

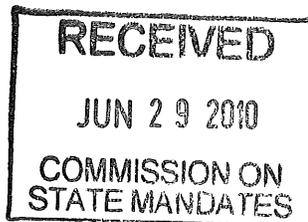
SixTen and Associates

Mandate Reimbursement Services

KEITH B. PETERSEN, President

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5252 Balboa Avenue, Suite 900
San Diego, CA 92117
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Fax: (858) 514-8645
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Sacramento
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E-Mail: kbsixten@aol.com



June 28, 2010

Paula Higashi, Executive Director
Commission on State Mandates
U.S. Bank Plaza Building
980 Ninth Street, Suite 300
Sacramento, California 95814

RE: Request for Review of the Controller's Claiming Instructions
Castro Valley Unified School District
Grossmont Union High School
San Jose Unified School District
San Diego County Office of Education
Gavilan Joint Community College District
San Mateo County Community College District
State Center Community College District
20 Parameters and Guidelines Amended in 2010 for "Boilerplate Language"

Enclosed is the original and three copies of the above referenced Request for Review of the Controller's Claiming Instructions for 20 mandate programs for which amended parameters and guidelines were adopted by the Commission in 2010.

The seven requesting local education agencies have designated me as their representative. Written communication regarding this Request should be sent to me with a copy to the contact person for each requesting agency.

Please let me know if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "KB Petersen".

Keith B. Petersen

Enclosure

c: w/enclosure

Michael Bush, Assistant Superintendent, Business
Castro Valley Unified School District

Scott H. Patterson, Deputy Superintendent, Business Services
Grossmont Union High School District

Ann Jones, Chief Business Official
San Jose Unified School District

Lora Duzyk, Assistant Superintendent, Business Services
San Diego County Office of Education

Joseph D. Keeler, Vice President Administrative Services
Gavilan Joint Community College District

James W. Keller, Executive Vice Chancellor
San Mateo County Community College District

Douglas Brinkley, Vice Chancellor, Finance and Administration
State Center Community College District

1 Request Prepared by:
2 Keith B. Petersen
3 SixTen and Associates
4 3270 Arena Blvd., Suite 400-363
5 Sacramento, CA 95834
6 Voice: (916) 419-7093
7 Fax: (916) 263-9701
8 E-mail: Kbpsixten@aol.com
9

10 BEFORE THE

11 COMMISSION ON STATE MANDATES

12 STATE OF CALIFORNIA

13	REQUEST OF:)	
14		)	No. CSM ____ -RCI- ____
15	Castro Valley Unified)	
16	School District	)	20 Parameters and Guidelines Amended
17		)	in 2010 for "Boilerplate Language"
18	Grossmont Union)	
19	High School District	)	<u>5 PGA Adopted January 29, 2010:</u>
20)	
21	San Jose Unified	)	05-PGA-48 K-14 Collective Bargaining
22	School District	)	05-PGA-51 K-12 Habitual Truant
23		)	05-PGA-53 K-12 Intradistrict Attendance
24	San Diego County Office	)	05-PGA-54 K-12 Juvenile Court Notices 2
25	of Education	)	05-PGA-69 CCD Health Fee Elimination
26)	
27	Gavilan Joint Community	)	<u>12 PGA Adopted March 26, 2010</u>
28	College District)	
29		)	05-PGA-46 K-12 Caregiver Affidavits
30	San Mateo County Community	)	05-PGA-47 COE County Office of
31	College District	)	Education; Fiscal Accountability
32		)	05-PGA-49 K-12 Financial Compliance
33	State Center Community	)	Audits
34	College District	)	05-PGA-50 9-12 Graduation Requirements
35		)	05-PGA-55 K-12 Law Enforcement Agency
36		)	Notices
37		)	05-PGA-60 K-12 Physical Education
38		)	Reports
39		)	05-PGA-61 K-12 Physical Performance
40		)	Tests
41		)	05-PGA-63 K-12 Pupil Health Screenings
42		)	05-PGA-64 K-12 Pupil Residency
43		)	Verification and Appeal

Request for Review of the Claiming Instructions
 20 Parameters and Guidelines Amended in 2010 for Boilerplate Language
 Castro Valley Unified School District, et al.

