

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
May 6, 2010



Ms. Maruch Atienza
Los Angeles Unified School District
333 South Beaudry Street, 26th Floor
Los Angeles, CA 90017

Mr. Robert Miyashiro
Education Mandated Cost Network
1121 L Street, Suite 1060
Sacramento, CA 95814

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

Re: Proposed Decision to Dismiss Test Claim and Notice of Hearing
Request to Withdraw Test Claim
Clean School Restrooms, 04-TC-01
Education Code Sections 17070.755, 17584.3, and 35292.5
Statutes 2003, Chapters 358 (AB 1124) and 909 (SB 892)
Office of Public School Construction, State Allocation Board, and
State Department of General Services Forms: SAB Forms 40-21, 50-04, 892, 892R

Dear Ms. Atienza and Mr. Miyashiro:

The proposed Decision on the above-named matter is enclosed.

Hearing

This matter is scheduled for hearing on **Thursday, May 27, 2010**, at 9:30 a.m., State Treasurer's Office, 915 Capitol Mall, Room 587, Sacramento, California. This matter is proposed for the consent calendar. Please let us know in advance if you or a representative of your agency will testify at the hearing, or if other witnesses will appear.

Special Accommodations

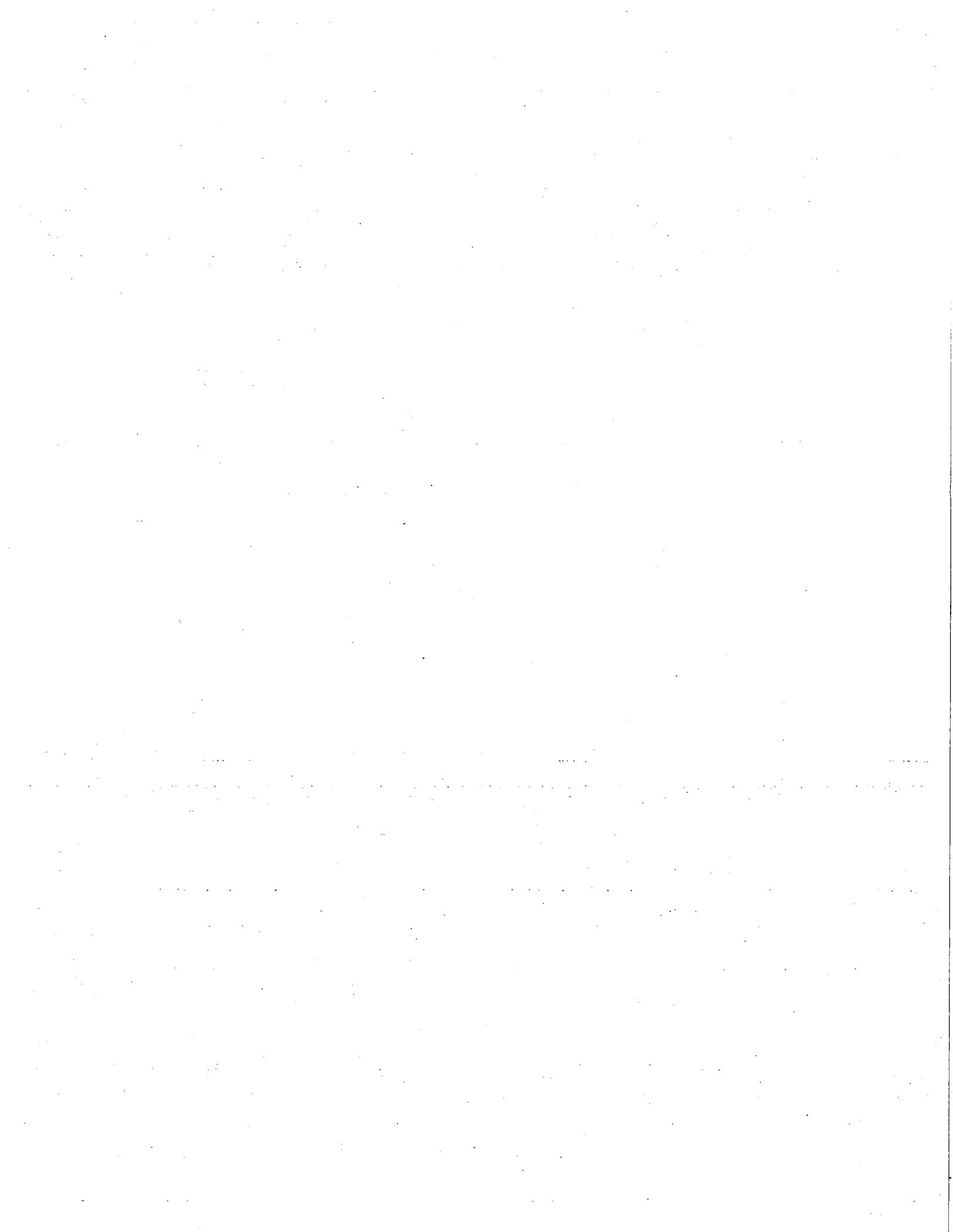
For any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five to seven *working* days prior to the meeting.

