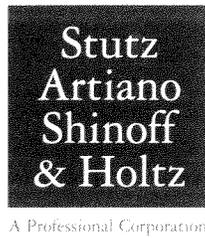


2488 Historic Decatur Road  
Suite 200  
San Diego, California 92106  
(619) 232-3122  
Fax (619) 232-3264  
www.stutzartiano.com



Arthur M. Palkowitz, Esq.  
apalkowitz@stutzartiano.com

**RECEIVED**  
August 10, 2015  
**Commission on  
State Mandates**

August 6, 2015

**LATE FILING**

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

**Re:** Case No.: Immunization Records – Pertussis (11-TC-02)  
Request to Amend Parameters & Guidelines to Adopt a Reasonable  
Reimbursement Methodology  
Claimant: Desert Sands Unified School District

Dear Ms. Halsey:

Desert Sands Unified School District (“Claimant”) files these comments in response to the Draft Proposed Decision.

**A. Legal Authority**

The Commission has the authority to “amend, modify, or supplement the parameters and guidelines” upon the claim or request of a local agency, school district, or state agency. (Gov. Code, § 17557(d).) The Commission may adopt a reasonable reimbursement methodology change to the parameters and guidelines for all reimbursement activities.

Claimant requests to Amend the Parameters & Guidelines To Adopt A Reasonable Reimbursement Methodology, a uniform cost allowance, pursuant to Government Code sections 17557(d)(1); 17557(2)(C); 17518.5 and California Code of Regulations section 1183.17 (a)(3). The request includes proposed language for the specific sections of the existing parameters and guidelines and a narrative explaining why the amendment is required. In support of the request for the reasonable reimbursement methodology, claimant has submitted a Statistical Analysis of Pertussis Mandate Claims Report describing the source data and the statistical analysis performed in calculating a proposed unit rate.

**B. Statistical Analysis of Pertussis Mandate Claims Report is supported by admissible evidence.**

The Statistical Analysis of Pertussis Mandate Claims Report is in conformity with Government Code section 17518.5(b) as it is based on cost information from a representative sample of eligible claimants, information provided by association of local agencies and school districts, or other projections of local costs. The reasonable reimbursement methodology is based on uniform cost allowances, derived from a broad range of criteria and information, and need not

Heather Halsey  
Executive Director

### **Immunization Records – Pertussis (11-TC-02)**

conform to any specific statutory standards, other than balancing accuracy with simplicity, and considering variation in costs among local government claimants in order to implement the mandate in a cost efficient manner, rather than detailed documentation of actual local costs. (Gov. Code, § 17518.5(d))

The proposed unit rate of \$9.17 per pupil is based on the variation in costs among local government claimants and balances accuracy with simplicity. The Statistical Analysis report was based on the unaudited claims data for fiscal years 2011-12 and 2012-13 provided by the State Controller's Office on October 28, 2014. (See Brad Williams Declaration.)

Gwen Carlos, Accounting Administrator 1, State Controller's Office, provided a declaration dated July 27, 2015. Attached to Ms. Carlos declaration was a detailed report prepared by Ms. Carlos showing claim data for the costs incurred by each school district submitted to the Controller under each reimbursable activity and the total amount of the claim for the Immunization Records – Pertussis program. (See Gwen Carlos Declaration.) Mr. Williams determined in the report prepared by Gwen Carlos attached to her declaration, the bottom line totals and the detail in the report are identical to the information provided to him by the Controller's Office on October 28, 2014, that was the basis for his statistical analysis and conclusions contained therein. Therefore, Mr. Williams opinions and conclusions included in his Statistical Analysis remain unchanged. (See Brad Williams Declaration.)

The school district enrollment data (excluding charter schools, which are not eligible for mandate reimbursement) identifying enrollment by District was used in the Statistical Analysis is from the State Department of Education. (<http://www.cde.ca.gov/ds/sd/sd/filesenr.asp>) From these data sources, a per-student claim amount was calculated for each district submitting claims during the two years. (Brad Williams Declaration.) Mr. Williams, based on his formal education and experience, qualifies as an expert to render his opinions and conclusions.<sup>1</sup> (Brad Williams Declaration.)

#### **C. Mandate Block Grant**

The Mandate Block Grant ("MGB") is for School Districts that annually elect to receive reimbursement based on their annual daily attendance. Whether or not Immunization Records – Pertussis (11-TC-02) program is included in the MBG is irrelevant, as Schools Districts may

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<sup>1</sup> Mr. Williams received his Bachelor of Arts and my Master of Arts in Economics from University of California, Davis. Mr. Williams thirty two years of professional employment includes holding the positions of Budget Analyst for the California Legislative Analyst's Office, Director of Economic and Revenue Forecasting/Executive Director for the California Commission in State Finance, and Senior Economist/Director of Economic and Revenue Forecasting for the California Legislative Analyst's Office. His formal education and professional experience includes among other tasks, developing statistical analysis similar to the analysis completed for the Immunization Records-Pertussis program.