1	)	05-PGA-66	K-12	Removal of Chemicals
2	)	05-PGA-67	K-12	School District Fiscal
3	)			Accountability Reporting
4	)	05-PGA-70	CCD	Law Enforcement
5	)			Jurisdiction Agreements
6)			
7	)	<u>3 PGA Adopted May 27, 2010</u>		
8)			
9	)	05-PGA-56	K-12	Notification of Truancy
10	)	05-PGA-57	K-12	Notification to Teachers:
11	)			Pupils Subject to Suspension or Expulsion
12	)	05-PGA-65	K-12	Pupil Suspensions,
13	)			Expulsions, and Expulsion Appeals
14)			
15	)	REQUEST FOR REVIEW OF THE		
16	)	CONTROLLER'S CLAIMING INSTRUCTIONS		
17)			

PART I. AUTHORITY FOR THE REQUEST

Pursuant to Government Code Section 17571, "[t]he commission, upon request of a local agency or school district, shall review the claiming instructions issued by the Controller or any other authorized state agency for reimbursement of mandated costs." The requesting school districts, community college districts, and county office of education are all "school districts" as defined by Government Code Section 17519.

PART II. REQUIREMENT FOR REVISED CLAIMING INSTRUCTIONS

On April 7, 2006, the Controller filed requests to amend the parameters and guidelines for 49 school, college, and local agency mandate programs for the purpose of including specific "boilerplate language" regarding claim documentation standards. On the three dates indicated above for the programs listed above, the Commission adopted

1 the referenced amended parameters and guidelines incorporating the boilerplate
2 documentation standards and record retention boilerplate language.

3 Government Code Section 17558, as last amended by Statutes of 2007, Chapter
4 329, at subdivision (c) states: “[t]he Controller shall, within 60 days after receiving
5 amended parameters and guidelines . . . , prepare and issue revised claiming
6 instructions for mandates that require state reimbursement that have been established
7 by commission action pursuant to Section 17557. . . .” The Controller has not
8 complied with this statutory requirement.

9 As a result of the adoption of amended parameters and guidelines, the existing
10 Controller claiming instructions for each of the above listed programs are inaccurate as
11 a matter of law for the annual reimbursement claims for FY 2005-06 and generally
12 thereafter, or as more specifically determined by the eligible periods of reimbursement
13 stated in each of the amended parameters and guidelines. Government Code Section
14 17558, as last amended by Statutes of 2007, Chapter 329, at subdivision (b), states:
15 “[t]he claiming instructions shall be derived from . . . the adopted parameters and
16 guidelines” The existing claiming instructions no longer entirely derive from, or
17 conform to, the amended parameters and guidelines.

18 PART III. DISPUTED CLAIMING INSTRUCTIONS

19 Title 2, California Administrative Code, Section 1186, subsection (b) (1), requires
20 this request to include a copy of the disputed claiming instructions. The current claiming

1 instructions for the 20 programs listed above are available to the public at the
2 Controller's web site: www.sco.ca.gov/ard_mancost.html. Since this request does not
3 require editing existing language, but incorporation of the amended parameters and
4 guidelines in revised claiming instructions for the eligible fiscal periods, paper copies of
5 existing claiming Instructions for the 20 programs are not included here in favor of
6 readily available electronic access to the public. Similarly, although not required for this
7 request, the amended parameters and guidelines are available at the Commission
8 website as links in the agendas for the specified hearing dates.

9 PART IV. ATTEMPTS TO RESOLVE DISPUTE WITH THE CONTROLLER

10 Title 2, California Administrative Code, Section 1186, subsection (b) (2), requires
11 this request to include copies of correspondence or other documentation that verifies the
12 attempt to resolve the dispute through the Office of State Controller. The dispute is
13 whether the Controller will issue revised claiming instructions that conform to the
14 amended parameters and guidelines.

