherwise
21 prepared to approve a transfer request to a school district of choice).
22
23 2) Upon notification from the school district of choice, provide the district of choice
24 information regarding the transferring pupil's completed coursework, attendance, and
25 other academic progress. Additionally, upon revocation of a transfer based upon
26 expulsion, accept back from the school district of choice any completed coursework,
27 attendance, and other academic progress of the pupil.
28

2 3) Keep an account of all requests to transfer to a school district of choice and records of
3 all disposition of those requests including the number of requests granted, denied or
4 withdrawn. In the case of denied requests, the records shall indicate the reasons for the
5 denials. Also, the records shall disclose the number of pupils transferred out of these
6 districts. In addition, the information maintained shall be reported to the governing
7 board of the school district and to the Superintendent of Public Instruction no later than
8 January 1, 1996, and annually thereafter .

9 4) Adopt cost effective methods of assembling and maintaining the information described
10 in Education Code section 48209.14.

11
12 Further, the Commission concludes that Education Code section 48209.13, as added by
13 Chapter 160/93, imposes a new program or higher level of service in an existing program
14 within the meaning of section 6 of article XIII B of the California Constitution and Government
15 Code section 17514 by requiring all school districts to make information specifically related to
16 alternative pupil attendance choices available to any interested person upon request. However,
17 this limited mandated activity would not apply to such requests already provided for elsewhere
18 in the law. Further, some of the reimbursable costs for this mandated activity would be offset
19 or reduced by the amount of fees that may be charged by school districts as authorized under
20 the California Public Records Act (Government Code section 6250 and following).

21
22 And finally, the Commission concludes, except as specified above, the remainder of Education
23 Code sections 48209.1, subdivisions (a) and (b), 48209.10, 48209.13, 48209.14, and all of
24 Education Code sections 48209.2, 48290.7, and 48209.15, do not impose a new program or
25 higher level of service in an existing program upon school districts within the meaning of
26 section 6 of article XIII B of the California Constitution and Government Code section 17514.

27
28

1 | Accordingly, costs incurred related to the aforementioned reimbursable state mandated
 2 | programs contained in Education Code sections 48209.1, subdivision (b), 48209.10,
 3 | subdivisions (a) and (b); 48209.13 and 48209.14 are costs mandated by the state and are
 4 | subject to reimbursement within the meaning of section 6 of article XIII B of the California
 5 | Constitution. Therefore, the claimant is directed to submit parameters and guidelines,
 6 | pursuant to Government Code section 17557 and Title 2, California Code of Regulations,
 7 | section 1183.1, to the Commission for its consideration.

8 |
 9 | The foregoing conclusions pertaining to the requirements contained in Education Code
 10 | sections 48209.1, subdivision (b), 48209.10, subdivisions (a) and (b), 48209.13 and 48209.14,
 11 | are subject to the following conditions:

12 |
 13 | The determination of a reimbursable state mandated program does not mean that all
 14 | increased costs claimed will be reimbursed. Reimbursement, if any, is subject to
 15 | Commission approval of parameters and guidelines for reimbursement of the mandated
 16 | program; approval of a statewide cost estimate; a specific legislative appropriation for
 17 | such purpose; a timely-filed claim for reimbursement; and subsequent review of the
 18 | claim by the State Controller's Office.

19 | If the statewide cost estimate for this mandate does not exceed one million dollars
 20 | (\$1,000,000) during the first twelve (12) month period following the operative date of the
 21 | mandate, the Commission shall certify such estimated amount to the State Controller's
 22 | Office, and the State Controller shall receive, review, and pay claims from the State
 23 | Mandates Claims Fund as claims are received. (Government Code section 17610).

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1 The test claim was filed with the Commission on April 3, 1995, by the San Diego
2 Unified School District.

3 The elements for filing a test claim, as specified in section 1183 of Title 2 of the
4 California Code of Regulations, were satisfied.

5 Education Code section 48209.1, as amended by Chapter 1262/94, states the following:

- 6 (a) The governing board of any school district may accept interdistrict transfers. No school
7 district that receives an application for attendance under this article is required to admit pupils
8 to its schools. If, however, the governing board elects to accept transfers as authorized under
9 this article, it shall, by resolution, elect to accept transfer pupils, determine and adopt the
10 number of transfers it is willing to accept under this article, and ensure that pupils admitted
11 under the policy are selected through a random, unbiased process that prohibits an evaluation
12 of whether or not the pupil should be enrolled based upon his or her academic or athletic
13 performance. Any pupil accepted for transfer shall be deemed to have fulfilled the
14 requirements of Section 48204.
- 15 (b) Either the pupil's school district of residence, upon notification of the pupil's acceptance to
16 the school district of choice pursuant to subdivision (c) of Section 48209.9, or the school
17 district of choice may prohibit the transfer of a pupil under this article or limit the number of
18 pupils so transferred if the governing board of the district determines that the transfer would
19 negatively impact any of the following:
- 15 (1) The court-ordered desegregation plan of the district.
 - 16 (2) The voluntary desegregation plan of the district that meets the criteria of Section
17 42249.
 - 18 (3) The racial and ethnic balance of the district.
- 19 (c) The school district of residence shall not adopt policies that in any way block or discourage
20 pupils from applying for transfer to another district. (Additions or changes are indicated by
21 underline.)

22 Education Code section 48209.7, as added by Chapter 160/93 and amended by Chapter 915/93,
23 states the following:

- 24 (a) A school district of residence with average daily attendance greater than 50,000 may limit the
25 number of pupils transferring out each year under this article to 1 percent of its current year
26 estimated average daily attendance.
- 27 (b) A school district of residence with average daily attendance less than 50,000 may limit the
28 number of pupils transferring out under this article to 3 percent of its current year estimated
29 average daily attendance and may limit the maximum number of pupils transferring out under
30 this article for the duration of the program authorized by this article to 10 percent of
31 the average daily attendance for that period.² (Additions or changes are indicated by
32 underline.)

33 Education Code section 48209.9, as amended by Chapter 1262/94, states the following:

- 34 (a) Commencing January 1, 1994, any application for transfer under this article shall be
35 submitted by the pupil's parent or guardian to the school district of choice that has elected to
36 accept transfer pupils pursuant to Section 48209.1 prior to January 1 of the school year

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² Article 1.5 was added by Stats.1993, c.160 (A.B.19), section 1, becomes inoperative July 1, 2000 and is repealed Jan. 1, 2001, under the provisions of section 48209.16.

1 preceding the school year for which the pupil is to be transferred. This application deadline
2 may be waived upon agreement of the pupil's school district of residence and the school
district of choice. No applications shall be submitted after January 1, 1999.

