

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
SACRAMENTO, CA 95814
PHONE: (916) 323-3562
FAX: (916) 445-0278
E-mail: csminfo@csm.ca.gov



August 5, 2003

Mr. Ellie Topolovac
Superintendent
Solana Beach School District
309 North Rios Avenue
Solana Beach, CA 92075-1298

Mr. Gerald Shelton
California Department of Education (E-08)
Fiscal and Administrative Services Division
1430 N Street, Suite 2213
Sacramento, CA 95814

Mr. Keith Petersen
SixTen & Associates
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

Mr. Keith Gmeinder
Department of Finance
915 L Street, 8th Floor
Sacramento, CA 95814

Mr. Michael Havey
State Controller's Office
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

Dr. Carol Berg
Education Mandated Cost Network
School Services of California
1121 L Street, Suite 1060
Sacramento, CA 95814

And: Interested Parties
(see enclosed mailing list)

Re: Notice of Complete Test Claim Filing and Schedule for Comments – *Uniform Complaint Procedures (K-12)*, 03-TC-02.

On July 28, 2003, a test claim was filed on the above named program by SixTen and Associates, representing Solana Beach School District, Claimant. Following initial review, the Commission staff found the test claim to be complete. The Commission is now requesting state agencies and interested parties to comment on the test claim as specified in the enclosed notice.

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

Sincerely,

A handwritten signature in cursive script that reads "Paula Higashi".

PAULA HIGASHI
Executive Director

Enclosures:

Notice of Complete Test Claim Filing and Schedule for Comments
Copy of Test Claim (state agencies only)
Mailing List

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Sections 200, 220, 231.5, 250, 251, 253, 260, 261, 262.3, and 262.4; and Government Code Sections 11135, 11136, 11137, 11138, and 11139 as added or amended by Statutes 1977, Chapter 972; Statutes 1982, Chapter 1117; Statutes 1988, Chapter 1514; Statutes 1990, Chapter 1372; Statutes 1992, Chapters 417, 906, and 913; Statutes 1993, Chapter 1123; Statutes 1994, Chapter 146; Statutes 1998, Chapter 914; Statutes 1999, Chapters 587 and 591; Statutes 2001, Chapter 708; Statutes 2002, Chapters 300 and 1102; and Title 5, California Code of Regulations Sections 4600, 4610, 4611, 4620, 4621, 4622, 4630, 4631, 4632, 4640, 4650, 4651, 4652, 4660, 4661, 4662, 4663, 4664, 4665 and 4670 .

Filed on July 28, 2003

By the Solana Beach School District, Claimant

No. 03-TC-02

Uniform Complaint Procedures (K-12)

NOTICE OF COMPLETE TEST CLAIM
FILING AND SCHEDULE FOR
COMMENTS (Gov. Code § 17500 et
seq.; Cal. Code Regs., Tit. 2, §§ 1183,
subd.(g) & 1183.02)

**TO: Solana Beach School District
SixTen & Associates
Education Mandated Cost Network
California Department of Education
Department of Finance
State Controller's Office
Interested Parties**

On July 28, 2003, the Solana Beach School District, Claimant, filed a test claim on the above-described statutes and executive orders alleging a reimbursable state-mandated program pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514. The test claim is complete. The test claim will be heard and determined by the Commission on State Mandates pursuant to article XIII B, section 6, Government Code section 17500 et seq., and case law. The procedures for hearing and determining this claim are prescribed in the Commission's regulations, California Code of Regulations, title 2, chapter 2.5, section 1181, et seq.

COMMENT PERIOD

The key issues before the Commission are:

- Do the provisions listed above impose 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 costs mandated by the state pursuant to section 17514 of the Government Code?
- Does Government Code section 17556 preclude the Commission from finding that any of the test claim provisions impose costs mandated by the state?
- Have funds been appropriated for this program (e.g., state budget) or are there any other sources of funding available? If so, what is the source?

State Agency Review of Test Claim - State agencies are requested to analyze the test claim merits and to file written comments within 30 days, or no later than **September 4, 2003**. Requests for extensions of time may be filed in accordance with sections 1183.01, subdivision (c) and 1181.1, subdivision (g) of the regulations.

Claimant Rebuttal - The claimant and interested parties may file rebuttals to state agencies' comments under section 1183.03 of the regulations. The rebuttal is due 30 days from the actual service date of written comments from any state agencies.

Mailing Lists - Under section 1181.2 of the regulations, the Commission will promulgate a mailing list of parties, interested parties, and interested persons for each test claim and provide the list to those included on the list, and to anyone who requests a copy. Any written material filed with the Commission on this claim shall be simultaneously served on the other parties listed on the mailing list provided by the Commission.

