

ITEM 7

**INCORRECT REDUCTION CLAIM
STAFF ANALYSIS**

Education Code Section 35160.5

Statutes 1983, Chapter 498

Manhattan Beach Unified School District, Claimant

Certification of Teacher Evaluator's Demonstrated Competence

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ITEM 7

INCORRECT REDUCTION CLAIM STAFF ANALYSIS

Education Code Section 35160.5

Statutes 1983, Chapter 498

Manhattan Beach Unified School District, Claimant

Certification of Teacher Evaluator's Demonstrated Competence

EXECUTIVE SUMMARY

This analysis addresses the incorrect reduction claim filed by the Manhattan Beach Unified School District on the *Certification of Teacher Evaluator's Demonstrated Competence* program. The claimant contends that the State Controller's Office (SCO) incorrectly reduced its claim by \$61,152 for fiscal year 1995-1996, for the cost of training probationary teachers. For the reasons outlined in this analysis, staff recommends that the Commission deny this IRC.

Claimant's Position

It is their position that the cost of probationary teachers receiving mandated additional training should be reimbursed because it is authorized by the parameters and guidelines under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program.

State Controller's Office Position

The SCO disallowed the cost of salaries and benefits for training probationary teachers because the parameters and guidelines "do not provide for reimbursement...while they attend training."

CONCLUSION

Staff finds that the SCO did not incorrectly reduce the claimant's reimbursement claim on the *Certification of Teacher Evaluator's Demonstrated Competence* program based on the following findings:

- The Commission intended that probationary teacher training be provided during the regular school day when a substitute teacher could be hired. In addition, there is no evidence in the record to support the claimant's contention that the additional training provided outside the regular school year was mandated by this program.
- School districts do not incur increased costs mandated by the state when probationary teachers attend training and mentoring during the course of their regular workday because this time is *absorbed* into the school day. Instead, the parameters and guidelines provide reimbursement for the costs of substitute teachers so that probationary teachers could attend training activities.

STAFF RECOMMENDATION

Staff recommends that the Commission adopt this staff analysis and deny the *Certification of Teacher Evaluator's Demonstrated Competence* IRC filed by the Manhattan Beach Unified School District (99-4136-I-03).

CLAIMANT

Manhattan Beach Unified School District

CHRONOLOGY

Test Claim

- 09/20/84 San Jose Unified School District filed a test claim with the Board of Control
- 09/26/85 Commission on State Mandates (Commission) determined that Statutes 1983, chapter 498 imposes reimbursable state mandated costs
- 10/24/85 Commission adopted its statement of decision
- 04/24/86 Commission adopted original parameters and guidelines
- 01/24/91 Commission amended parameters and guidelines
- 09/95 State Controller's Office (SCO) issued claiming instructions
- 07/22/96 Education Trailer Bill to the Budget Act of 1996 (Stats. 1996, ch. 204) repealed this mandate effective with the 1996-1997 fiscal year

Incorrect Reduction Claim (IRC)

- 11/25/97 Claimant filed reimbursement claim for fiscal year 1995-1996
- 04/05/99 Claimant requested the SCO to reconsider its payment action
- 05/07/99 SCO issued a notice of adjustment
- 04/04/00 Claimant filed an IRC with the Commission
- 04/13/00 Commission sent a copy of the IRC to SCO
- 07/26/00 SCO filed comments on the claimant's IRC
- 01/30/01 Claimant filed a rebuttal to the SCO's comments
- 09/09/02 Claimant substituted Mr. Keith B. Petersen as its representative
- 11/26/02 Draft staff analysis issued
- 01/08/03 Final staff analysis issued

COMMISSION AUTHORITY

Government Code section 17551, subdivision (b), requires the Commission to determine whether the SCO has incorrectly reduced payments to a local agency or school district. That section states the following:

The commission, pursuant to the provisions of this chapter, shall hear and decide upon a claim by a local agency or school district filed on or after January 1, 1985, that the Controller has incorrectly reduced payments to the local agency or school district pursuant to paragraph (2) of subdivision (d) of Section 17561.

Government Code section 17561, subdivision (d), authorizes the SCO to audit claims filed by local agencies and school districts and to reduce any claim for reimbursement of state mandated costs that the SCO determines is excessive or unreasonable.