- 3 (b) The application shall be submitted on a form provided for this purpose by the State
4 Department of Education and may request enrollment of the pupil in a specific school or
5 program of the district.
- 6 (c) Not later than 90 days after the receipt by a school district of an application for transfer, the
7 governing board of the district shall notify the parent or guardian in writing whether the
8 application has been provisionally accepted or rejected or of the pupil's position on any
9 waiting list. Final acceptance or rejection shall be made by May 15 preceding the school year
10 for which the pupil is to be transferred. In the event of an acceptance, that notice shall be
11 provided also to the school district of residence. If the application is rejected, the district
12 governing board shall set forth in the written notification to the parent or guardian the
13 specific reason or reasons for that determination, and shall ensure that the determination, and
the specific reason or reasons therefor, are accurately recorded in the minutes of the board
meeting in which the determination was made.
- 14 (d) The parent or guardian of a pupil who is prohibited from transferring pursuant to either
15 subdivision (b) of Section 48209.1 or Section 48209.7 may appeal the decision to the county
16 board of education.
- 17 (e) Final acceptance of the transfer is applicable for one school year and will be renewed
18 automatically each year unless the school district of choice through the adoption of a
19 resolution withdraws from participation in the program and no longer will accept any transfer
20 pupils from other districts. However, if a school district of choice withdraws from
21 participation in the program, high school pupils admitted under this article may continue until
22 they graduate from high school. (Additions or changes are indicated by underline.)

18 The Commission on State Mandates determined on April 28, 1995, that when a
19 school district elects to become a school district of choice (the receiving district in the choice
20 transfer process) under Education Code section 48209.1 of Chapter 160/93, such election is a
21 voluntary, permissive act and, accordingly, not a reimbursable state mandated program.³

22 For the school district of residence (the sending district in the choice transfer
23 process), the Commission also determined in CSM-4451 that a limited state mandated activity
24 exists in section 48209.1, subdivision (b). That subdivision states that the "... school district of
25 residence ... may prohibit the transfer of a pupil under this article..." and the permissive "may"
26 thus seemingly avoids any subsequent reimbursable state mandated duties specified in section
27 48209.1. Nevertheless, the Commission determined that a district of residence, only when
28 subject to a court-ordered desegregation plan, must confirm that the proposed transfer does not
negatively impact such plan. This activity constitutes a reimbursable state mandated program.

1 However, because this activity has already been recognized for reimbursement in
2 a separate test claim, the Commission determined that no reimbursable state mandated program
3 exists in section 48209.1 for the purposes of this test claim.⁴ The Commission found that the
4 changes which have been made to section 48209.1 since its previous decision on this section
5 serve to provide technical clarifications in subdivisions (a) and (b). In the new subdivision (c),
6 however, the Legislature made clear a policy that school districts of residence are not to adopt
7 policies which block or discourage pupils from applying for transfer to another district. None of
8 these changes subsequent to the Chapter 160/93 amendment would appear to negate the
9 Commission's decision on CSM-4451. Finally, despite claimant's contention that the Chapter
10 1262/94 amendment to section 48209.9 impacts the CSM-4451 Commission determination on
11 section 48209.1, the Commission disagreed and determined that section 48209.1 contains no
12 reimbursable state mandated program.

13 Regarding Education Code section 48209.7, the Commission's Statement of
14 Decision (CSM-4451) also addressed this section and stated that no reimbursable state mandated
15 program exists regarding school districts of residence. Section 48209.7 provides a mathematical
16 limitation that a school district of residence may use in the event that it decides to prohibit a
17 pupil from leaving its district to attend a school district of choice. Similarly, in this
18 test claim, CSM-4476, the Commission again determined that the use of the word "may" makes
19 district limitations under section 48209.7 permissive. The Commission noted that no substantive
20 changes have been made to section 48209.7 which would negate its April 28, 1995 determination
21 on this section. Although claimant contends that the Chapter 1262/94 amendment to section
22 48209.9 impacts the CSM-4451 Commission determination on
23 section 48209.7, the Commission disagreed and determined that section 48209.7 contains no
24 reimbursable state mandated program.

25 Regarding Education Code section 48209.9, Chapter 1262/94, added subdivision
26 (d) to this section, which provides, "[t]he parent or guardian of a pupil who is prohibited from
27 transferring pursuant to either subdivision (b) of Section 48209.1 or Section 48209.7 may appeal
28 the decision to the county board of education."

³ See Statement of Decision, CSM-4451, School District of Choice, adopted on April 28, 1995.

⁴ See Statement of Decision, CSM-4451, School District of Choice, adopted on April 28, 1995.

1 Because the parent/guardian has a new statutory right to appeal a transfer that was
2 prohibited under these two sections, the county board of education has no option but to respond
3 to that appeal (regardless of whether or not the denial was discretionary on the part of the school
4 district).

5 No prior requirements regarding this matter existed in law. The Commission
6 therefore determined that the parent/guardian's authority to appeal a denied transfer imposes a
7 reimbursable state mandated program upon county boards of education.

8 Further, although not explicitly required, the county board must first establish an
9 appropriate process for these appeal hearings. Claimant states the appeals process could be
10 modeled after the complex process provided for in sections 46601 and 46602.

11 Although recognizing the need for a process, the Commission disagreed with
12 claimant's suggestion of using sections 44601 and 44602 as a model for the parameters and
13 guidelines. The Commission noted that the Legislature, in enacting subdivision (d), did not spell
14 out elaborate procedures similar to those contained in sections 46601 and 46602; further, the
15 Legislature could have simply incorporated by reference the provisions of sections 46601 and
16 46602, but did not. The Commission also observed that new subdivision (c) to section 48209.1
17 was added along with subdivision (d) to section 48209.9. (See Chapter 1262/94.) Subdivision
18 (c) states that, "[t]he school district of residence shall not adopt policies that in any way block or
19 discourage pupils from applying for transfer to another district." The Commission found that
20 subdivision (c) expressly warns school districts of residence to not purposefully discourage the
21 utilization of the school district of choice vehicle and, therefore, school districts will indeed heed
22 and follow such directive.

23 The Commission found that simple, non-complex appeals procedures were
24 contemplated by the Legislature in light of the admonition set forth in subdivision (c), rather than
25 the elaborate procedures such as those contained in sections 46601 and 46602. Therefore, the
26 Commission determined that simple, non-complex appeals procedures fall within the scope of
27 the statutory provisions and, accordingly, should be employed in the parameters and guidelines.
28 Moreover, the Commission found that a simple process is appropriate in view of the limited state
mandated activity associated with the appeals process upon school districts of residence as
described below.