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

Sincerely,

PAULA HIGASHI
Executive Director

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ITEM 6
TEST CLAIM
PROPOSED DECISION TO DISMISS WITHDRAWN TEST CLAIM

Education Code Sections 17070.755, 17584.3, and 35292.5
Statutes 2003, Chapter 358 (AB 1124); Statutes 2003, Chapter 909 (SB 892),

Office of Public School Construction, State Allocation Board, and State Department of General Services
Forms: SAB Forms 40-21, 50-04, 892, 892R

Clean School Restrooms
04-TC-01

Los Angeles Unified School District, Claimant

EXECUTIVE SUMMARY

On March 25, 2010, claimant requested withdrawal of the test claim filing *Clean School Restrooms* (04-TC-01)¹. Claimant's request was served in writing, and a sixty-day notice of this withdrawal and dismissal was provided pursuant to California Code of Regulations, title 2, section 1183.08.²

No interested parties objected to the claimant's request for withdrawal, or took over the claim by substitution of the parties, on or before May 24, 2010.

Therefore, the sole issue before the Commission on State Mandates (Commission) is whether the Commission adopts the proposed Decision, dismissing the above-named test claim.

Recommendation

Staff recommends that the Commission adopt the proposed Decision, dismissing the *Clean School Restrooms* test claim.

¹ Exhibit A. Claimant's withdrawal request letter.

² Exhibit B. Commission's notice of withdrawal and dismissal hearing.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM:

Education Code Sections 17070.755, 17584.3, and 35292.5; Statutes 2003, Chapter 358 (AB 1124); Statutes 2003, Chapter 909 (SB 892),

Office of Public School Construction, State Allocation Board, and State Department of General Services Forms: SAB Forms 40-21, 50-04, 892, 892R

Filed on December 22, 2004, and withdrawn on March 25, 2010,

By Los Angeles Unified District, Claimant.

Case No.: 04-TC-01

Clean School Restrooms

PROPOSED DECISION TO DISMISS WITHDRAWN TEST CLAIM PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7, SECTION 1183.08

(Proposed for Adoption on May 27, 2010)

PROPOSED DECISION TO DISMISS WITHDRAWN TEST CLAIM

On March 25, 2010, claimant requested withdrawal of the test claim filing *Clean School Restrooms* (04-TC-01). Claimant's request was served in writing, and a sixty-day notice of this withdrawal and dismissal was provided pursuant to California Code of Regulations, title 2, section 1183.08.

No interested parties objected to the claimant's request for withdrawal, or took over the claim by substitution of the parties, on or before May 24, 2010.

CONCLUSION

IT IS HEREBY ORDERED that the test claim filing, *Clean School Restrooms* (04-TC-01), is dismissed, without prejudice, pursuant to California Code of Regulations, title 2, section 1183.08.

Any claimant may file a new test claim on the above-referenced test claim legislation. However, any such claim shall be subject to a new filing date and to the statute of limitations pursuant to Government Code section 17551.