If the Commission determines that a reimbursement claim has been incorrectly reduced, California Code of Regulations, title 2, section 1185.1, requires the Commission to submit its statement of decision to the SCO and request that all costs that were incorrectly reduced be reinstated.

SUMMARY OF THE MANDATE AND CLAIM

On October 24, 1985, the Commission adopted its decision that the *Certification of Teacher Evaluator's Demonstrated Competence* program constitutes a reimbursable state-mandated program. Education Code section 35160.5, as added by Statutes 1983, chapter 498, requires that the governing board of each school district shall, as a condition for the receipt of school apportionments, adopt rules and regulations on or before December 1, 1984, establishing district policies regarding:

- a) The certification of the demonstrated competence of administrators who would be conducting teacher evaluations.
- b) Assurances that probationary teachers will have their needs for training, assistance, and evaluations recognized by the district.
- c) Filing of parent complaints regarding district employees.

On April 24, 1986, the Commission adopted the original parameters and guidelines. These parameters and guidelines were subsequently amended on January 24, 1991, and described the following activities as eligible for reimbursement:

- A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board. [¶] . . . [¶]
- B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.
 1. Training, assisting, and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program cannot be claimed as a reimbursable cost.
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.
 - b. Training materials and clerical services for probationary teachers.
 - c. Registration fees and travel costs of probationary teachers attending training activities.

- d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).
 - e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.
- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.¹

In September 1995, the SCO issued its claiming instructions.² Section 5, "Reimbursable Components," provides the following:

B. Probationary Certificated Employee Policies

(2) Training, Assisting and Evaluating Probationary Teachers

The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist or evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available within the school district or county office of education, is reimbursable. Registration fees, travel costs and the cost of substitute teachers provided for probationary teachers so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester.

The claimant filed its reimbursement claim for fiscal year 1995-1996 on November 30, 1996. The SCO adjusted the claim. The claimant submitted a reconsideration request with the SCO dated April 5, 1999.³ On April 29, 1999, the SCO sent the claimant a notice of adjustment denying reimbursement for the salaries and benefits of probationary teachers in training. Specifically, the letter stated:

[The] Parameters and Guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the [parameters and guidelines] reimburse the cost of substitute teachers while the probationary teachers attend training activities.⁴

¹ Exhibit A, page 33.

² Exhibit A, page 41.

³ Exhibit A, page 71.

⁴ Exhibit A, page 87.

Thus, on April 4, 2000, the claimant filed an IRC on the *Certification of Teacher Evaluator's Demonstrated Competence* program.⁵ The claimant contends that the SCO incorrectly reduced its claim by \$61,152 for fiscal year 1995-1996, for the cost of training probationary teachers. Table 1, as shown below, lists the alleged incorrect reduction.

TABLE 1

Cost Categories Disallowed	Alleged Incorrect Reduction
1 st and 2 nd year Probationary Teacher Time	\$ 32,469
2-day Training Time for Probationary Teachers	28,683
<i>TOTAL</i>	\$ 61,152

STATEMENT OF ISSUES

DID THE STATE CONTROLLER'S OFFICE INCORRECTLY REDUCE THIS CLAIM?

1. Is the cost of salaries and benefits for probationary teachers receiving additional training outside their regular workday or work year a reimbursable cost under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program?
2. Is the cost of salaries and benefits for probationary teachers attending training and mentoring during the course of their regular workday a reimbursable cost under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program?

For the reasons stated in the staff analysis, staff concludes that the SCO did not incorrectly reduce this reimbursement claim.

POSITIONS OF THE PARTIES

Claimant's Position

The claimant contends that the cost of probationary teachers receiving mandated additional training should be reimbursed because it is authorized by the parameters and guidelines under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program.

The claimant asserts that probationary teacher training costs consist of two categories:

- 1) probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular work day; and
- 2) probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements.

⁵ Exhibit A, page 1.

