

DECEMBER 10, 2002

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**COMMISSION ON
STATE MANDATES**

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

PAUL C. MINNEY
JAMES E. YOUNG
MICHAEL S. MIDDLETON
DANIEL I. SPECTOR

Re: Addition of Co-Claimant
The Stull Act, 98-TC-25
Denair Unified School District, Claimant
Education Code Sections 44660-44665
Statutes of 1999, Chapter 4; Statutes of 1995, Chapter 392;
Statutes of 1986, Chapter 393; Statutes of 1983, Chapter 498; and
Statutes of 1975, Chapter 1216

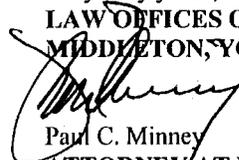
LISA A. CORR
AMANDA J. MCKECHNIE
DAVID E. SCRIBNER
PHILLIP MURRAY
JESSICA J. HAWTHORNE
MATHEW D. MARINELLI
KAREN R. SCOTT

Dear Ms. Higashi:

The Commission on State Mandates noted that the *Stull Act* test claim did not include a county office of education as a co-claimant and as such, Commission staff would not analyze or address these activities until a proper co-claimant was added to the original claim. Enclosed are two documents to add the Lassen County Office of Education as a co-claimant for the *Stull Act* test claim. Please add Mr. Gene Sies, Assistant Superintendent, Business Services on the Mailing List for this claim.

If you have any questions or comments concerning the addition of Lassen County Office of Education to this test claim, please feel free to contact me.

Very truly yours,
LAW OFFICES OF SPECTOR,
MIDDLETON, YOUNG & MINNEY, LLP



Paul C. Minney
ATTORNEY AT LAW

Enc.: Authorization to Act as Representative; Declaration
Cc: Mail List

AUTHORIZATION TO ACT AS REPRESENTATIVE
FOR LASSEN COUNTY OFFICE OF EDUCATION'S TEST CLAIM

The Stull Act

I, Gene Sies, Assistant^T Superintendent, Business Services, hereby authorize Paul C. Minney (or designee) of the Law Office of SPECTOR, MIDDLETON, YOUNG & MINNEY, LLP to act as the representative and sole contact of Lassen County Office of Education in this Test Claim.

All correspondence and communications regarding this Test Claim should be forwarded to:

Paul C. Minney, Esq.
SPECTOR, MIDDLETON, YOUNG & MINNEY, LLP
7 Park Center Drive
Sacramento, California 95825
Telephone: (916) 646-1400
Facsimile: (916) 646-1300

Dated: October 31, 2001



GENE SIES
Assistant Superintendent, Business Services

Lassen County Office of Education
472-013 Johnstonville Road North
Susanville, California 96130
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Attorney for Mandated Cost Systems, Inc. and
Authorized Representative of Co-Claimants,
Denair Unified School District and
Lassen County Office of Education, Co-Claimants

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM OF:

Denair Unified School District

and

Lassen County Office of Education

CSM NO. 98-TC-25

DECLARATION OF GENE SIES,
ASSISTANT SUPERINTENDENT,
BUSINESS SERVICES

The Stull Act

I, Gene Sies, make the following declaration and statement. As Lassen County Office of Education's (claimant's) Assistant Superintendent of Business Services, I have knowledge of its policies and procedures related to the activities required under the Stull Act. I am familiar with the provisions and requirements of Statutes of 1999, Chapter 4, Statutes of 1995, Chapter 392; Statutes of 1986, Chapter 393, Statutes of 1983, Chapter 498, and Statutes of 1975, Chapter 1216, which require the claimant to engage in the following activities:

1. Establish and conduct, in accordance with the Stull Act, a uniform system of evaluation and assessment of the performance of certificated personnel, which shall include the following:

- a. Develop and adopt objective evaluation and assessment guidelines;
- b. Confer with and receive advice from certification county office of education instructional employees regarding the development and adoption of objective evaluation and assessment guidelines;
- c. Establish standards of expected pupil achievement at each grade level in each area of study;
- d. Evaluate and assess certificated instructional employee performance as it reasonably related to:
 - i. The progress of pupils towards the standards established by the county superintendent of schools;
 - ii. The instructional techniques and strategies used by the employee;
 - iii. The employee's adherence to curricular objectives;
 - iv. The establishment and maintenance of a suitable learning environment within the scope of the employee's responsibilities; and
 - v. The progress of pupils towards the state adopted academic content standards, if applicable, as measured by the state adopted criterion referenced assessments.

Probationary certificated employees shall be evaluated once a year. Permanent certificated employees shall be evaluated every other year.

- e. Prepare and draft a written evaluation of the certificated employee. The evaluation shall include recommendations, if necessary, as to areas of improvement;
- f. Establish and define ⁹ job responsibilities for certificated noninstructional employees;
- g. Evaluate and asses certificated noninstructional employee performance as it reasonably relates to the fulfillment of the adopted responsibilities;
- h. Prepare and draft a written evaluation of the certificated noninstructional employee. The evaluation shall include recommendations, if necessary, as to areas of improvement;
- i. Provide a written copy of the evaluation to the certificated instructional/noninstructional employee;
- j. Receive and review any written reaction or response to the evaluation from the certificated instructional/noninstructional employee;

- k. Prepare for, and hold, a meeting between the certificated instructional/noninstructional employee and the evaluator to discuss the evaluation; and
- l. Conduct additional annual evaluations of permanent certificated instructional/noninstructional employees when the employee has received an unsatisfactory evaluation. The county office of education must maintain annual evaluations of the certificated employee until the employee achieves a positive evaluation or is separated from the county.

I am informed and believe that before the test claim legislation, there was no responsibility for the claimant to engage in the activities set forth above. It is estimated that the claimant will/has incurred significantly more than \$200.00 to implement these new activities mandated by the state for which the claimant has not been reimbursed by any federal, state, or local agency, and for which it cannot otherwise obtain reimbursement.

The foregoing facts are known to me personally and if so required, I could testify to the statements made herein. I hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct except where stated upon information and belief and where so stated I declare that I believe them to be true.

Executed on October 31, 2002, at Susanville, California, by:



GENE SIES
Assistant Superintendent, Business Services

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

I am employed in the county of Sacramento, State of California. I am over the age of 18 and not a party to the within action; my business address is 7 Park Center Drive, Sacramento, California 95825.

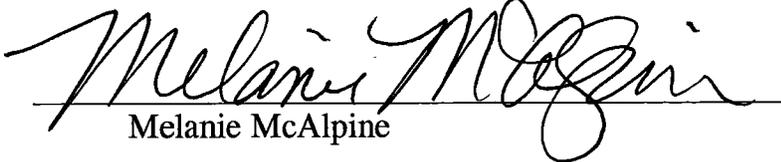
On December 10, 2002, I served the foregoing document(s) described as

Addition of Co-Claimant
The Stull Act 98-TC-25

to the persons/parties listed on the attached Mailing List via first class mail and, and to the Commission on State Mandates via first class mail.

I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 10, 2002, at **Sacramento, California.**


Melanie McAlpine

Claim Number 98-TC-25
Claimant Denair Unified School District
Issue Stull Act

Mr. Keith B. Petersen, President
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Mr. Steve Smith, CEO (Interested Person)
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State Controller's Office
Division of Accounting and Reporting
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Centration, Inc.
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