1 Claimant asserted that school districts of residence are required to participate in
2 and respond to the county board's appeal process. Although this section implicitly requires
3 district of residence participation, such activity is not considered reimbursable if it results from a
4 discretionary denial on the part of the district. Section 48209.1 states that the district of
5 residence, "may prohibit the transfer of a pupil under this article". Likewise, section 48209.7
6 states in both subdivisions (a) and (b) that the district of residence "may limit...". The inclusion
7 of the word "may" in both of these sections makes transfer denials permissive. Accordingly, the
8 Commission determined that any required statutory activity (such as participation in the appeal
9 process by any school district) resulting from a section 48209.1 or 48209.7 denial is *not*
10 reimbursable as a *state mandated activity* because of the discretion initially exercised in the
11 decision to deny. (See *City of Merced v. State of California* (1984) 153 Cal.App.3d 777, 783;
12 *County of Contra Costa v. State of California* (1986) 177 Cal. App.3d 62, 79.)

13 The one exception, as noted in the Commission's Statement of Decision for
14 CSM-4451, would be a district of residence subject to a court-ordered desegregation plan which
15 must confirm that the proposed transfer does not negatively impact that plan. At its
16 April 28, 1995 hearing, the Commission determined that this confirmation activity imposes a
17 reimbursable state mandated program upon a district of residence.

18 Correspondingly, the Commission determined that the district of residence's
19 participation in and response to a county board of education's appeal process, under subdivision
20 (d) of section 48209.9, resulting only from a denied transfer based on the negative impact upon
21 that district's court-ordered desegregation plan, constitutes a reimbursable state mandated
22 activity.

23 Finally, the Commission found that none of the previous Commission
24 determinations as addressed in the claimant's August 15, 1995 rebuttal are comparable to this
25 claim. Independently of these previous determinations, the Commission determined that the
26 permissive "may" in sections 48209.1 and 48209.7 clearly does not impose a new program or
higher level of service upon school districts (as previously determined in CSM-4451).

27 Further, even with the addition of section 48209.9, which allows for denied
28 transfer appeals due to section 48209.1 or 48209.7, the Commission determined that no language
in any of these three sections explicitly or implicitly requires the monitoring of racial or ethnic
balances or limits as claimant alleged. The Commission reviewed claimant's assertion that

1 school districts would be acting arbitrarily to either approve or deny the transfer without
2 considering its impact on the ethnic balance of the district, since according to claimant, school
3 districts have a pre-existing constitutional duty to equalize the demographics of its schools. The
4 case cited by claimant, *Long Beach Unified School District v. State of California*, (1990) 225
5 Cal.App.3d 155, and other cases reviewed by the Commission did not support claimant's
6 assertion that Education Code section 48209.1, subdivision (b)(3), required school districts to
7 check "the racial and ethnic balance of the district" before approving or denying a choice
8 transfer. (See *Crawford v. Board of Education* (1976) 17 Cal.3d 280.) Accordingly, the
9 Commission rejected claimant's contention that school districts have a pre-existing
10 constitutional duty to equalize the demographics of its schools or to maintain a certain racial and
11 ethnic balance.

12 Finally, the Commission acknowledged the closing testimony from the
13 Department of Finance which noted that the Legislature's use of the terms "may" and "shall" in
14 closely related sections was significant because of the Legislature's awareness of their use of the
15 two terms and that if the Legislature had wanted to make a statute mandatory, this was clearly
16 within their purview. (Transcript, Commission Hearing, March 28, 1996, pp. 71-72.)

17
18 **APPLICABLE LAW RELEVANT TO THE DETERMINATION**
19 **OF A REIMBURSABLE STATE MANDATED PROGRAM**

20 The applicable law relevant to this determination of a reimbursable state
21 mandated program is Government Code section 17500 and following, and section 6 of
22 Article XIII B of the California Constitution, and related case law.

23
24
25 **CONCLUSION**

26 Based on the foregoing, the Commission approves the test claim in part. The
27 Commission finds that the parent/guardian's authority to appeal a denied transfer contained in
28 section 48209.9, subdivision (d), imposes a reimbursable state mandated program upon county
boards of education. Because the parent/guardian has a new statutory right to appeal a transfer
that was prohibited under section 48209.1 or section 48209.7, the county board of education has

1 no option but to respond to that appeal (regardless of whether or not the denial was discretionary
2 on the part of the school district). Further, although not explicitly required, the county board
3 must first establish an appropriate, non-complex process for these appeal hearings, which shall
4 be addressed in the parameters and guidelines. No requirements regarding this matter existed in
5 law prior to January 1, 1975.

6 The Commission concludes that the district of residence's participation in and
7 response to a county board of education's appeal process, under subdivision (d) of section
8 48209.9, resulting solely from a denied transfer based on the negative impact upon that district's
9 court-ordered desegregation plan, constitutes a reimbursable state mandated activity.

10 Further, the foregoing conclusions pertaining to the requirements contained in
11 Education Code sections 48209.1, 48209.7 and 48209.9 are subject to the following conditions:

12 The determination of a reimbursable state mandated program does not mean that
13 all increased costs claimed will be reimbursed. Reimbursement, if any, is subject
14 to Commission approval of parameters and guidelines for reimbursement of the
15 mandated program; approval of a statewide cost estimate; a specific legislative
16 appropriation for such purpose; a timely-filed claim for reimbursement; and
17 subsequent review of the claim by the State Controller's Office.

18 Finally, the Commission concludes that no reimbursable state mandated programs
19 exist in section 48209.1, section 48209.7, or in the remainder of section 48209.9 for the purposes
20 of this test claim.

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Adopted: July 25, 1996
File Number: CSM-4451, CSM-4476
Staff: Piper Rodrian
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Proposed Amendment to Parameters and Guidelines

School District of Choice: Transfers and Appeals

Amending Current Parameters And Guidelines For:

Education Code section 48209.1
Education Code section 48209.7
Education Code section 48209.10
Education Code section 48209.13
Education Code section 48209.14
Chapter 160, Statutes of 1993
School District of Choice

To Include:

Education Code section 48209.9
Chapter 1262, Statutes of 1994
Choice Transfer Appeals

I. SUMMARY OF THE SOURCE OF THE MANDATE

Chapter 160, Statutes of 1993, added Article 1.5, "Pupil Attendance Alternatives," to Chapter 2, Part 27 of the Education Code (section 48209, et seq.) which established a new program of optional interdistrict attendance based on a choice of participating districts.¹ Chapter 1262, Statutes of 1994, amended Education Code section 48209.9, adding new subdivision (d), to establish the statutory right of the parent or guardian of a pupil who is prohibited from transferring pursuant to either Education Code section 48209.1, subdivision (b), or section 48209.7 to appeal this decision to the county board of education.²

Article 1.5 provides that any school district may elect to accept interdistrict transfers pursuant to the Article, that is, to become a school district of attendance "choice" for pupils from other school districts. If a district makes the election, the choice program requires several non-discriminatory policies: (1) transfers are to be allowed on a random basis, subject to a numerical limit adopted by either the "sending" district of residence or "receiving" district of choice and may be prohibited if they adversely affect either school district's integration program; (2) although districts are not required to establish new programs to accommodate the pupil transfer, the school district of choice cannot prohibit a transfer of a pupil just because the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer; (3) resident pupils cannot be displaced by a choice transfer; (4) rejected requests for transfer require that the district provide written notification to the parent or guardian of the reason; and (5) once a transfer is granted, the pupil has the right of continued articulation to other grade levels. Further, all school districts are required to collect and report data on the numbers of requests submitted, transfers granted and transfers denied.