The claimant states that "the [Commission] should be guided by the common rule of interpretation which provides that where express provisions of a rule are clear and unambiguous the explicit meaning of those provisions, interpreted in their ordinary and popular sense, controls the interpretation."⁶ Therefore, the claimant asserts that costs associated with the first category are allowed because the parameters and guidelines provide reimbursement for costs of "training, assisting and evaluating probationary teachers *over and above that usually provided to permanent teachers.*"

Further, the claimant contends that the second category is reimbursable because it is consistent with allowable costs of other mandated programs, such as *Physical Performance Testing* and *American Government Course Document Requirements*. While permanent teachers work 182 days a year, the claimant asserts that this mandate requires all first year probationary teachers to work a total of 184 work days, to include two additional 7-hour days for teacher training, occurring either after the regular workday or at the end of the regular work year, when a substitute teacher is not necessary.

State Controller's Office Position

The SCO argues that the parameters and guidelines "do not provide for reimbursement of salaries and wages for probationary teachers while they attend training."⁷ In lieu of that, the parameters and guidelines reimburse the cost of substitute teachers while the probationary teachers attend training. On April 4, 1995, the Stockton Unified School District (SUSD) submitted a request to amend the parameters and guidelines to include salaries and wages for probationary teachers while they attend training.⁸ However, this request was withdrawn by letter dated June 23, 1995.⁹ Therefore, the SCO concluded that the parameters and guidelines did not intend to provide reimbursement for the salary costs of probationary teachers while attending training.

Therefore, the SCO disallowed the cost of salaries and benefits for training probationary teachers and associated indirect costs claimed under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program.

STAFF ANALYSIS

Background

The parameters and guidelines were originally adopted on April 24, 1986, and were subsequently amended on January 24, 1991, to allow reimbursement of individual administrator training for a maximum of 10 days in any three-year period.

On April 4, 1995, the SUSD filed a request to amend the parameters and guidelines with the Commission. SUSD proposed to include the following language under Reimbursable Costs, section V.B.1.:

⁶ Exhibit A, page 5.

⁷ Exhibit B, page 89.

⁸ Exhibit B, page 95.

⁹ Exhibit B, page 107.

- f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year.
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probationary teacher training and assistance program.
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable.
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time.¹⁰

SUSD asserted that these amendments were necessary because the parameters and guidelines did not address whether probationary teacher time receiving training, assistance, and evaluation, was reimbursable. District-sponsored training sessions prior to the start of the school year required probationary teachers to work one or two days earlier than permanent teachers, and thus, they worked a longer school year. During these training sessions, probationary teachers received orientation and training specific to their needs. Further, SUSD claims that the district-sponsored training sessions after school and the one-on-one training should be reimbursable because it took probationary teachers away from other duties.

To support its position, SUSD noted parameters and guidelines for programs that provide reimbursement for employee time spent receiving training, such as the *Emergency Procedures, Earthquakes, and Disasters* program. Specifically, the *Emergency Procedures, Earthquakes, and Disasters* Parameters and Guidelines provide reimbursement for: "The cost incurred by the district of employees attending [emergency procedures] meetings to receive instruction."

However, on June 23, 1995, SUSD withdrew its request to amend the parameters and guidelines because "after numerous discussions with Commission Staff and other interested parties, it is clear that any positive action resulting from clarifying this issue is more than offset by the possibility that re-opening this claim could result in the entire claim being denied."¹¹

On July 22, 1996, the Education Trailer Bill to the Budget Act of 1996 (Stats. 1996, ch. 204) repealed this mandate beginning with the 1996-1997 fiscal year.

Issue 1: Is the cost of salaries and benefits for probationary teachers receiving additional training outside their regular workday or work year a reimbursable cost under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program?

The claimant contends that the district required all its first year probationary teachers to work two additional 7-hour days for teacher training specifically attributable to this mandate. The claimant asserts that while permanent teachers work 182 days a year, this mandate requires all probationary teachers to work a total of 184 workdays for training occurring either after the regular workday or at the end of the regular work year when a substitute teacher is not necessary.

¹⁰ Exhibit B, page 102.

¹¹ Exhibit B, page 107.

Therefore, the claimant argues that the salary costs of probationary teachers to attend the training outside the regular workday or work year should be reimbursed because the training sessions exceed what is provided to permanent teachers.

The SCO maintains that the parameters and guidelines "do not provide for reimbursement of salaries and wages for probationary teachers while they attend training." In lieu of that, the SCO states that the parameters and guidelines reimburse the cost of substitute teachers while the probationary teachers attend training.

