

COMMISSION ON STATE MANDATES

1300 J STREET, SUITE 950
SACRAMENTO, CA 95814
PHONE: (916) 323-3562
FAX: (916) 4450278
E-mail: csminfo@csm.ca.gov



July 7, 1999

Mr. Paul Minney , Attorney at Law
Girard & Vinson
Grower's Square
1676 N. California Blvd., Suite 450
Walnut Creek, CA 94596

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

Re: **The Stull Act**, CSM 98-TC-25
Denair Unified School District, Claimant
Education Code Sections 44660, 44661, 44662, 44663, 44664, and 44665
Statutes of 1999, Chapter 4 (AB 1)
Statutes of 1995, Chapter 392
Statutes of 1986, Chapter 393
Statutes of 1983, Chapter 498
Statutes of 1975, Chapter 1216

Dear Mr. Minney:

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

The key issues before the Commission are:

- ⚡ Do the subject statutes, executive orders, standards and procedures result in a new program or higher level of service within an existing program upon local entities within the meaning of section 6, article XIII B of the California Constitution and section 17.5 14 of the Government Code? If so, are there costs associated with the mandate that are reimbursable?
- ⚡ Do any of the provisions of Government Code section 17556 preclude the Commission from finding that the provisions of the subject statutes impose a reimbursable state-mandated program upon local entities?

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

- **Informal Conference.** An informal conference may be scheduled if requested by any interested party. See Title 2, California Code of Regulations, section 1183.04 (the regulations).
- **State Agency Review of Test Claim.** State agencies receiving this letter are requested to analyze the merits of the test claim and to file written comments on its validity under the provisions of Government Code sections 17500 through 17630 and section I 183.02 of the regulations. Alternatively, if a state agency chooses not to respond to this request, please submit a written statement of non-response to the Commission. Requests for extensions of time may be filed in accordance with sections 1183.0 1 (c) and 118 1.1 (g) of the regulations. State agency comments are due 30 days from the date of this letter.
- **Claimant Rebuttal.** The claimant and interested parties may file a rebuttal to state agencies' comments on the test claim under section 1 183.02 of the regulations. The rebuttal is due 30 days from the service date of written comments.
- **Public Hearing.** The public hearing on the test claim is tentatively set for **February 24, 2000**, at 9:30 a.m., in Room 437, State Capitol, Sacramento. State and local representatives may provide testimony at this hearing. A court reporter will tape the proceedings in order to prepare a transcript. Requests for postponement of the hearing may be filed with the Executive Director in accordance with section 1183 .O 1 of the regulations.

If the Commission determines that a reimbursable state mandate exists, the claimant is responsible for submitting proposed parameters and guidelines for reimbursing all eligible local entities. All interested parties, including affected state agencies, will be given an opportunity to comment on the claimant's proposal before consideration and adoption by the Commission. Finally, the Commission is required to adopt a statewide cost estimate of the reimbursable state-mandated program within 12 months of receipt of a test claim. This deadline may be extended for up to six months upon the request of either the claimant or the Commission.

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

Sincerely,

Shirley Opie
SHIRLEY OPIE
Staff Services Manager

Enclosures: Mailing List and Test Claim
F:/mandates/1998/98tc25/completeltr

MAILED: *8/27*
 FAXED: _____
 DATE: *7/17/99*
 INITIAL: *SOB*
 CHRON: _____
 FILE: _____
 WORKING BINDER: _____

Commission on State Mandates

Originated: 07/07/1 999

Today' s Date 07/07/1999

Mailing List

CSM/SB # 98-TC-25

Claim Title The Stull Act

Government Code Section Ed Code Sections 44660, 44661,44662,44663 & 44665

Chapters 4/99, 392/95, 393/86,498/83 &1216/75

Issue The Stull Act

Mr. James Apps (A-15),
Department of Finance

915 L Street Room 8020
SACRAMENTO CA 95814

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

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

1121 L Street Suite 1060
SACRAMENTO CA 958 14

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

Mr. Jim Cunningham, Leg. Mandate Spclst. (Interested Party)
San Diego City Schools

4100 Normal Street Room 3 159
SAN DIEGO CA 92103-2682

Tel: (619) 293-8205
FAX: (619) 293-8474

Mr. Scott Hannan, Manager (E-8)
Department of Education
School Business Services
560 J Street, Suite 170
SACRAMENTO CA 95814

Tel: (916) 322-5792
FAX: (916) 322-1465

Mr. Paul Minney, Interested Party
Girard & Vinson

1676 N. California Blvd. Suite 450
WALNUT CREEK CA 94596

Tel: (925) 746-7660
FAX: (925) 935-7995

Mr. Keith B. Petersen, President (Interested Party)
Sixten & Associates

5252 Balboa Avenue Suite 807
SAN DIEGO CA 921 17

Tel: (X58) 514-8605
FAX: (858) 514-8645

Mr. Larry Phelps, Superintendent
Denair Unified School District

PO Box 368
DENAIR CA 953 16

Tel: (209) 632-75 14
FAX: (209) 632-9 194

CSM/SB # 98-TC-25

Claim Title The Stull Act

Government Code Section Ed Code Sections 44660, 44661, 44662, 44663 & 44665

Chapters 4/99, 392195, 393/86, 498/83 & 12 16/75

Issue The Stull Act

Mr. Steve Smith, CEO (Interested Person)

Mandated Cost Systems

2275 Watt Avenue Suite C
SACRAMENTO CA 95825

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

Mr. Paige Vorhies (B-8), Bureau Chief

State Controller's Office

Division of Accounting & Reporting

3301 C Street Suite 500
SACRAMENTO CA 95816

Tel: (916) 445-8756
FAX: (916) 323-6527