¹ Operative January 1, 1994 and subject to repeal as of January 1, 2001.

² Chapter 1262/94 became effective as a matter of urgency on September 30, 1994.

II. COMMISSION ON STATE MANDATES DECISION

The Commission on State Mandates, in the Statement of Decision adopted at the April 28, 1995 hearing on CSM-4451, entitled *School District of Choice*, and in the Statement of Decision adopted at the May 6, 1996 hearing on CSM-4476, entitled *Choice Transfer Appeals*, found that Education Code sections 48209.1, subdivision (b), 48209.10, subdivisions (a) and (b), 48209.13, and 48209.14, as added by Chapter 160, Statutes of 1993, and Education Code section 48209.9, subdivision (d), added by Chapter 1262, Statutes of 1994, impose a new program or higher level of service within the meaning of section 6, Article XIII B of the California Constitution, for school districts of residence to implement pupil transfers to school districts of choice.

The Commission determined that the following provisions established costs mandated by the state pursuant to Government Code section 17514, by requiring school districts of residence to:

- 1) Pursuant to section 48209.1, subdivision (b), make a determination of whether the transfer to the school district of choice will negatively impact the district's applicable court-ordered desegregation plan.³
- 2) Pursuant to section 48209.9, subdivision (d), participate in and respond to a county board of education's appeal process, resulting only from a denied transfer based on the negative impact upon that district's court-ordered desegregation plan.
- 3) Pursuant to section 48209.10, subdivision (a) provide to the district of choice information regarding the transferring pupil's completed coursework, attendance, and other academic progress; and pursuant to subdivision (b), implement the return of a pupil whose transfer to a choice district has been revoked upon recommendation for expulsion by the choice district by accepting back from the school district of choice any completed coursework, attendance and other academic progress of the pupil.
- 4) Pursuant to section 48209.14, collect data of all requests to transfer to a school district of choice including the number of transfers granted, denied or withdrawn. In the case of denied requests, the records shall indicate the reasons for the denials. Also, the records shall disclose the number of pupils transferred out of these districts. The information maintained shall be reported to the district governing board and Superintendent of Public Instruction. Adopt cost effective methods of assembling and maintaining the information described in section 48209.14.

The Commission determined that the following provisions established costs mandated by the state pursuant to Government Code section 17514, by requiring all school districts to:

- 5) Pursuant to section 48209.13, make information specifically related to alternative pupil attendance choices available to any interested person upon request. This limited mandated activity would not apply to such requests already provided for elsewhere in the law.

The Commission determined that the following established costs mandated by the state pursuant to Government Code section 17514, by requiring all county boards of education to:

³ "Section" refers to the Education Code unless otherwise indicated.

- 6) Pursuant to section 48209.9, subdivision (d), establish an appropriate, non-complex process to hear and decide appeals filed by the parent or guardian of any pupil who has been denied a choice transfer by a district of residence pursuant to section 48209.1 or 48209.7.
- 7) Pursuant to section 48209.9, subdivision (d), respond to an appeal filed by the parent or guardian of any pupil who has been denied a choice transfer by a district of residence pursuant to section 48209.1 or 48209.7.

III. ELIGIBLE CLAIMANTS

Any "school district", as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement.

IV. PERIOD OF REIMBURSEMENT

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. The test claim for CSM-4451, entitled *School District of Choice*, was submitted on February 17, 1994. Therefore all mandated costs incurred on or after January 1, 1994, the operative date of Chapters 160, Statutes of 1993, for implementation of sections 48209.1, subdivision (b), 48209.10, subdivisions (a) and (b), 48209.13; and 48209.14, are reimbursable. The test claim for CSM-4476, entitled *Choice Transfer Appeals*, was submitted on April 3, 1995. Therefore all mandated costs incurred for the denied choice transfer appeal process on or after September 30, 1994, the operative date of Chapter 1262, Statutes of 1994, for implementation of section 48209.9; subdivision (d), are reimbursable.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. All claims for reimbursement of costs shall be submitted pursuant to Government Code section 17561.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

V. REIMBURSABLE COSTS

A) Scope of the Mandate

- 1) All school districts shall be reimbursed for the costs incurred to make information specifically related to alternative pupil attendance choices available to any interested person upon request. This reimbursement does not apply to such requests already provided for elsewhere in the law. These costs shall be offset to the extent that fees may be charged pursuant to the California Public Records Act (Government Code section 6250 et seq.).
- 2) School districts which are districts of residence as a result of the transfer of a resident pupil to a district of choice shall be reimbursed for the costs incurred to:

- a) make a determination of whether the transfer to the school district of choice will negatively impact the district's court-ordered desegregation plan;
 - b) participate in and respond to a county board of education's appeal process, resulting only from a denied transfer based on the negative impact upon that district's court-ordered desegregation plan;
 - c) implement the transfer to the district of choice by providing information regarding the transferring pupil's completed coursework, attendance and other academic progress;
 - d) implement the return of a pupil whose transfer to a choice district has been revoked upon recommendation for expulsion from the choice district by accepting back any completed coursework, attendance and other academic progress of the pupil; and,
 - e) collect data on the number of all requests to transfer to a school district of choice including transfers granted, denied or withdrawn. In the case of denied requests, indicate in the record the reasons for the denials. Annually report these statistics to the district governing board and Superintendent of Public Instruction. Adopt cost effective methods of assembling and maintaining the information described in section 48209.14.
- 3) All county boards of education shall be reimbursed for the costs incurred to establish an appropriate, non-complex process to hear and decide appeals filed by the parent or guardian of any pupil who has been denied a choice transfer by a district of residence pursuant to section 48209.1 or 48209.7 and to respond to an appeal filed by the parent or guardian of any pupil who has been denied a choice transfer by a district of residence pursuant to section 48209.1 or 48209.7.

