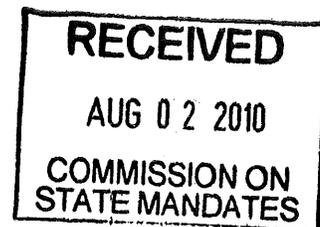




JOHN CHIANG  
California State Controller



July 30, 2010

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

Keith Petersen  
SixTen and Associates  
3841 North Freeway Boulevard, Suite 170  
Sacramento, CA 95834

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

**Re: Request for Review of Claiming Instructions**

*Request to Add Boilerplate Language, 09-RCI-01 (05-PGA-17)*

Castro Valley Unified School District, Grossmont Union High School District,  
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, Requestors

Dear Ms. Higashi and Mr. Petersen:

The Controller's Office submits the following response to the above-entitled action. This office agrees that Government Code<sup>1</sup> section 17558(c) requires the revision of the Claiming Instructions any time the Parameters & Guidelines are amended. We will begin issuing revised Claiming Instructions for the identified programs in the near future.

However, we disagree with the claimant's conclusions concerning the effective date of the request for review of claiming instructions. The regulations are clear on this point. Title 2 CCR section 1186, subdivision (j)(2) states that, "[a] request for review filed after the initial claiming deadline must be submitted on or before January 15 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year." Since this request was filed on June 29, 2010, the request is only effective for the 2009-10 fiscal year and thereafter.

From the correspondence included in the package, it appears that the claimants are attempting to reopen long closed reimbursement eligibility windows. Pursuant to Section

<sup>1</sup> All further statutory references shall be to the Government Code unless otherwise indicated.

July 30, 2010

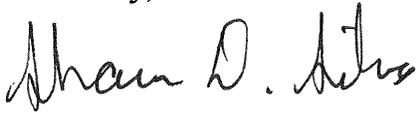
Page 2

17560, the window for eligibility to file a claim for reimbursement is based upon the fiscal year for which costs are claimed. That deadline is the February 15<sup>th</sup> following the fiscal year for which the reimbursement is sought. Section 17568 states that, “[i]n no case shall a reimbursement claim be paid that is submitted more than one year after the deadline specified in Section 17560.” (Emphasis added.) Claimants cite no authority that would allow this office, or the Commission, to alter that limitation.

In conclusion, this office agrees that any amendment to the parameters and guidelines requires a revision to the claiming instructions, but the effectiveness of such revision is limited as set forth in 2 CCR § 1186(j)(2).

If there are any questions or concerns, please feel free to call me at (916) 445-1073.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn D. Silva". The signature is written in a cursive style with a large initial 'S'.

SHAWN D. SILVA  
Senior Staff Counsel

SDS/ac

Enclosure

## Commission on State Mandates

Original List Date: 7/2/2010

Mailing Information: Draft Staff Analysis

Last Updated:

List Print Date: 07/30/2010

### Mailing List

Claim Number: 09-RCI-01

Issue: Request to Add Boilerplate Language

#### 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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