15 The representative of the local education agencies requesting this review of the
16 claiming instructions has communicated with Controller staff on this issue. Mr.
17 Petersen's e-mail of March 26, 2010, recounts a face-to-face conversation between Mr.
18 Petersen and Ginny Brummels (Manager, Local Reimbursements Section) on that date.
19 That e-mail was sent at Ms. Brummels' request in order to inform Ms. Brummels'
20 supervisor, Jill Kanemasu (Chief, Bureau of Payments), of the issue in dispute. This e-

1 mail indicates that Ms. Brummels stated that the issue of preparing revised claiming
2 instructions was still not decided.

3 By e-mail dated April 6, 2010, to Ms. Brummels, Mr. Petersen asked Ms.
4 Brummels if there had been a decision on the issue. Ms. Brummels replied the same
5 day that she anticipated a decision within a week.

6 By e-mail dated April 21, 2010, to the Commission (Nancy Patton, Assistant
7 Executive Director), and copied to Controller staff Jill Kanemasu, Jim Spano, and Ginny
8 Brummels, Mr. Petersen notified Commission staff that no reply on the issue had been
9 received from Controller staff. In an April 23, 2010, response to the April 21, 2010,
10 Petersen e-mail, Ms. Brummels stated that there would be no decision until May 14,
11 2010.

12 By e-mail dated May 14, 2010, to Nancy Patton, Mr. Petersen notified
13 Commission staff that no reply on the issue had been received from Controller staff.
14 These e-mails are included as an attachment to this request.

15 PART V. NARRATIVE OF SUGGESTED CHANGES

16 Title 2, California Administrative Code, Section 1186, subsection (b) (3), requires
17 this request to include a narrative of the suggested changes and reasons why the
18 requesting agencies find the claiming instructions need to be modified. The Controller
19 has not published revised claiming instructions for the amended parameters and
20 guidelines as required by Government Code Section 17558. As a result of the adoption

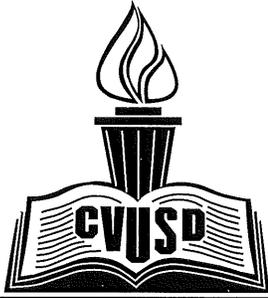
1 of amended parameters and guidelines, the existing Controller claiming instructions for
2 each of the above listed programs are inaccurate as a matter of law. The modification
3 needed is to publish revised claiming instructions for the relevant fiscal year annual
4 reimbursement claims which incorporate the eligible reimbursement periods stated in the
5 amended parameters and guidelines.

6 PART VI. AGENCY CONTACT INFORMATION

7 Title 2, California Administrative Code, Section 1186, subsection (b) (4), requires
8 this request to include the contact information of the requesting agency. The contact
9 information is listed on the representative appointment page for each of the requesting
10 agencies located at the end of this request.

11 PART VII. EFFECTIVE DATE OF THE REQUEST

12 Title 2, California Code of Regulations Section 1186, subsection (j) (1), states:
13 “[a] request for review filed before the deadline for initial claims as specified in the
14 claiming instructions shall apply to all years eligible for reimbursement as defined in the
15 original parameters and guidelines.” Subsection (j) (2) states: “[a] request for review
16 filed after the initial claiming deadline must be submitted on or before January 15
17 following a fiscal year in order to establish eligibility for reimbursement for that fiscal
18 year.” Inasmuch as revised claiming instructions have not been published, the request
19 is timely as to the periods of eligibility established by each of the amended parameters
20 and guidelines.



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Castro Valley Unified School District

BOARD OF EDUCATION

John J. Barbieri
Janice Friesen
George Granger
Jo A.S. Loss
Kunio Okui

SUPERINTENDENT

Jim Negri

P.O. BOX 2146 • CASTRO VALLEY, CALIFORNIA 94546 • (510) 537-3000 • Fax (510) 886-8962

CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.