LOS ANGELES UNIFIED SCHOOL DISTRICT
Office of the Chief Financial Officer

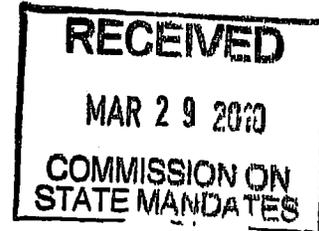
Ramon Cortines
Superintendent of Schools



MEGAN K. REILLY
Chief Financial Officer

March 25, 2010

Paula Higashi
Executive Director
Commission on State Mandates
980 9th Street
Suite 300
Sacramento, CA 95814



Dear Ms. Higashi:

The Los Angeles Unified School District respectfully withdraws our Clean School Restrooms Test Claim, #04-TC-01.

Sincerely,

A handwritten signature in black ink, appearing to be "Megan K. Reilly".

Megan K. Reilly
Chief Financial Officer

C: Timothy S. Rosnick
Maruch Atienza
Neil Gamble
Roger Finstad
Robert Miyashiro
Patrick Day
Art Palkowitz

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
 SACRAMENTO, CA 95814
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 E-mail: csminfo@csm.ca.gov



March 29, 2010

Ms. Maruch Atienza
 Los Angeles Unified School District
 333 South Beaudry Street, 26th Floor
 Los Angeles, CA 90017

Mr. Robert Miyashiro
 Education Mandated Cost Network
 1121 L Street, Suite 1060
 Sacramento, CA 95814

And Interested Parties and Affected State Agencies (see enclosed mailing list)

RE: Withdrawal of Test Claim and Notice of Hearing to Dismiss
Clean School Restrooms, 04-TC-01
 Education Code Sections 17070.755, 17584.3, and 35292.5
 Statutes 2003, Chapters 358 (AB 1124) and 909 (SB 892)
 Office of Public School Construction, State Allocation Board, and
 State Department of General Services Forms: SAB Forms 40-21, 50-04, 892,
 892R

Dear Ms. Atienza and Mr. Miyashiro:

This is to notify you that the claimant's March 25, 2010 application to withdraw the above-named test claim has been filed with the Commission and the test claim is set for dismissal on May 27, 2010.

Pursuant to section 1183.08 of the Commission's regulations, the test claim will be dismissed if no other school district takes over the claim within sixty (60) days of service of the application to withdraw. The last day to take over the claim is May 24, 2010.

A copy of this notice may also be found on the Commission's website at http://www.csm.ca.gov/pub_comment.shtml.

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

Sincerely,

PAULA HIGASHI
 Executive Director

J:\mandates\2001\04tc01\withdrawalltr

Commission on State Mandates

Original List Date: 12/29/2004
Last Updated: 3/29/2010
List Print Date: 03/29/2010
Claim Number: 04-TC-01
Issue: Clean School Restrooms

Agenda 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.)

Ms. Norma Casas San Diego Unified School District Finance and Business Services Grants-Mandates Costs-Position Control 4100 Normal Street, Room 3160 San Diego, CA 92103	Tel: (619) 725-7568 Fax: (619) 725-7569
Ms. Maruch Atienza Los Angeles Unified School District 333 S. Beaudry Avenue, 26th Floor Los Angeles, CA 90017	Tel: Fax:
Ms. Jill Kanemasu State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 500 Sacramento, CA 95816	Tel: (916) 445-8757 Fax:
Ms. Angie Teng State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 500 Sacramento, CA 95816	Tel: (916) 323-6527 Fax:
Mr. Arthur Palkowitz Stutz Artiano Shinoff & Holtz 2488 Historic Decatur Road, Suite 200 San Diego, CA 92106	Tel: (619) 232-3122 Fax: (619) 232-3264
Mr. Patrick Day San Jose Unified School District 855 Lenzen Avenue San Jose, CA 95126-2736	Tel: (408) 535-6572 Fax: (408) 535-6692
Mr. Jim Spano State Controller's Office (B-08) Division of Audits 300 Capitol Mall, Suite 518 Sacramento, CA 95814	Tel: (916) 323-5849 Fax: (916) 327-0832
Mr. Jim Soland Legislative Analyst's Office (B-29) 925 L Street, Suite 1000 Sacramento, CA 95814	Tel: (916) 319-8310 Fax: (916) 324-4281