Consolidating Test Claims - Pursuant to Commission regulations, the executive director may consolidate part or all of any test claim with another test claim. See sections 1183.05 and 1183.06 of the regulations.

ADDITIONAL FILINGS ON THE SAME STATUTE OR EXECUTIVE ORDER

Under section 1183, subdivision (i) of the regulations, more than one test claim on the same statute or executive order may be filed with the Commission. The test claim must be filed within 60 days of the date the first test claim was filed. Claimants may designate a single claimant within 90 days from the date the first test claim was filed. If the Commission does not receive notice from the claimants designating a lead claimant, the executive director will designate the claimant who filed the first test claim as the lead claimant.

INFORMAL/PREHEARING CONFERENCE

An informal conference or prehearing conference may be scheduled if requested by any party. See sections 1183.04 and 1187.4 of the regulations.

HEARING AND STAFF ANALYSIS

A tentative hearing date for the test claim will be set when the draft staff analysis of the claim is being prepared. At least eight weeks before a hearing is conducted, the draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due at least five weeks prior to the hearing or on the date set by the Executive Director, pursuant to

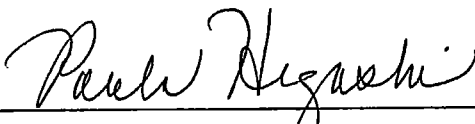
section 1183.07 of the regulations. Before the hearing, a final staff analysis will be issued.

Dismissal of Test Claims - Under section 1183.09 of the regulations, test claims may be dismissed when postponed or placed on inactive status by the claimant for more than one year. Before dismissing a test claim, the Commission will provide 60 days notice and opportunity for other parties to take over the claim.

Parameters and Guidelines - 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. See section 1183.1 of the regulations. All interested parties and affected state agencies will be given an opportunity to comment on the claimant's proposal before consideration and adoption by the Commission.

Statewide Cost Estimate - 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.

Dated: 8-5-2003



PAULA HIGASHI, Executive Director

Commission on State Mandates

Original List Date:

Mailing Information: Completeness Determination

Last Updated:

Mailing List

List Print Date: 08/05/2003

Claim Number: 03-TC-02

Issue: Uniform Complaints Procedures (K-12)

TO ALL PARTIES AND INTERESTED PARTIES:

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

Mr. Keith B. Petersen
SixTen & Associates
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

Claimant Representative

Tel: (858) 514-8605

Fax: (858) 514-8645

Ms. Ellie Topolovac
Solana Beach School District
309 North Rios Avenue
Solana Beach, CA 92075-1298

Claimant

Tel: (858) 794-3914

Fax: (858) 755-0814

Mr. Paul Minney
Spector, Middleton, Young & Minney, LLP
7 Park Center Drive
Sacramento, CA 95825

Tel: (916) 646-1400

Fax: (916) 646-1300

Ms. Harmeet Barkschat
Mandate Resource Services
5325 Elkhorn Blvd. #307
Sacramento, CA 95842

Tel: (916) 727-1350

Fax: (916) 727-1734

Ms. Sandy Reynolds
Reynolds Consulting Group, Inc.
P.O. Box 987
Sun City, CA 92586

Tel: (909) 672-9964

Fax: (909) 672-9963

Mr. Steve Smith
Mandated Cost Systems, Inc.
11130 Sun Center Drive, Suite 100
Rancho Cordova, CA 95670

Tel: (916) 669-0888

Fax: (916) 669-0889

Dr. Carol Berg

Education Mandated Cost Network

1121 L Street, Suite 1060

Sacramento, CA 95814

Tel: (916) 446-7517

Fax: (916) 446-2011

Mr. Arthur Palkowitz

San Diego Unified School District

4100 Normal Street, Room 3159

San Diego, CA 92103-8363

Tel: (619) 725-7565

Fax: (619) 725-7569

Mr. Steve Shields

Shields Consulting Group, Inc.

1536 36th Street

Sacramento, CA 95816

Tel: (916) 454-7310

Fax: (916) 454-7312

Ms. Beth Hunter

Centration, Inc.

8316 Red Oak Street, Suite 101

Rancho Cucamonga, CA 91730

Tel: (866) 481-2642

Fax: (866) 481-5383

Mr. Michael Havey

State Controller's Office (B-08)

Division of Accounting & Reporting

3301 C Street, Suite 500

Sacramento, CA 95816

Tel: (916) 445-8757

Fax: (916) 323-4807

Mr. Keith Gmeinder

Department of Finance (A-15)

915 L Street, 8th Floor

Sacramento, CA 95814

Tel: (916) 445-8913

Fax: (916) 327-0225

Mr. Gerald Shelton

California Department of Education (E-08)

Fiscal and Administrative Services Division

1430 N Street, Suite 2213

Sacramento, CA 95814

Tel: (916) 445-0554

Fax: (916) 327-8306