Executed on June 9, 2010, at Castro Valley, California, by

Michael Bush, Assistant Superintendent, Business
Castro Valley Unified School District
4400 Alma Ave
Castro Valley, California 94546
Voice: **510-537-3000 ext. 1230**
Fax: **510-886-7529**
E-mail: **mbush@cv.k12.ca.us**

APPOINTMENT OF REPRESENTATIVE

Castro Valley Unified School District appoints Keith B. Petersen, SixTen and Associates, as its representative for this Request for Review of the Claiming Instructions.


Michael Bush, Assistant Superintendent, Business
Castro Valley Unified School District

06-09-10
(date)

CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.

Executed on June 7, 2010, at El Cajon, California, by

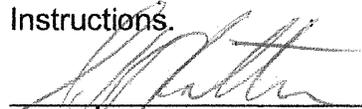


Scott H. Patterson,
Deputy Superintendent, Business Services
Grossmont Union High School District
P.O. Box 1043
La Mesa, CA 91944-1043
Voice: 619.644.8010
Fax: 619.465.6251
Email: spatterson@quhsd.net

APPOINTMENT OF REPRESENTATIVE

Grossmont Union High School District appoints Keith B. Petersen, SixTen and Associates, as its representative for this Request for Review of the Claiming

Instructions.



Scott H. Patterson,
Deputy Superintendent, Business Services
Grossmont Union High School District

June 7, 2010

CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.

Executed on June 10, 2010, at San José, California, by

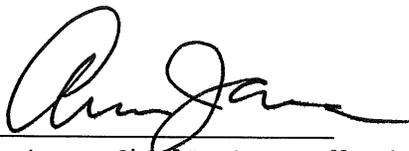


Ann Jones, Chief Business Official
San José Unified School District
855 Lenzen Avenue
San José, CA, 95126

Voice: (408) 535-6053
Fax: (408) 535-2300
E-mail: Ann_Jones@sjusd.org

APPOINTMENT OF REPRESENTATIVE

San José Unified School District appoints Keith B. Petersen, SixTen and Associates, as its representative for this Request for Review of the Claiming Instructions.



Ann Jones, Chief Business Official
San José Unified School District



June 10, 2010

CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.

Executed on June 10, 2010, at San Diego, California, by

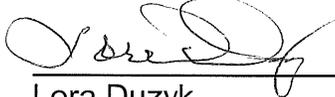


Lora Duzyk, Assistant Superintendent, Business Services
San Diego County Office of Education
6401 Linda Vista Road, Room 609
San Diego, CA 92111
Voice: (858) 292-3618
Fax: (858) 541-0697
E-mail: lorad@sdcoe.net

APPOINTMENT OF REPRESENTATIVE

The San Diego County Office of Education appoints Keith B. Petersen, SixTen and Associates, as its representative for this Request for Review of the Claiming

Instructions.



Lora Duzyk
Assistant Superintendent , Business Services
San Diego County Office of Education

June 10, 2010

CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.

Executed on June 15, 2010, at Gilroy, California, by

Joseph D Keeler
Joseph D. Keeler, Vice President of Administrative Services
Gavilan Joint Community College District
5055 Santa Teresa Boulevard
Gilroy, California 95020
Voice: 408-848-4715
Fax: 408-846-4994
E-mail: jkeeler@gavilan.edu

APPOINTMENT OF REPRESENTATIVE

Gavilan Joint Community College District appoints Keith B. Petersen, SixTen and Associates, as its representative for this Request for Review of the Claiming Instructions.

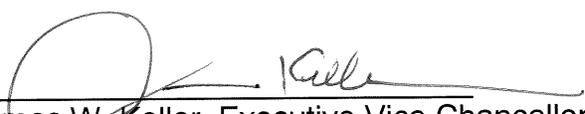
Joseph D Keeler
Joseph D. Keeler
Vice President of Administrative Services
Gavilan Joint Community College District

6-15-10
date

CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.

