

COMMISSION ON STATE MANDATES

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July 1, 2004

Keith Petersen, President
SixTen and Associates
5252 Balboa Ave, Suite 807
San Diego, CA 92117

Lynn Jamison
Director of State and Federal Programs
Modesto City School District
426 Locust Street
Modesto, CA 95351

And interested parties – see enclosed mailing list

Re: Rescission of decision regarding 03-TC-06 *California English Language Development Test II* and 00-TC-16, *California English Language Development Test*

Dear Mr. Petersen and Ms. Jamison:

On June 3, 2004, I notified the parties of my decision to expedite the above matters by severing Title 5, California Code of Regulations sections 11510 – 11517 from 03-TC-06, *California English Language Development Test II* and consolidating them with 00-TC-16, *California English Language Development Test*.

Claimant's representative Keith Petersen, by letter dated June 7, 2004 objected to this decision. In a letter dated June 23, 2004, Mr. Petersen appealed the decision and requested that the test claims be consolidated.

Upon further consideration and review of Mr. Petersen's June 7th objection, I am rescinding my decision to sever California Code of Regulations, title 5, sections 11510 - 11517 from the CELDT II test claim. Both CELDT I and CELDT II will remain as pled. Therefore, the appeal of June 23, 2004 is moot and will not be scheduled for hearing.

As to the June 23, 2004 request to consolidate the CELDT I and CELDT II claims, it is denied as untimely. Section 1183.05 of the Commission's regulations requires a motion to consolidate to be filed within 30 days of filing a completed test claim. The CELDT II test claim was deemed complete on June 25, 2001.

The parties may appeal any decision of the Executive Director pursuant to California Code of Regulations, title 2, section 1181, subdivision (c). If you have further questions, contact Eric Feller at (916) 323-8221.

Sincerely,


PAULA HIGASHI
Executive Director

cc. Deborah S. Bailey, Associate Superintendent of Business Services

MAILED:
DATE: 7/1/01
INITIAL: VS
FAXED:
WORKING BINDER:
CHRON:
FILE:

Commission on State Mandates

Original List Date: 6/15/2001
Last Updated: 6/3/2004
List Print Date: 07/01/2004
Claim Number: 00-TC-16
Issue: California English Language Development Test (CELDT)

Mailing Information: Other

Mailing List

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.)

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Commission on State Mandates

Original List Date: 9/30/2003
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List Print Date: 07/01/2004
Claim Number: 03-TC-06
Issue: California English Language Development Test - 2

Mailing Information: Other

Mailing List

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