For the reasons provided below, staff finds that the SCO did not incorrectly reduce the claimant's reimbursement claim for the cost of salaries and benefits for probationary teachers to attend the training outside the regular workday or work year.

To support its arguments, the claimant cited the Commission's decision in the parameters and guidelines for *Physical Performance Tests* (CSM 96-365-01). Specifically, the Commission found that:

Increased costs for *substitute teacher time* during the school day *or for teacher stipends* to attend training sessions outside the regular school day (after school or on Saturday) are eligible for reimbursement.¹² (Emphasis added.)

The claimant also cited the Commission's decision in the parameters and guidelines for *American Government Course Document Requirements* (97-TC-02), in which the Commission found the following to be reimbursable:

Either the cost of providing a *substitute teacher* for each teacher who attends a training session during the teacher's normal classroom periods *or the additional payments* made to each teacher who attends a training session *outside the teacher's normal classroom period* (after school or on Saturday). (Emphasis added.)¹³

It is true that the Commission previously found the cost of teachers to attend training sessions outside the regular school day to be reimbursable. However, in both of the above-mentioned programs, the Commission's parameters and guidelines provided reimbursement for either the cost of a substitute teacher, if the training session was during the regular school day, or for teacher stipends to attend training outside the regular school day. The parameters and guidelines here clearly provide reimbursement for the costs of substitute teachers so that probationary teachers could attend training activities. However, the parameters and guidelines do not explicitly provide reimbursement for teacher stipends to attend training outside the regular school day. Although a request to amend the parameters and guidelines was filed to include reimbursement for teachers' salaries when training occurs outside the regular school day, that request was withdrawn. Therefore, staff finds that the Commission intended that probationary teacher training be provided during the regular school day when a substitute teacher could be hired.

Moreover, the claimant states that the probationary teachers worked extra hours and a longer work year because the additional training was mandated by Education Code section 35160.5 (Stats. 1983, ch. 498). Education Code section 35160.5,¹⁴ as added by Statutes 1983,

¹² Exhibit E, page 123.

¹³ Exhibit F, page 131.

¹⁴ Repealed by Statutes 1996, chapter 204, effective July 22, 1996.

chapter 498, required that the governing board of each school district, as a condition for the receipt of school apportionments, adopt rules and regulations on or before December 1, 1984, establishing district policies regarding:

- a) The certification of the demonstrated competence of administrators who would be conducting teacher evaluations.
- b) Assurances that probationary teachers will have their needs for training, assistance, and evaluations recognized and met by the district.
- c) Filing of parent complaints regarding district employees.

Neither the test claim statute, the statement of decision, the parameters and guidelines, nor the evidence in the record supports the claimant's contention that the state has mandated additional training to be provided outside the regular school year. Since the 1959 Education Code,¹⁵ the state has required public schools to provide education for a minimum of 175 days in a fiscal year and 230 or 240 minutes in a day, depending on grade level. Here, neither the school day, nor the school year, increased as a result of the test claim legislation. Accordingly, there is no showing that the state mandated an increased level of service on school districts resulting in increased costs for probationary teachers to attend additional training outside the regular workday or work year. If a school district chooses to increase the school day or the school year by requiring its probationary teachers to work additional days each fiscal year for teacher training, the district does so at its own discretion.

Therefore, staff finds that the cost of salaries and benefits for probationary teachers to attend the training outside the regular workday or work year is not reimbursable, and the SCO did not incorrectly reduce this portion of the claim.

Issue 2: Is the cost of salaries and benefits for probationary teachers attending training and mentoring during the course of their *regular workday* a reimbursable cost under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program?

The claimant contends that the cost of probationary teachers receiving mandated additional training during the regular workday should be reimbursed because it is authorized by the parameters and guidelines under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program. The parameters and guidelines provide reimbursement for costs of "training, assisting and evaluating probationary teachers *over and above that usually provided to permanent teachers.*" The claimant asserts that "the [Commission] should be guided by the common rule of interpretation which provides that where express provisions of a rule are clear and unambiguous the explicit meaning of those provisions, interpreted in their ordinary and popular sense, controls the interpretation."¹⁶ Therefore, the claimants conclude that the salary costs of probationary teachers receiving one-on-one training and mentoring during the course of their regular workday should be reimbursed.