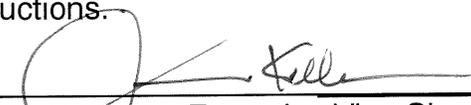
Executed on June 10, 2010 at San Mateo, California, by


James W. Keller, Executive Vice Chancellor
San Mateo County Community College District
3401 CSM Drive
San Mateo, CA 94402
Voice: (650) 358-6790
Fax: (650) 574-6574
E-mail: kellerj@smccd.edu

APPOINTMENT OF REPRESENTATIVE

San Mateo County Community College District appoints Keith B. Petersen, SixTen and Associates, as its representative for this Request for Review of the Claiming

Instructions.

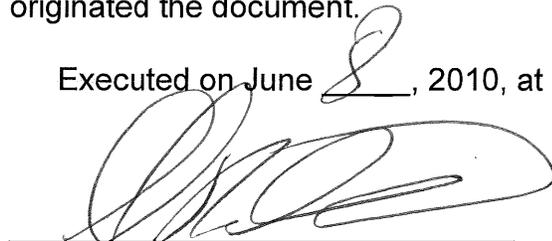

James W. Keller, Executive Vice Chancellor
San Mateo County Community College District

6/10/10
Date

CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this submission is true and complete to the best of my own knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency which originated the document.

Executed on June 8, 2010, at Fresno, California, by

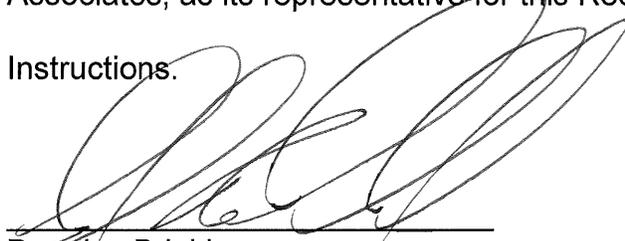


Douglas Brinkley
Vice Chancellor, Finance and Administration
State Center Community College District
1525 E. Weldon Avenue
Fresno, California 93704
Voice: 559-244-5901
Fax: 559-243-1949
E-mail: doug.brinkley@scccd.edu

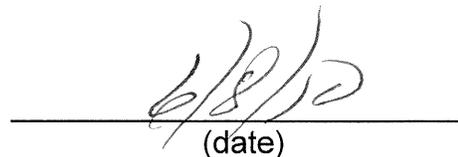
APPOINTMENT OF REPRESENTATIVE

State Center Community College District appoints Keith B. Petersen, SixTen and Associates, as its representative for this Request for Review of the Claiming

Instructions.



Douglas Brinkley
Vice Chancellor, Finance and Administration
State Center Community College District



(date)

Subj: **Boilerplate P and G amendments, new claiming instructions.**
Date: 3/26/2010 1:18:12 P.M. Pacific Daylight Time
From: Kbpsixten@aol.com
To: gibrummels@sco.ca.gov
CC: ikanemasu@sco.ca.gov, jspano@sco.ca.gov, paula.higashi@csm.ca.gov, nancy.patton@csm.ca.gov, robertm@SSCal.com, patrick_day@siusd.org, doug.brinkley@scccd.edu

Ginny

RE: "Boilerplate" P and G amendments

When we spoke briefly today, you asked me to provide you an e-mail on the issue.

I have been told that at a meeting yesterday with the SB-90 group, SCO staff stated that they were not planning to issue new claiming instructions for the recently adopted P and G amendments to incorporate the boilerplate language requested by the SCO. I was not at the meeting, but I believe it was asserted that the amendment was merely "technical" and no new claiming instructions were needed. You said today that your office is still working the issue and that I should let you know my concerns.