Heather Halsey  
Executive Director

**Immunization Records – Pertussis (11-TC-02)**

annually decide to file claims, requiring the necessity for approval of a reasonable reimbursement methodology.<sup>2</sup> Additionally, the auditing of reimbursement claims is not a prerequisite for the development and approval of a reasonable reimbursement methodology. (Cal. Code Regs., §1183.12)

**CERTIFICATION**

I certify by my signature below, under penalty of perjury under the laws of the State of California, that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.

  
\_\_\_\_\_  
Arthur M. Palkowitz  
Attorney for the Claimant

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<sup>2</sup> Immunization Records – Pertussis (11-TC-02) program is not included in the Mandate Block Grant and not an option for reimbursement for mandated costs. Consequently, School Districts are eligible to file reimbursement claims with the State Controller Office for the costs incurred in fiscal year 2014–15. (<http://www.cde.ca.gov/fg/aa/ca/mandatebfaq.asp#q21>)

**DECLARATION OF SERVICE BY EMAIL**

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 August 10, 2015, I served the:

**Claimant Comments**

*Immunization Records - Pertussis, 14-PGA-01 (11-TC-02)*

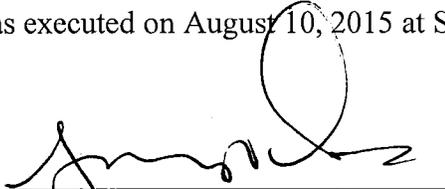
Health and Safety Code Section 120335

Statutes 2010, Chapter 434 (AB 354)

Desert Sands Unified School District, Requester

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

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 August 10, 2015 at Sacramento, California.



---

Lorenzo Duran  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 8/6/15

**Claim Number:** 14-PGA-01 (11-TC-02)

**Matter:** Immunization Records - Pertussis

**Requester:** Desert Sands Unified School District

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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, § 1181.3.)

**Amber Alexander**, *Department of Finance*

915 L Street, Sacramento, Ca

Phone: (916) 445-0328

Amber.Alexander@dof.ca.gov

**Socorro Aquino**, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

**Harmeet Barkschat**, *Mandate Resource Services, LLC*

5325 Elkhorn Blvd. #307, Sacramento, CA 95842

Phone: (916) 727-1350

harmeet@calsdrc.com

**Lacey Baysinger**, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

lbaysinger@sco.ca.gov

**Julia Blair**, Senior Commission Counsel, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

julia.blair@csm.ca.gov

**Mike Brown**, *School Innovations & Advocacy*

5200 Golden Foothill Parkway, El Dorado Hills, CA 95762

Phone: (916) 669-5116

mikeb@sia-us.com

**J. Bradley Burgess**, *MGT of America*  
895 La Sierra Drive, Sacramento, CA 95864  
Phone: (916)595-2646  
Bburgess@mgtamer.com

**Gwendolyn Carlos**, *State Controller's Office*  
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 323-0706  
gcarlos@sco.ca.gov

**David Cichella**, *California School Management Group*  
3130-C Inland Empire Blvd., Ontario, CA 91764  
Phone: (209) 834-0556  
dcichella@cscentral.com

**Joshua Daniels**, *Attorney, California School Boards Association*  
3251 Beacon Blvd, West Sacramento, CA 95691  
Phone: (916) 669-3266  
jdaniels@csba.org

**Marieta Delfin**, *State Controller's Office*  
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 322-4320  
mdelfin@sco.ca.gov

**Andra Donovan**, *San Diego Unified School District*  
Legal Services Office, 4100 Normal Street, Room 2148, , San Diego, CA 92103  
Phone: (619) 725-5630  
adonovan@sandi.net

**Donna Ferebee**, *Department of Finance*  
915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
donna.ferebee@dof.ca.gov

**Chris Ferguson**, *Department of Finance*  
Education Systems Unit, 915 L Street, 7th Floor, 915 L Street, 7th Floor, Sacramento, CA 95814  
Phone: (916) 445-3274  
Chris.Ferguson@dof.ca.gov

**Susan Geanacou**, *Department of Finance*  
915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
susan.geanacou@dof.ca.gov

**Paul Golaszewski**, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8341  
Paul.Golaszewski@lao.ca.gov

**Ed Hanson**, *Department of Finance*  
Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-0328  
ed.hanson@dof.ca.gov

**Mark Ibele**, *Senate Budget & Fiscal Review Committee*  
California State Senate, State Capitol Room 5019, Sacramento, CA 95814  
Phone: (916) 651-4103  
Mark.Ibele@sen.ca.gov

**Paul Jacobs**, Fiscal & Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8329  
Paul.Jacobs@lao.ca.gov

**Jill Kanemasu**, *State Controller's Office*  
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 322-9891  
jkanemasu@sco.ca.gov