¹⁵ Education Code sections 41420, 46112, 46113, 46141, and 46142.

¹⁶ Exhibit A, page 5.

The SCO maintains that the parameters and guidelines "do not provide for reimbursement of salaries and wages for probationary teachers while they attend training." In lieu of that, the parameters and guidelines reimburse the cost of substitute teachers while the probationary teachers attend training. Further, a request to amend the parameters and guidelines to explicitly include salaries and wages for probationary teachers while they attend training was submitted by the SUSD on April 4, 1995. However, this request was subsequently withdrawn by letter dated June 23, 1995. Therefore, the SCO concluded that the parameters and guidelines did not intend to provide reimbursement for the salary costs of probationary teachers while attending training.

For the reasons provided below, staff finds that the SCO did not incorrectly reduce the claimant's reimbursement claim for the cost of salaries and benefits for probationary teachers attending training and mentoring during the course of their regular work day.

Section V. of the parameters and guidelines, entitled "Reimbursable Costs," provides that the following costs are reimbursable:

- A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board. [¶] . . . [¶]
- B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.
 1. Training, assisting, and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program cannot be claimed as a reimbursable cost.
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.
 - b. Training materials and clerical services for probationary teachers.
 - c. Registration fees and travel costs of probationary teachers attending training activities.
 - d. *Costs of substitute teachers provided for probationary teachers so that they might attend training activities* including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester). (Emphasis added.)
 - e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.
- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the

district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

The parameters and guidelines clearly provide reimbursement for the costs of substitute teachers so that probationary teachers can attend training activities, including visitations to other teachers' classrooms to observe teaching techniques. The SCO's claiming instructions mirrored the Commission's parameters and guidelines. Thus, staff finds, that based on the express language contained in the parameters and guidelines, the claimant is only entitled to reimbursement for salaries of substitute teachers while probationary teachers attend training and mentoring during the course of their regular workday.

Staff also finds that the claimant's reliance on the Commission's decision in the *School Crimes Statistics Reporting and Validation* IRC is misplaced. In that case, the SCO reduced claims for training costs because training was not expressly included in the parameters and guidelines. The Commission found that training was an implicit cost of the claims and concluded that the costs to conduct training were reasonably necessary to comply with the mandate.

Here, training is explicitly included in the parameters and guidelines. However, to be eligible for reimbursement, a school district must incur increased costs mandated by the state as a result of complying with the test claim statute.¹⁷ School districts do not incur increased costs mandated by the state for the salaries and benefits of probationary teachers when they attend training and mentoring during the course of their regular workday. As discussed in Issue 1, neither the school day nor the school year increased as a result of the test claim legislation. Rather, training time is absorbed into the school day. Thus, there are no resultant increased costs mandated by the state to the school district. This is consistent with the Commission's decision in *Physical Performance Tests* (CSM 96-365-01), *Emergency Procedures, Earthquakes and Disasters* (CSM-4241), and *Standardized Testing and Reporting* (97-TC-23).

Accordingly, staff finds that the cost of salaries and benefits for probationary teachers to attend training sessions during that teacher's normal classroom hours is not reimbursable, and therefore, the SCO did not incorrectly reduce this portion of the claim. However, if a substitute teacher is hired, the cost of the substitute teacher is reimbursable.

CONCLUSION

Staff finds that the SCO did not incorrectly reduce the claimant's reimbursement claim on the *Certification of Teacher Evaluator's Demonstrated Competence* program based on the following findings:

- The Commission intended that probationary teacher training be provided during the regular school day when a substitute teacher could be hired. In addition, there is no evidence in the record to support the claimant's contention that the additional training provided outside the regular school year was mandated by this program.
- School districts do not incur increased costs mandated by the state when probationary teachers attend training and mentoring during the course of their regular workday because this time is *absorbed* into the school day. Instead, the parameters and guidelines provide

¹⁷ *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1283-1284; Government Code section 17514.

reimbursement for the costs of substitute teachers so that probationary teachers could attend training activities.

STAFF RECOMMENDATION

Staff recommends that the Commission adopt this staff analysis and deny the *Certification of Teacher Evaluator's Demonstrated Competence* IRC filed by the Manhattan Beach Unified School District (99-4136-I-03).