I do not believe the Government Code allows the SCO any choice other than to issue "new" claiming instructions following parameters and guidelines adoptions by the Commission. I understand the number of mandates and documents involved is onerous. Perhaps the solution is to mail to all claimants a letter stating that they can re-file claims retroactive to 2005-06 using *existing* forms last issued in the 2009 SCO manual release. You could post the new parameters and guidelines to your web page with a repeat of the old forms.

However, this "retro to 2005-06" is a good general rule, but there will be some problems with the following programs:

-LEAN was replaced by LEAN/Missing Children in FY 2007-8

-School District Fiscal Accountability was replaced by S DFA/Employee Benefits Disclosure prior to 2005-06.

-Notification to Teachers Suspensions/Expulsions was merged with Pupil Discipline Rules effective 2008-09.

-The version of Pupil Expulsions in the SCO 2005 request was modified by Pupil Expulsion Hearing Costs incremental P and G s after 2005-06

-Pupil Classroom Visits and Pupil Suspensions Counseling was made optional by Chapter 895/2004, so there are no claims to file after December 31, 2004.

-Annual Parent Notification was amended effective FY 2006-07, and is different from the version in the 2005 SCO request.

This also begs the question regarding the amended parameters and guidelines adopted today for the original Mandate Reimbursement Process program. The amendments do not change claimable activities, so will you consider these merely technical and not issue new claiming instructions?

Hope this was helpful. We have a lot of confused claimants that need an answer.

Please provide a definitive written answer to these questions when you can. I will need something in writing in order to proceed with any further dispute.

Keith B. Petersen, President
SixTen and Associates
www.sixtenandassociates.com

Subj: **RE: boilerplate claims**
Date: 4/6/2010 6:46:18 P.M. Pacific Daylight Time
From: gibrummels@sco.ca.gov
To: Kbpsixten@aol.com
Keith:

We are working on this issue but do not have final resolution of action that will be taken. I anticipate we will know next week. We have had a lot of staff out of the office.

Thanks for your patience.

Ginny

From: Kbpsixten@aol.com [mailto:Kbpsixten@aol.com]
Sent: Tuesday, April 06, 2010 12:37 PM
To: Brummels, Ginny
Subject: boilerplate claims

Ginny

Any decision there yet whether you will be releasing new claiming instructions for the "boilerplate" amended programs?

Keith

Subj: **RE: Boilerplate Parameters and Guidelines**
Date: 4/23/2010 11:16:14 A.M. Pacific Daylight Time
From: gibrummels@sco.ca.gov
To: Kbpsixten@aol.com, nancy.patton@csm.ca.gov
CC: patrick_day@sjusd.org, CPatterson@fjuhsd.k12.ca.us, doug.brinkley@scccd.edu,
robertm@SSCal.com, jkanemasu@sco.ca.gov, jspano@sco.ca.gov, allanburdick@maximus.com

Keith and Nancy:

Due to conflicting priorities our request for resolution of the Boilerplate Parameters and Guidelines has been moved back in priority and we will probably not have a decision until May 14th.

Thanks

Ginny

From: Kbpsixten@aol.com [mailto:Kbpsixten@aol.com]
Sent: Wednesday, April 21, 2010 11:46 AM
To: nancy.patton@csm.ca.gov
Cc: patrick_day@sjusd.org; CPatterson@fjuhsd.k12.ca.us; doug.brinkley@scccd.edu; robertm@SSCal.com; Brummels, Ginny; Kanemasu, Jill; Spano, Jim; allanburdick@maximus.com
Subject: Boilerplate Parameters and Guidelines

Nancy

RE: K-14 Boilerplate Parameters and Guidelines

The Commission has adopted (January 29 and March 26, 2010) boilerplate parameters and guidelines for about twenty K-14 programs, and four more are pending at the May 27, 2010 hearing. The Controller has not issued new claiming instructions for the January 29, 2010 adoptions.