B) Reimbursable Activities

For each eligible school district and county office of education, the direct and indirect costs of labor, supplies and services incurred for the following mandate components are reimbursable:

1) Information Requests

For all school districts to respond to telephone and written inquiries for information regarding alternative pupil attendance choices for its schools, programs, policies and procedures. These costs shall be offset to the extent that fees may be charged pursuant to the California Public Records Act (Government Code section 6250 et seq.).

2) Implementing Pupil Transfers

For school districts of residence to provide the district of choice information regarding the transferring pupil's completed coursework, attendance and other academic progress, and to otherwise implement the transfer out of pupils, as well as the return transfer of a pupil whose choice transfer has been revoked by the district of choice as the result of a recommendation for expulsion.

3) Data Collection and Reporting

For school districts of residence to collect data on the number of transfers granted, denied, or withdrawn and annually report these statistics to the district governing board and Superintendent of Public Instruction.

4) Court-ordered Desegregation Plans

For school districts of residence with court-ordered desegregation plans to make a determination of whether the transfer to the school district of choice will negatively impact the plan; and to participate in and respond to a county board of education's appeal process, resulting only from a denied transfer based on the negative impact upon that district's court-ordered desegregation plan.

5) County Office Appeals

All county boards of education shall be reimbursed for the costs incurred to establish an appropriate, non-complex process to hear and decide appeals filed by the parent or guardian of any pupil who has been denied a choice transfer by a district of residence pursuant to section 48209.1 or 48209.7 and to respond to an appeal filed by the parent or guardian of any pupil who has been denied a choice transfer by a district of residence pursuant to section 48209.1 or 48209.7.

VI. CLAIM PREPARATION

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each item for which reimbursement is claimed under this mandate.

A) Reporting By Components

Claimed costs must be allocated according to the five components of reimbursable activity described in section V. B., *Reimbursable Activities*.

B) Supporting Documentation

Claimed costs should be supported by the following information. Determination of the adequacy of claimants' supporting documentation is within the purview of the State Controller, as permitted by law.

1) Employee Salaries and Benefits

Identify the employee(s) and their job classification, describe the mandated functions performed and specify the actual number of hours devoted to each function, the productive hourly rate and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study.

2) Materials and Supplies

Only the expenditures which can be identified as a direct cost of the mandate can be claimed. List costs of materials which have been consumed or expended specifically for the purpose of this mandate.

3) Contracted Services

Give the name(s) of the contractor(s) who performed the service(s). Describe the activities performed by each named contractor and give the number of actual hours

spent on the activities. Show the inclusive dates when services were performed and itemize all costs for those services.

4) Allowable Overhead Cost

School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.

County offices of education must use the J-73A (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.

C) Cost Accounting Statistics

The State Controller is directed to include in its claiming instructions each year the requirement that claimants report to the State Controller the following statistics for the purpose of establishing a database for potential future reimbursement based on prospective rates:

- 1) ~~The number of requests for "choice" transfers out of the district of residence.~~
- 2) The number of "choice" transfers out of the district of residence granted.
- 3) The number of requests for "choice" transfers into the district of choice. (Applicable only to districts which have adopted the choice plan, and are filing claims for reimbursement as a result of their concurrent status as a "district of residence".)
- 4) The number "choice" transfers into the district of choice granted. (Applicable only to districts which have adopted the choice plan, and are filing claims for reimbursement as a result of their concurrent status as a "district of residence".)
- 5) The number of choice transfer appeals filed and where a district of residence denied the choice transfer pursuant to section 48209.1 or 48209.7. (Applicable only to county boards of education.)

VII. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents (e.g. employee time records, invoices, receipts, purchase orders, contracts, etc.) and/or worksheets that show evidence of and the validity of such claimed costs. Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district is subject to audit by the State Controller no later than two years after the end of the calendar year in which the reimbursement claim is filed or last amended. However, if no funds are appropriated for the program for the fiscal year for which the claim is made, the time for the State Controller to initiate an audit shall commence to run from the date of initial payment of the claim.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, i.e., service fees collected, federal funds, other state funds, etc., shall be identified

and deducted from this claim. The Commission has determined that some of the reimbursable costs for the mandated activity found in section 48209.14, to make information specifically related to alternative pupil attendance choices available to any interested person upon request, would be offset or reduced by the amount of fees that may be charged by school districts as authorized under the California Public Records Act (Government Code section 6250 et seq.).

IX. REQUIRED CERTIFICATION

An authorized representative of the claimant will be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained therein.

SCHOOL DISTRICT OF CHOICE: TRANSFERS AND APPEALS

1. Summary of Chapters 160/93 and 1262/94

Education Code § 48209.1, Subdivision (b), § 48209.10, Subdivisions (a) and (b), §§ 48209.13, and 48209.14 as added and amended by Chapter 160, Statutes of 1993, and § 48209.9, Subdivision (d), as amended by Chapter 1262, Statutes of 1994, require that any school district may elect to become a school district of attendance "choice" for pupils of other school districts. However, if a district makes the election, the choice program requires several non-discriminatory policies: (a) Transfers are to be allowed on a random basis, subject to a numerical limit adopted by either the "sending" district of residence or "receiving" district of choice and may be prohibited if they adversely affect either school district's integration program; (b) although districts are not required to establish new programs to accommodate the pupil transfer, the school district of choice cannot prohibit a transfer of a pupil if the cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer; (c) resident pupils cannot be displaced by a choice transfer; (d) rejected requests for transfer require the district to provide written notification of the reason for rejection to the parent or guardian; and (e) once a transfer is granted, the pupil has the right of continuation to other grade levels.

Pursuant to Education Code § 48209.9, the parent or guardian has a new statutory right to appeal a transfer that was prohibited under Subdivision (b) of § 48209.1 or § 48209.7; the county office of education has no option but to respond to that appeal regardless of whether or not the denial was discretionary on the part of the school district.

Further, the parent or guardian has the authority to appeal a denied transfer, but the county office of education must first establish an appropriate process for these special hearings. The district residence's participation in and response to a county office of education's appeal process is reimbursable only if it results solely from a denied transfer based on requirements of a court-ordered desegregation plan. All school districts are required to collect and report data on the number of requests submitted, transfers granted, and transfers denied.

On April 28, 1995, and May 6, 1996, the Commission on State Mandates determined that Chapter 160, Statutes of 1993, and Chapter 1262, Statutes of 1994, resulted in state mandated costs that are reimbursable pursuant to Part 7 (commencing with Government Code § 17500) of Division 4 of Title 2.

2. Eligible Claimants

Any school district (K-12) or county office of education that incurs increased costs as a result of this mandate is eligible to claim reimbursement of these costs.

