

COMMISSION ON STATE MANDATES

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April 30, 2012

Ms. Amy Bisson Holloway
California Department of Education
Legal, Audits, & Compliance
1430 N Street
Sacramento, CA 95814

Mr. Nicolas Schweizer
Department of Finance
Education Systems Unit
915 L Street, 7th Floor
Sacramento, CA 95814

Mr. Daniel Shinoff
Stutz, Artiano, Shinoff & Holtz
2488 Historic Decatur Road, Suite 200
San Diego, CA 92106

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

RE: Request for Additional Information

Uniform Complaints Procedures (K-12) (03-TC-02)

Solana Beach School District, Claimant

Education Code Sections 200, 220, 231.5, 250, 251, 253, 260, 261, 262.3, and 262.4

Government Code Sections 11135, 11136, 11137, 11138, and 11139

Statutes 1977, Chapter 972; Statutes 1982, Chapter 1117;

Statutes 1988, Chapters 1514; Statutes 1990, Chapter 1372; Statutes 1992, Chapter 417;

Statutes 1992, Chapter 906; Statutes 1992, Chapter 913; Statutes 1993, Chapter 1123;

Statutes 1994, Chapter 146; Statutes 1998, Chapter 914; Statutes 1999, Chapter 587;

Statutes 1999, Chapter 591; Statutes 2001, Chapter 708; Statutes 2002, Chapter 300; and

Statutes 2002, Chapter 1102

California Code of Regulations, Title 5, Sections 4600, 4610, 4611, 4620, 4621, 4622,
4630, 4631, 4632, 4640, 4650, 4651, 4652, 4660, 4661, 4662, 4663, 4664, 4665, and
4670

Register 92, Number 3; Register 92, Number 14; and Register 93, Number 51.

Dear Ms. Holloway, Mr. Schweizer, and Mr. Shinoff:

Staff has reviewed the administrative record of this test claim and determined that the additional information is needed to complete an analysis of the claim. This test claim alleges reimbursable state-mandated costs associated with the uniform complaint procedures for allegations of violations of various education programs and for allegations of unlawful discrimination. California Code of Regulations, title 5, section 4610 (Register 92, No. 3), states that the test claim regulations pled apply to seven specific programs administered by California Department of Education.¹ As a result, staff requests the following information:

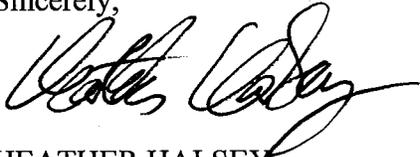
¹ California Code of Regulations, title 5, section 4610 (Register 92, No. 3), cites to: (1) Adult Basic Education (Ed. Code, §§ 8500 – 8538 and 525000 – 52616.5); (2) Consolidated Categorical Aid Programs (Ed. Code, § 64000(a)); (3) Migrant Education (Ed. Code, § §§ 54440 – 54445); (4) Vocational Education (Ed. Code, §§ 52300 – 52480); (5) Child Care and Development programs (Ed. Code, §§ 8200 – 8493); (6) Child Nutrition programs (Ed. Code, §§ 49490 – 49560); and (7) Special Education programs (Ed. Code, §§ 56000 – 56885 and 59000 – 59300).

1. Is participation in any of the programs specified by title 5, section 4610, voluntary on the part of school districts or county offices of education?
 - a. If so, please identify which program or programs are voluntary and the reason that participation is voluntary?
2. Identify any money appropriated for purposes of the programs specified in title 5, section 4610, by Budget Act line item and fiscal year (beginning in the 2002-2003 fiscal year).
 - a. Is there any portion of the amount appropriated that can be, *or* must be, used for purposes of complying with California Code of Regulations, title 5, section 4600 et seq.? If so, please identify the source of authority or the source of the requirement.
 - b. If so, is this amount sufficient to cover the costs of compliance with California Code of Regulations, title 5, section 4600 et seq.? Please explain why or why not?
3. All of the programs specified in title 5, section 4610, and the prohibition against discrimination in educational programs predate September 25, 1991 (the operative date of title 5, section 4600 et seq.).
 - a. Did any complaint process for the purpose of alleging violations of the specified programs or for purposes of alleging unlawful discrimination exist prior to the adoption of California Code of Regulations, title 5, section 4600 et seq.?
 - b. If so, please specifically identify any statute, regulation, or executive order that provided for any complaint process or processes.

Pursuant to the Commission's regulations, all assertions or representations of fact must be supported by documentary evidence, and copies of any law cited and relied upon (with the exception of state mandates statutes and case law) must be included in the comments (Cal. Code Regs., tit. 2, § 1183.02).

Please submit this information as soon as possible, but **not later than May 16, 2012**. If you have any questions please contact Kenny Louie at (916) 323-2611.

Sincerely,



HEATHER HALSEY
Executive Director