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SCHOOLS LEGAL SERVICE

RECEIVED
February 12, 2015
*Commission on
State Mandates*

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January 30, 2015

15-28

Commission on State Mandates
960 Ninth St.
Suite 300
Sacramento, CA 95814

Re: Comment on Test Claim 14-TC-01 (California Assessment of Student Performance and Progress)

Dear Members of the Commission on State Mandates:

On behalf of the Orange County Board of Education, (“District”), I, Ronald D. Wenkart, General Counsel, submit this written comment regarding Test Claim 14-TC-01 alleging that the California Assessment of Student Performance and Progress (“CAASPP”) constitutes a reimbursable state mandate. The District strongly supports the position of the test claimants. Between last year (2013-14) and this year (2014-15), my District estimates that it has incurred or will incur significant, ongoing expenses in preparing to administer and in administering the CAASPP.

While the CAASPP is an important and worthy policy, it clearly imposes requirements on districts. Not only are districts required to administer the CAASPP but they have no choice in how to administer it. Specifically for my District, preparing to administer and actually administering the CAASPP has required the following actions:

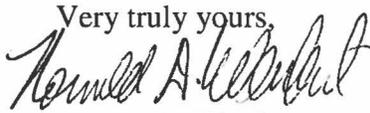
- Hire new staff
- Repurpose existing staff time for CAASPP tasks such as administering the assessment, training students use the devices, hardware, and software, etc.
- Provide additional training for staff in the areas of software/hardware, test administration, etc.
- Purchase new hardware for pupils or staff such as SEAC compliant tablets, laptops, carts, PCs, iPads, MacBooks, Chromebooks, etc.
- Purchase new technology accessories such as ear buds, mice, keyboards, etc.
- Purchase new software
- Purchase new technology infrastructure such as routers, servers, etc.

- Upgrade the District's bandwidth capability
- Educate district students and families regarding CAASPP requirements and impact

These required actions have necessitated and will necessitate a significant expenditure of funds, potentially impacting other priority programs and areas.

Article XIII B, Section 6 of the California Constitution states that “[w]henver the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such programs or increased level of service.” The purpose of this provision is to “preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are ‘ill equipped’ to assume increased financial responsibilities because of the taxing and spending limitations that article XIII A and XIII B impose.” (*County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.) In light of this constitutional obligation, I respectfully request that the Commission find for the test claimants and hold that the CAASPP constitutes a reimbursable state mandate.

I declare, by my signature below, that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.

Very truly yours,

Ronald D. Wenkart
General Counsel

RDW:tnm

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.

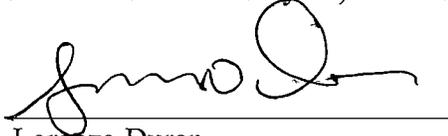
On February 13, 2015, I served the:

Orange County Board of Education Comments

California Assessment of Student Performance and Progress (CAASPP), 14-TC-01
Education Code Sections 60602, 60603, 60604, 60607, 60610, 60611, 60612, 60640,
60641, 60642.6, 60643, 60643.6, 60648, 60648.5, 60649, 60810, 99300, and 99301;
Statutes 2013-2014, Chapter 489 (AB 484); Statutes 2014 Chapter 32, (SB 858);
Statutes 2014, Chapter 327 (AB 1599);
California Code of Regulations, Title 5, Section 850 through 864, inclusive;
(Register 2014, No. 30; Effective Date: July 23, 2014)
Santa Ana Unified School District, Porterville Unified School District, Plumas County
Office of Education, Plumas Unified School District, Claimants

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 February 13, 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: 2/13/15

Claim Number: 14-TC-01

Matter: California Assessment of Student Performance and Progress (CAASPP)

Claimants: Plumas County Office of Education
Plumas Unified School District
Porterville Unified School District
Santa Ana 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.)

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