3. Appropriations

These claiming instructions are issued following the adoption of the program's parameters and guidelines by the Commission on State Mandates. Funding for the payment of initial claims covering the period January 1, 1994, to June 30, 1994, and fiscal years 1994/95, 1995/96, and 1996/97 may be made available in a future appropriations act, subject to approval of the Legislature and the Governor.

To determine if this program is funded in subsequent fiscal years, refer to the schedule "Appropriation for State Mandated Cost Programs" in the "Annual Claiming Instructions for State Mandated Costs" issued in September of each year to county superintendents of schools and superintendents of schools.

4. Types of Claims

A. Reimbursement and Estimated Claims

A claimant may file a reimbursement and/or an estimated claim. A reimbursement claim details the costs actually incurred for a prior fiscal year. An estimated claim shows the costs to be incurred for the current fiscal year.

B. Minimum Claim

Government Code § 17564(a) provides that no claim shall be filed pursuant to Government Code § 17561 unless such a claim exceeds \$200 per program per fiscal year. However, any county superintendent of schools, as fiscal agent for the school district, may submit a combined claim in excess of \$200 on behalf of one or more districts within the county even if the individual district's claim does not exceed \$200. A combined claim must show the individual costs for each district. Once a combined claim is filed, all subsequent years relating to the same mandate must be filed in a combined form. The county receives the reimbursement payment and is responsible for disbursing funds to each participating district. A district may withdraw from the combined claim form by providing a written notice to the county superintendent of schools and the State Controller's Office of its intent to file a separate claim, at least 180 days prior to the deadline for filing the claim.

5. Filing Deadline

A. Initial Claims

Initial claims must be filed within 120 days from the issuance date of the claiming instructions. Accordingly:

- (1) Reimbursement claims detailing the actual costs incurred for the period 01/01/94 to 06/30/94, and 1994/95 and 1995/96 fiscal years must be filed with the State Controller's Office and postmarked by July 28, 1997. If the reimbursement claim is filed after the deadline of July 28, 1997, the approved claim must be reduced by a late penalty of 10%, not to exceed \$1,000. Claims filed more than one year after the deadline will not be accepted.
- (2) Estimated claims for costs to be incurred during the 1996/97 fiscal year must be filed with the State Controller's Office and postmarked by July 28, 1997. Timely filed estimated claims are paid before late claims. If a payment is received for the estimated claim, a 1996/97 reimbursement claim must be filed by November 30, 1997.

B. Annually Thereafter

Refer to the item "Reimbursable State Mandated Cost Programs" contained in the annual cover letter for mandated cost programs issued annually in September, which identifies the fiscal years for which claims may be filed. If an "x" is shown for the program listed under "19__/19__ Reimbursement Claim," and/or "19__/19__ Estimated Claim," claims may be filed as follows:

- (1) 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 an 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, monies received for the estimated claim 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. For information regarding appropriations for reimbursement claims, refer to the "Appropriation for State Mandated Cost Programs" in the previous fiscal year's annual claiming instructions.

- (2) A reimbursement claim detailing the actual costs must be filed with the State Controller's Office and postmarked by November 30 following the fiscal year in which costs were incurred. If the claim is filed after the deadline but by November 30 of the succeeding fiscal year, the approved claim must be reduced by a late penalty of 10%, not to exceed \$1,000. Claims filed more than one year after the deadline will not be accepted.

6. Scope of the Mandate

- A. All school districts are required to make information specifically related to alternative pupil attendance choices available to any interested person on request, unless such requests are already provided for elsewhere by law. A claim for costs shall be offset to the extent that fees may be charged pursuant to the California Public Records Act (Government Code § 6250 et seq.).
- B. School districts which are districts of residence as a result of the transfer of a resident pupil to a district of choice shall:
 - (1) Make a determination of whether the transfer to the school district of choice will negatively impact the district's court-ordered desegregation plan.
 - (2) Participate in and respond to a county office of education's appeal process, resulting only from a denied transfer based on the negative impact on that district's court-ordered desegregation plan.
 - (3) Implement the transfer to the district of choice by providing information regarding the transferring pupil's completed coursework, attendance, and other academic progress.
 - (4) Implement the return of a pupil whose transfer to a choice district has been revoked upon recommendation for expulsion from the choice district by accepting back any completed coursework, attendance, and other academic progress of the pupil.
 - (5) Collect data on the number of all requests to transfer to a school district of choice including transfers granted, denied, or withdrawn. In the case of denied requests, indicate in the record the reason for the denials. Annually report these statistics to the district governing board and Superintendent of Public Instruction. Adopt cost effective methods of asseribiing and maintaining the information described in Education Code § 48209.14.
- C. All county offices of education shall:
 - (1) Establish an appropriate, non-complex process to hear and decide appeals filed by the parent or guardian of any pupil who has been denied a choice transfer by a district of residence.
 - (2) Respond to an appeal filed by the parent or guardian of any pupil who has been denied a choice transfer by a district of residence.

7. Reimbursable Components

Eligible claimants will be reimbursed for costs incurred in performing the following activities:

A. Information Requests

Response to telephone and written inquiries for information regarding alternative pupil attendance choice for its schools, programs, policies, and procedures. These costs shall be offset to the extent that fees may be charged pursuant to the California Public Records Act (Government Code § 6250 et seq.).

B. Implementing Pupil Transfers

School districts of residence to provide the district of choice, information regarding the transferring pupil's completed coursework, attendance, and other academic progress, and to otherwise implement the transfer out of pupils, as well as the return transfer of a pupil whose choice transfer has been revoked by the district of choice as a result of a recommendation for expulsion.

C. Data Collection and Reporting

School districts of residence to collect data on the number of transfers granted, denied, or withdrawn, and annually report these statistics to the district governing board and Superintendent of Public Instruction.

D. Court-ordered Desegregation Plans

School districts of residence with court-ordered desegregation plans to make a determination of whether the transfer to a school district of choice will negatively impact the plan; and to participate in and to respond to a county board of education's appeal process, resulting only from a denied transfer based on the negative impact upon that district court-ordered desegregation plan.

The above components, 7.A. through 7.D., are reimbursable for the period 1/1/94 through 6/30/94, 1994/95, and subsequent fiscal years.

E. Appeal Process

All county boards of education shall establish an appropriate, non-complex process to hear and decide appeals filed by the parent or guardian of any pupil who has been denied a choice transfer by a district of residence pursuant to section 48209.1 or 48209.7 and to respond to an appeal filed by the parent or guardian of any pupil who has been denied a choice transfer by a district of residence pursuant to section 48209.1 or 48209.7.

The above component 7.E., is reimbursable for the period 9/30/94 through 6/30/95, 1995/96, and subsequent fiscal years.