State of California
COMMISSION ON STATE MANDATES
1414 K Street, Suite 315
SACRAMENTO, CA 95814
(916) 323-3562
CSM 2 (2/91)

INCORRECT REDUCTION CLAIM FORM

	RI	Exhibit A
	APR 04 2000	
	COMMISSION ON STATE MANDATES	
Claim No. 99-4136-IF-03		

Local Agency or School District Submitting Claim

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT, CLAIMANT ID# S19285

Contact Person
Steve Smith, Mandated Cost Systems, Inc.

Telephone No.
(916) 487-4435

Address

**1230 ROSECRANS AVENUE
MANHATTAN BEACH, CA 90266**

Representative Organization to be Notified
**Mandated Cost Systems, Inc.
2275 Watt Avenue Suite C
Sacramento, CA 95825
(916) 487-4435**

This claim alleges an incorrect-reduction of a reimbursement claim filed with the State Controller's Office pursuant to section 17561 of the Government Code. This incorrect reduction claim is filed pursuant to section 17551(b) of the Government Code.

CLAIM IDENTIFICATION: Specify Statute or Executive Order

Certification of Teacher Evaluator's Demonstrated Competence Chapter 498, Statutes of 1983, Education Code Section 35160.5

<u>Fiscal Year*</u>	<u>Amount of the Incorrect Reduction</u>
1995/96	\$61,152

*More than one fiscal year may be claimed.

IMPORTANT: PLEASE SEE INSTRUCTION AND FILING REQUIREMENTS FOR COMPLETING AN INCORRECT REDUCTION CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative
Steve Smith, Mandated Cost Systems, Inc.

Telephone No.

(916) 487-4435

Signature of Authorized Representative

Date

Steve Smith

April 4, 2000

Incorrect Reduction Claim

Manhattan Beach Unified School District, Claimant ID# S19285

Certification of Teacher Evaluators' Demonstrated Competence

Chapter 498, Statutes of 1983

COSM No. SB90-4136

1995/96 Fiscal Year

I. Brief Description of the Disallowed Costs:

The Manhattan Beach Unified School District (hereinafter "District" or "Claimant") filed a claim for reimbursement under the Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program (Chapter 498, Statutes of 1983, COSM No. SB90-4136) for fiscal year 1995/96. By letter dated May 7, 1999, the State Controller (SCO) disallowed \$61,152 of costs for training probationary teachers and associated indirect costs claimed under the Probationary Certificated Policies component of this program. The State Controller has taken the position that the parameters and guidelines "do not provide reimbursement for probationary teacher training costs." Claimant argues, as further outlined below, that the Controller incorrectly reduced its claim because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

II. The Mandate:

Chapter 498, Statutes of 1983 added section 35160.5 to the Education Code. (See Exhibit "A"). Section 35160.5 required school districts, as a condition for receipt of school apportionments, to adopt rules and regulations establishing policies regarding:

- a. The certification of the demonstrated competence of administrators who would be conducting teacher evaluations;
- b. Assurances that probationary teachers will have their needs for training, assistance, and evaluations recognized and met by the district; and
- c. Filing of parent complaints regarding district employees.

On September 20, 1984 the San Jose Unified School District filed a test claim with the Board of Control alleging that Chapter 498/83 imposed reimbursable state mandated costs. On September 26, 1985 the Commission on State Mandates approved the test claim and on October 24, 1985 adopted its Statement of Decision. (See Exhibit "B"). Parameters and guidelines for this program were originally adopted on April 24, 1986. (See Exhibit "C"). These parameters and guidelines were subsequently amended on January 24, 1991 (See Exhibit "D"). The Education Trailer Bill to the Budget Act of 1996, effective July 22, 1996, (Chapter 204, Statutes of 1996) repealed this mandate effective with the 1996/97 fiscal year. The State Controller's Office Claiming Instructions in effect for the 1995/96 claim year are attached (See Exhibit "E").

III. The District's Claim, State Controller's Review and Reconsideration

The filing deadline with the State Controller's Office for 1995/96 Certification of Teacher Evaluators' Demonstrated Competence mandated reimbursement program was November 30, 1996. The late filing deadline (with requisite 10% penalty not to exceed \$1,000) was December 1, 1997. The District submitted its 1995/96 amended claim within the late filing period. The District claimed costs under the three reimbursable components plus associated indirect costs of totaling \$84,528.