Mr. Mike Brown School Innovations & Advocacy 11130 Sun Center Drive, Suite 100 Rancho Cordova, CA 95670	Tel: (916) 669-5116 Fax: (888) 487-6441
Ms. Ginny Brummels State Controller's Office (B-08) Division of Accounting & Reporting 3301 C Street, Suite 500 Sacramento, CA 95816	Tel: (916) 324-0256 Fax: (916) 323-6527
Ms. Harmeet Barkschat Mandate Resource Services, LLC 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 894059 Temecula, CA 92589	Tel: (951) 303-3034 Fax: (951) 303-6607
Mr. Robert Miyashiro Education Mandated Cost Network 1121 L Street, Suite 1060 Sacramento, CA 95814	Tel: (916) 446-7517 Fax: (916) 446-2011
Ms. Beth Hunter Centration, Inc. 8570 Utica Avenue, Suite 100 Rancho Cucamonga, CA 91730	Tel: (866) 481-2621 Fax: (866) 481-2682
Ms. Carol Bingham California Department of Education (E-08) Fiscal Policy Division 1430 N Street, Suite 5602 Sacramento, CA 95814	Tel: (916) 324-4728 Fax: (916) 319-0116
Mr. Michael Johnston Clovis Unified School District 1450 Herndon Ave. Clovis, CA 93611-0599	Tel: (559) 327-9000 Fax: (559) 327-9129
Mr. David Cichella California School Management Group 3130-C Inland Empire Blvd. Ontario, CA 91764	Tel: (209) 834-0556 Fax: (209) 834-0087
Ms. Jeannie Oropeza Department of Finance (A-15) Education Systems Unit 915 L Street, 7th Floor Sacramento, CA 95814	Tel: (916) 445-0328 Fax: (916) 323-9530
Mr. David E. Scribner Max8550 2200 Sunrise Boulevard, Suite 220 Gold River, CA 95670	Tel: (916) 852-8970 Fax: (916) 852-8978
Ms. Susan Geanacou Department of Finance (A-15) 915 L Street, Suite 1280 Sacramento, CA 95814	Tel: (916) 445-3274 Fax: (916) 449-5252

Ms. Jolene Tollenaar
MGT of America
2001 P Street, Suite 200
Sacramento, CA 95811

Tel: (916) 443-9136

Fax: (916) 443-1766

Mr. Steve Shields
Shields Consulting Group, Inc.
1536 36th Street
Sacramento, CA 95816

Tel: (916) 454-7310

Fax: (916) 454-7312

Mr. Keith B. Petersen
SixTen & Associates
3270 Arena Blvd., Suite 400-363
Sacramento, CA 95834

Tel: (916) 419-7093

Fax: (916) 263-9701

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On March 29, 2010, I served the:

[Withdrawal of test claim and notice of hearing to dismiss]

by placing a true copy thereof in an envelope addressed to:

Ms. Maruch Atienza
Los Angeles Unified School District
333 South Beaudry Street, 26th Floor
Los Angeles, CA 90017

And

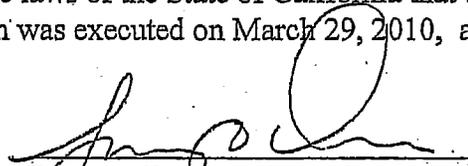
Mr. Robert Miyashiro
Education Mandated Cost network
1121 L Street, Suite 1060
Sacramento, CA 95814

And

State Agencies and Interested Parties (See attached mailing list);

and by sealing and depositing said envelope in the United States mail at Sacramento, California, with postage thereon fully paid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 29, 2010, at Sacramento, California.


Lorenzo Duran

Commission on State Mandates

Original List Date: 12/29/2004
Last Updated: 3/29/2010
List Print Date: 03/29/2010
Claim Number: 04-TC-01
Issue: Clean School Restrooms

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