8. Reimbursement Limitations

- A. Any offsetting savings or reimbursement the claimant received from any source (e.g. service fees collected, federal funds, other state funds, etc.) as a result of this mandate shall be identified and deducted so only net local costs are claimed.
- B. The reimbursable costs for the mandated activity to make information specifically related to alternative pupil attendance choices available to interested parties, must be offset or reduced by the amount of fees that may be charged by school districts as authorized under California Public Records Act (Government Code § 6250 et seq.).

9. 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 forms SDC-1 and SDC-2 provided the format of the report and data fields contained within the report are identical to the claim forms included in these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file estimated or reimbursement claims. The State Controller's Office will revise the manual and claim forms as necessary. In such instances, new replacement forms will be mailed to claimants.

A. Form SDC-2, Component/Activity Cost Detail

This form is used to segregate the detailed costs by claim component. A separate form SDC-2 must be completed for each cost component being claimed. Costs reported on this form must be supported as follows:

(1) Salaries and Benefits

Identify the employee(s), and/or show the classification of the employee(s) involved. Describe the mandated functions performed and specify the actual time devoted to each function by each employee, the productive hourly rates and related fringe benefits.

Source documents required to be maintained by the claimant may include, but are not limited to, employee time records that show the employee's actual time spent on this mandate.

(2) Materials and Supplies

Only expenditures that can be identified as a direct cost of the mandate may be claimed. List the cost of materials consumed or expended specifically for the purpose of this mandate.

Source documents required to be maintained by the claimant may include, but are not limited to, invoices, receipts, purchase orders and other documents evidencing the validity of the expenditures.

(3) Contracted Services

Contracting costs are reimbursable to the extent that the function to be performed requires special skill or knowledge that is not readily available from the claimant's staff, or the service to be provided by the contractor is cost effective. Use of contract services must be justified by the claimant.

Give the name(s) of contractor(s) who performed the service(s). Describe the activities performed by each named contractor, actual time spent on this mandate, inclusive dates when services were performed, and itemize all costs for services performed. Attach consultant invoices with the claim.

Source documents required to be maintained by the claimant may include, but are not limited to, contracts, invoices, and other documents evidencing the validity of the expenditures.

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. When no funds are appropriated for the initial claim at the time the claim was filed, supporting documents must be retained for two years from the date of initial payment of the claim. Such documents shall be made available to the State Controller's Office on request.

B. Form SDC-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. The claimant must give the following statistics:

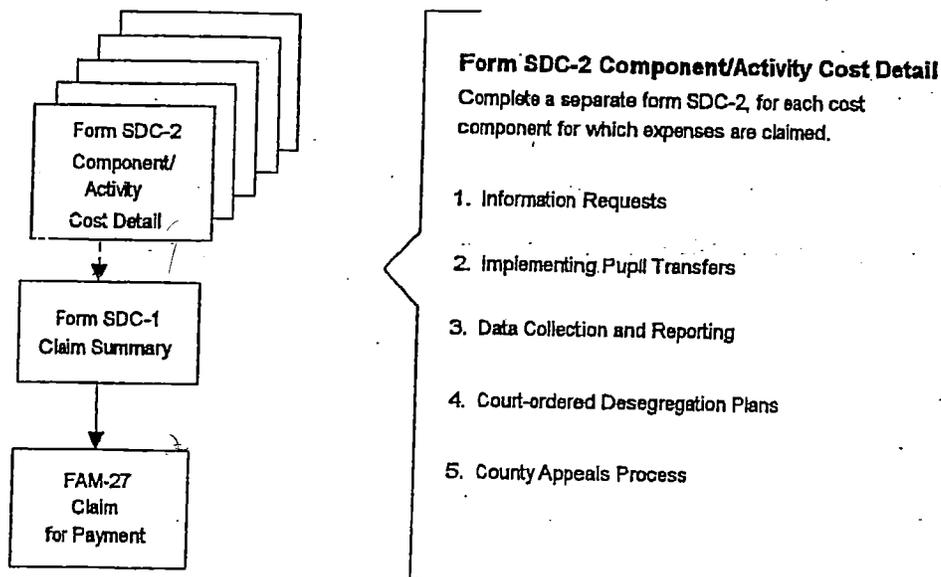
- (1) The number of requests for "choice" transfers out of the district of residence.
- (2) The number of "choice" transfers out of the district of residence granted.
- (3) The number of requests for "choice" transfers into the district of choice.
(Applicable only to districts that have adopted the choice plan, and are filing claims for reimbursement as a result of their concurrent status as a "district of residence".)
- (4) The number of "choice" transfers into the district of choice that were granted.
(Applicable only to districts that have adopted the choice plan, and are filing claims for reimbursement as a result of their concurrent status as a "district of residence".)
- (5) The number of "choice" transfer appeals filed, when the "choice" transfers were denied by the district of residence pursuant to section 48209.1 or 48209.7.
(Applicable only to county boards of education.)

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 SDC-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
SCHOOL DISTRICT OF CHOICE:
TRANSFERS AND APPEALS

For State Controller's Office Only	Program
(19) Program Number 00156	156
(20) Date Filed ___/___/___	
(21) LRS Input ___/___/___	

L A B E L H E R E	(01) Claimant Identification Number		Reimbursement Claim Data		
	(02) Claimant Name		(22) SDC-1, (03)(a)		
	County of Location		(23) SDC-1, (03)(b)		
	Street Address or P.O. Box Suite		(24) SDC-1, (03)(c)		
	City State Zip Code		(25) SDC-1, (03)(d)		
			(26) SDC-1, (03)(e)		
Type of Claim		Estimated Claim		Reimbursement Claim	
		(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>	(27) SDC-1, (04)(1)(d)	
		(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(28) SDC-1, (04)(2)(d)	
		(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(29) SDC-1, (04)(3)(d)	
Fiscal Year of Cost		(06) 20___/20___	(12) 20___/20___	(30) SDC-1, (04)(4)(d)	
Total Claimed Amount		(07)	(13)	(31) SDC-1, (04)(5)(d)	
Less: 10% Late Penalty, not to exceed \$1,000			(14)	(32) SDC-1, (06)	
Less: Prior Claim Payment Received			(15)	(33)	
Net Claimed Amount			(16)	(34)	
Due to Claimant		(08)	(17)	(35)	
Due to State			(18)	(36)	

(37) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code § 17561, I certify that I am the officer authorized by the local agency to file claims with the State of California for costs mandated by Chapter 160, Statutes of 1993, and Chapter 1262, Statutes of 1994, 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 was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of services of an existing program mandated by Chapter 160, Statutes of 1993, and Chapter 1262, Statutes of 1994.