**Jennifer Kuhn**, Deputy, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8332  
Jennifer.kuhn@lao.ca.gov

**Jay Lal**, *State Controller's Office (B-08)*  
Division of Accounting & Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 324-0256  
JLal@sco.ca.gov

**George Landon**, Deputy Superintendent, Admin. Fiscal Support, *Lake Elsinore Unified School District*  
545 Chaney Street, Lake Elsinore, CA 92530  
Phone: (951) 253-7095  
George.Landon@leusd.k12.ca.us

**Michelle Mendoza**, *MAXIMUS*  
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403  
Phone: (949) 440-0845  
michellemendoza@maximus.com

**Yazmin Meza**, *Department of Finance*  
915 L Street, Sacramento, CA 95814  
Phone: (916) 445-0328  
Yazmin.meza@dof.ca.gov

**Meredith Miller**, Director of SB90 Services, *MAXIMUS*  
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670  
Phone: (972) 490-9990  
meredithcmiller@maximus.com

**Robert Miyashiro**, *Education Mandated Cost Network*  
1121 L Street, Suite 1060, Sacramento, CA 95814  
Phone: (916) 446-7517  
robertm@sscal.com

**Keith Nezaam**, *Department of Finance*

915 L Street, 8th Floor, Sacramento, CA 95814  
Phone: (916) 445-8913  
Keith.Nezaam@dof.ca.gov

**Lehoa Nguyen**, *California Department of Public Health*  
1501 Capitol Ave., P.O. Box 997377, MS 0506, Sacramento, CA 95899-7377  
Phone: (916) 440-7841  
lehoa.nguyen@cdph.ca.gov

**Andy Nichols**, *Nichols Consulting*  
1857 44th Street, Sacramento, CA 95819  
Phone: (916) 455-3939  
andy@nichols-consulting.com

**James Novak**, Assistant Superintendent of Business Services, *Desert Sands Unified School District*  
47-980 Dune Palms Road, La Quinta, CA 92253  
Phone: (760) 771-8508  
jim.novak@desertsands.us

**Christian Osmena**, *Department of Finance*  
915 L Street, Sacramento, CA 95814  
Phone: (916) 445-0328  
christian.osmena@dof.ca.gov

**Arthur Palkowitz**, *Stutz Artiano Shinoff & Holtz*  
**Requester Representative**  
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106  
Phone: (619) 232-3122  
apalkowitz@sashlaw.com

**Keith Petersen**, *SixTen & Associates*  
P.O. Box 340430, Sacramento, CA 95834-0430  
Phone: (916) 419-7093  
kbpsixten@aol.com

**Mark Rewolinski**, *MAXIMUS*  
625 Coolidge Drive, Suite 100, Folsom, CA 95630  
Phone: (949) 440-0845  
markrewolinski@maximus.com

**Sandra Reynolds**, *Reynolds Consulting Group, Inc.*  
P.O. Box 894059, Temecula, CA 92589  
Phone: (951) 303-3034  
sandrareynolds\_30@msn.com

**Robert Roach**, *Twin Rivers Unified School District*  
3222 Winona Way, North Highlands, CA 95660  
Phone: (916) 566-1600  
rob.roach@twinriversusd.org

**David Scribner**, *Max8550*  
2200 Sunrise Boulevard, Suite 240, Gold River, CA 95670  
Phone: (916) 852-8970

dscribner@max8550.com

**Steve Shields**, *Shields Consulting Group, Inc.*

1536 36th Street, Sacramento, CA 95816

Phone: (916) 454-7310

steve@shieldscg.com

**Jim Spano**, Chief, Mandated Cost Audits Bureau, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-5849

jspano@sco.ca.gov

**Dennis Speciale**, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

DSpeciale@sco.ca.gov

**Meg Svoboda**, *Senate Office of Research*

1020 N Street, Suite 200, Sacramento, CA

Phone: (916) 651-1500

meg.svoboda@sen.ca.gov

**Amy Tang-Paterno**, Educational Fiscal Services Consultant, *California Department of Education*

Government Affairs, 1430 N Street, Suite 5602, Sacramento, CA 95814

Phone: (916) 322-6630

ATangPaterno@cde.ca.gov

**Thomas Todd**, Assistant Program Budget Manager, *Department of Finance*

Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-0328

Thomas.Todd@dof.ca.gov

**Jolene Tollenaar**, *MGT of America*

2251 Harvard Street, Suite 134, Sacramento, CA 95815

Phone: (916) 443-411

jolene\_tollenaar@mgtamer.com

**Brian Uhler**, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8328

brian.uhler@lao.ca.gov

**Marichi Valle**, *San Jose Unified School District*

855 Lenzen Avenue, San Jose, CA 95126

Phone: (408) 535-6141

mvalle@sjusd.org