At the March 26 hearing I discussed with Ginny a statement made the previous day to the city and county SB-90 people that the Controller staff had decided no new instructions were needed because the amendments are only "technical." Ginny said that was not a final policy decision and that I should write to J. Kanemasu with any comments I may have and to allow some time for response. I sent the email the same day and have not heard anything from the SCO staff. Nor is there any evidence on the SCO website at the usual locations that new instructions or other correspondence has been issued to the claimants on this matter.

As I stated in my email to Kanemasu, I do not believe the Government Code makes any distinctions as to the content of amended parameters and guidelines with respect to the automatic requirement for the Controller to issue new claiming instructions. Therefore, absent some action by the Controller, I wish to take this issue up with the Commission.

My question is if the "Request for Review of Claiming Instructions" is the appropriate form of action? Obviously, there are no new instructions extant to discuss, but I can assert that the existing claiming instructions are effectively voided by Commission action adopting the amended parameters and guidelines and request the Commission to direct the Controller to issue new claiming instructions.

However, for all I know, the SCO may already be taking action. SCO staff are

notorious for not responding to emails from consultants, or perhaps just my emails. I hope there is some action there so we can avoid the need to file the Request for Review, we all have better things to do with our time. Meanwhile, please let me know the appropriate form of Commission action for me to follow.

Here is my March 26, 2010 to Ginny and Kanemasu:

Ginny

RE: "Boilerplate" P and G amendments

When we spoke briefly today, you asked me to provide you an e-mail on the issue.

I have been told that at a meeting yesterday with the SB-90 group, SCO staff stated that they were not planning to issue new claiming instructions for the recently adopted P and G amendments to incorporate the boilerplate language requested by the SCO. I was not at the meeting, but I believe it was asserted that the amendment was merely "technical" and no new claiming instructions were needed. You said today that your office is still working the issue and that I should let you know my concerns.

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However, this "retro to 2005-06" is a good general rule, but there will be some problems with the following programs:

-LEAN was replaced by LEAN/Missing Children in FY 2007-8

-School District Fiscal Accountability was replaced by SDFEA/Employee Benefits Disclosure prior to 2005-06.

-Notification to Teachers Suspensions/Expulsions was merged with Pupil Discipline Rules effective 2008-09.

-The version of Pupil Expulsions in the SCO 2005 request was modified by Pupil Expulsion Hearing Costs incremental P and G s after 2005-06

-Pupil Classroom Visits and Pupil Suspensions Counseling was made optional by Chapter 895/2004, so there are no claims to file after December 31, 2004.

-Annual Parent Notification was amended effective FY 2006-07, and is different from the version in the 2005 SCO request.

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instructions?

Hope this was helpful. We have a lot of confused claimants that need an answer.

Please provide a definitive written answer to these questions when you can. I will need something in writing in order to proceed with any further dispute.

Keith B. Petersen, President
SixTen and Associates
www.sixtenandassociates.com

SAN DIEGO OFFICE:
5252 Balboa Avenue, Suite 900
San Diego, CA 92117
Voice: 858-514-8605
Fax: 858-514-8645

SACRAMENTO OFFICE:
3270 Arena Blvd., Suite 400-363
Sacramento, CA 95834
Voice: 916-419-7093
Fax: 916-263-9701

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Subj: **Fwd: Boilerplate Parameters and Guidelines**
Date: 5/14/2010 10:33:53 A.M. Pacific Daylight Time
From: Kbpsixten@aol.com
To: nancy.patton@csm.ca.gov

Nancy

I am forwarding my 4/21 email on this subject. No response or apparent action from SCO.

For now, can you answer if the Request for Review is the correct form of action for this issue.