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 160, Statutes of 1993, and Chapter 1262, Statutes of 1994, set forth on the attached statements.

Signature of Authorized Officer _____

Date _____

Type or Print Name _____

Title _____

(38) Name of Contact Person for Claim _____

Telephone Number () - Ext. _____

E-Mail Address _____



SCHOOL DISTRICT OF CHOICE: TRANSFERS AND APPEALS
Certification Claim Form
Instructions

FORM
FAM-27

- (01) Leave blank.
- (02) A set of mailing labels with the claimant's I.D. number and address was enclosed with the letter regarding the claiming instructions. The mailing labels are designed to speed processing and prevent common errors that delay payment. Affix a label in the space shown 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 did not 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 or combined claim, enter an "X" in the box on line (05) Amended. Leave boxes (03) and (04) blank.
- (06) Enter the fiscal year in which costs are to be incurred.
- (07) Enter the amount of estimated claim. If the estimate exceeds the previous year's actual costs by more than 10%, complete form SDC-1 and enter the amount from 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 or a combined claim on behalf of districts within the county, enter an "X" in the box on line (11) Amended.
- (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 reimbursement claim from form SDC-1, line (11).
- (14) Reimbursement claims must be filed by January 15 of the following fiscal year in which costs are incurred or the claims shall 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 a claim was previously filed for the same fiscal year, enter the amount received for the claim. Otherwise, enter a zero.
- (16) Enter the result of subtracting 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 in line (18) Due to State.
- (19) to (21) Leave blank.
- (22) to (36) Reimbursement Claim Data. Bring forward the cost information as specified on the left-hand column of lines (22) through (36) for the reimbursement claim, e.g., SDC-1, (03)(a), means the information is located on form SDC-1, block (03), line (a). 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. Completion of this data block will expedite the payment process.
- (37) Read the statement "Certification of Claim." If it is true, the claim must be dated, signed by the agency's authorized officer, and must include the person's name and title, typed or printed. Claims cannot be paid unless accompanied by a signed certification.
- (38) Enter the name, telephone number, and e-mail address of the person to contact if additional information is required.

SUBMIT A SIGNED, ORIGINAL FORM FAM-27 WITH ALL OTHER FORMS AND SUPPORTING DOCUMENTS (NO COPIES NECESSARY) TO:

Address, if delivered by U.S. Postal Service:

OFFICE OF THE STATE CONTROLLER
 ATTN: Local Reimbursements Section
 Division of Accounting and Reporting
 P.O. Box 942850
 Sacramento, CA 94250

Address, if delivered by other delivery service:

OFFICE OF THE STATE CONTROLLER
 ATTN: Local Reimbursements Section
 Division of Accounting and Reporting
 3301 C Street, Suite 500
 Sacramento, CA 95816

MANDATED COSTS SCHOOL DISTRICT OF CHOICE: TRANSFERS AND APPEALS CLAIM SUMMARY	FORM SDC-1
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(01) Claimant	(02) Type of Claim	Fiscal Year
	Reimbursement <input type="checkbox"/>	19__/19__
	Estimated <input type="checkbox"/>	

Claim Statistics

(03)(a) Number of requests for "choice" transfers out of the district of residence	
(b) Number of "choice" transfers out of the district of residence granted	
(c) Number of requests for "choice" transfers into the district of choice	
(d) Number of "choice" transfers into the district of choice that were granted	
(e) Number of "choice" transfer appeals filed, when denied by the district of residence	

Direct Costs	Object Accounts			
(04) Reimbursable Components:	(a)	(b)	(c)	(d)
	Salaries and Benefits	Materials and Supplies	Contracted Services	Total
1. Information Requests				
2. Implementing Pupil Transfers				
3. Data Collection and Reporting				
4. Court-ordered Desegregation Plans				
5. Appeals Process				
(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))]

SCHOOL DISTRICT OF CHOICE AND CHOICE TRANSFER APPEALS CLAIM SUMMARY Instructions	FORM SDC-1
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- (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 for which costs were incurred or are to be incurred.
- Form SDC-1 must be filed for a reimbursement claim. Do not complete form SDC-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 SDC-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) Enter the following statistical information:
- (a) Number of requests for "choice" transfers out of the district of residence.
 - (b) Number of "choice" transfers out of the district of residence granted.
 - (c) Number of requests for "choice" transfers into the district of choice. (Applicable only to districts which have adopted the choice plan, and are filing claims for reimbursement as a result of their concurrent status as a "district of residence".)
 - (d) Number of "choice" transfers into the district of choice. (Applicable only to districts which have adopted the choice plan, and are filing claims for reimbursement as a result of their concurrent status as a "district of residence".)
 - (e) Number of "choice" transfer appeals filed where a district of residence denied the choice transfer pursuant to § 48209.1 or 48409.7. (Applicable only to county offices of education.)
- (04) Reimbursable Components. For each reimbursable component enter the totals from form SDC-2 line (05), columns (d), (e), and (f) to form SDC-1, block (04) columns (a), (b), and (c) in the appropriate row. 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 line (05)(d) and 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 fees that could have been collected by the school district as authorized under the California Public Records Act (Government Code § 6250 et. seq.) for providing information requested by interested persons regarding its schools. In addition, enter the amount of any 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 (07), for the Estimated Claim, or line (13), for the Reimbursement Claim.

MANDATED COSTS SCHOOL DISTRICT OF CHOICE: TRANSFERS AND APPEALS COMPONENT/ACTIVITY COST DETAIL	FORM SDC-2
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(01) Claimant	(02) Fiscal Year Costs Were Incurred
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(03) Reimbursable Component: Check only one box per form to identify the component being claimed.

<input type="checkbox"/> Information Requests	<input type="checkbox"/> Court-ordered Desegregation Plans
<input type="checkbox"/> Implementing Pupil Transfers	<input type="checkbox"/> Appeal Process
<input type="checkbox"/> Data Collection and Reporting	

(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	Object Accounts		
			(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services

(05) Total	<input type="text"/>	Subtotal	<input type="text"/>	Page: _____ of _____			
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SCHOOL DISTRICT OF CHOICE: TRANSFERS AND APPEALS COMPONENT/ACTIVITY COST DETAIL Instructions	FORM SDC-2
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- (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 SDC-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, contracted services, etc. **The descriptions required in column (4)(a) must be of sufficient detail to explain the cost of activities or items being claimed. If the descriptions are incomplete, the claim cannot be processed for payment.** 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. When no funds are appropriated for the initial claim at the time the claim was filed, supporting documents must be retained for two years from the date of initial payment of the claim. 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 for Service			Itemized Cost for 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 SDC-1, block (04) columns (a), (b), and (c) in the appropriate row.