Keith B. Petersen, President
SixTen and Associates
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-----Original Message-----

From: Kbpsixten@aol.com
Date: Wed, 21 Apr 2010 14:46:23 EDT
Subject: Boilerplate Parameters and Guidelines
To: nancy.patton@csm.ca.gov
CC: patrick_day@sjusd.org, CPatterson@fjuhsd.k12.ca.us,
doug.brinkley@scccd.edu,
robertm@SSCal.com, gibrummels@sco.ca.gov, jkanemasu@sco.ca.gov,
jspano@sco.ca.gov, allanburdick@maximus.com

Nancy

RE: K-14 Boilerplate Parameters and Guidelines

The Commission has adopted (January 29 and March 26, 2010) boilerplate parameters and guidelines for about twenty K-14 programs, and four more are pending at the May 27, 2010 hearing. The Controller has not issued new claiming instructions for the January 29, 2010 adoptions.

At the March 26 hearing I discussed with Ginny a statement made the previous day to

the city and county SB-90 people that the Controller staff had decided no new instructions were needed because the amendments are only "technical." Ginny said that was not a final policy decision and that I should write to J. Kanemasu with any comments I may have and to allow some time for response. I sent the email the same day and have not heard anything from the SCO staff. Nor is there any evidence on the SCO website at the usual locations that new instructions or other correspondence has been issued to the claimants on this matter.

As I stated in my email to Kanemasu, I do not believe the Government Code makes any distinctions as to the content of amended parameters and guidelines with respect to the automatic requirement for the Controller to issue new claiming instructions. Therefore, absent some action by the Controller, I wish to take this issue up with the Commission.

My question is if the "Request for Review of Claiming Instructions" is the appropriate form of action? Obviously, there are no new instructions extant to discuss, but I can assert that the existing claiming instructions are effectively voided by Commission action adopting the amended parameters and guidelines and request the Commission to direct the Controller to issue new claiming instructions.

However, for all I know, the SCO may already be taking action. SCO staff are notorious for not responding to emails from consultants, or perhaps just my emails. I hope there is some action there so we can avoid the need to file the Request for Review, we all have better things to do with our time. Meanwhile, please let me know the appropriate form of Commission action for me to follow.

Here is my March 26, 2010 to Ginny and Kanemasu:

Ginny

RE: "Boilerplate" P and G amendments

When we spoke briefly today, you asked me to provide you an e-mail on the issue.

I have been told that at a meeting yesterday with the SB-90 group, SCO staff stated that they were not planning to issue new claiming instructions for the recently adopted P and G amendments to incorporate the boilerplate language requested by the SCO. I was not at the meeting, but I believe it was asserted that the amendment was merely "technical" and no new claiming instructions were needed. You said today that your office as still working the issue and that I should let you know my concerns.

I do not believe the Government Code allows the SCO any choice other than to issue "new" claiming instructions following parameters and guidelines adoptions by the Commission. I understand the number of mandates and documents involved is onerous. Perhaps the solution is to mail to all claimants a letter stating that they can re-file claims retroactive to 2005-06 using existing forms last issued in the 2009 SCO manual release. You could post the new parameters and guidelines to your web page with a repeat of the old forms.

However, this "retro to 2005-06" is a good general rule, but there will be some problems with the following programs:

-LEAN was replaced by LEAN/Missing Children in FY 2007-8

-School District Fiscal Accountability was replaced by SDFEA/Employee Benefits Disclosure prior to 2005-06.

-Notification to Teachers Suspensions/Expulsions was merged with Pupil Discipline Rules effective 2008-09.

-The version of Pupil Expulsions in the SCO 2005 request was modified by Pupil Expulsion Hearing Costs incremental P and G s after 2005-06

-Pupil Classroom Visits and Pupil Suspensions Counseling was made optional by Chapter 895/2004, so there are no claims to file after December 31, 2004.

-Annual Parent Notification was amended effective FY 2006-07, and is different from the version in the 2005 SCO request.

This also begs the question regarding the amended parameters and guidelines adopted today for the original Mandate Reimbursement Process program. The amendments do not change claimable activities, so will you consider these merely technical and not issue new claiming instructions?

Hope this was helpful. We have a lot of confused claimants that need an answer.

Please provide a definitive written answer to these questions when you can. I will need something in writing in order to proceed with any further dispute.

Keith B. Petersen, President
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