SCO was unable to provide an original adjustment letter. (See Exhibit "F"). Due to no adjustment letter being available, a copy of the SCO claim review working papers was obtained in order to determine the specific claim line items that were disallowed. (See Exhibit "G"). According to the SCO working papers, the reimbursable components adjusted, including indirect costs, were :

Probationary Certificated Employee Policies	\$ 67,765
Late Claim Penalty	\$ 1,000

On April 5, 1999, Mandated Cost Systems, Inc., representing the District submitted a letter to SCO requesting reconsideration and reinstatement of all disallowed costs excluding the valid late penalty costs. (See Exhibit "H").

On May 7, 1999, SCO completed its reconsideration of its claim adjustments and issued a final adjustment letter which re-instated \$7,061 for incorrectly disallowed teacher trainer costs. SCO did not reinstate any costs for probationary teachers time when receiving training. (See Exhibit "I").

IV. The Issue in Dispute:

The specific issue being disputed deals with the following question:

Is the cost of probationary teachers receiving the mandated additional training a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program?

V. Claimant's Position

Claimant argues, as further outlined below, the cost of probationary teachers receiving the mandated additional training is a reimbursable cost under the Probationary Certificated Employee Policies component of the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program because the probationary training costs are authorized by the parameters and guidelines and are consistent with allowable costs of a number of other reimbursement programs.

It should be noted that the SCO disallowed probationary teacher training costs claiming the "parameters and guidelines do not provide for reimbursement" of these costs. The SCO is not claiming that these costs are excessive or unreasonable under Government Code section 17561(d). Therefore, the only issue before the COSM is whether the parameter and guidelines "provide for reimbursement" for the cost of probationary teacher training costs.

VI. The State Controller's Position

By letter dated May 7, 1999, the Controller has disallowed the cost of probationary teachers receiving the mandated additional training stating that:

"The amount of \$57,533 for salaries and benefits of probationary teachers in training is disallowed. Parameters and guidelines do not provide for reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities."

VII. Parameters and Guidelines and Claiming Instructions

A. The Parameters and Guidelines

Section V (Reimbursable Costs) of the parameters and guidelines for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education.

* * *

Registration fees and travel costs of probationary teachers attending training activities.

* * *

Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teacher's classrooms to observe teaching techniques (limited to three such visitations per semester).

B. The Claiming Instructions

Section 5 (Reimbursable Components) of the claiming instructions for the Certification of Teacher Evaluators' Demonstrated Competence mandated cost program state in relevant part as follows:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teaches, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist and evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available with the school district or county office, is reimbursable. Registration fees, travel costs, and the cost of substitute teachers provided so that they can attend training activities, including visitation to observe

other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester."

VIII. Claimant's Analysis

The District's claim for costs attributable to probationary teacher training can be broken down into two types of costs. "Category A" costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. "Category B" costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83.

A. Argument for Reimbursing Category A Probationary Teacher Costs

In its April 5, 1999 reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category A totaling \$32,469 should be reinstated.

Category A costs consist of probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular workday. The parameters and guidelines clearly and explicitly allow for these costs when they provide as reimbursable costs those "costs of training probationary teachers, over and above that provided to permanent teachers, are reimbursable." The COSM should be guided by the common rule of interpretation which provides that where express provisions of a rule are clear and unambiguous the explicit meaning of those provisions, interpreted in their ordinary and popular sense, controls the interpretation. (See, *Borg v. Transamerica Ins. Co.*, 47 Cal.App.4th 448, 455, 54 Cal.Rptr.2d 811).

B. Argument for Reimbursing Category B Probationary Teacher Costs

In its April 5, 1999 reconsideration letter to SCO, Mandated Cost Systems, Inc. argued on behalf of the District that disallowed probationary teacher costs under Category B totaling \$28,683 should be reinstated.

Category B costs are probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements of Chapter 498/83. Specifically, as a requirement of the mandate, all first year probationary teachers work a 184 day year (two extra 7 hour days each year for teacher training) while permanent teachers work a 182 day year. The probationary teachers were paid for working the two extra days.

In the case of category B costs, there is a clearly identifiable increased cost incurred by the District related to compensating probationary teachers for the additional time receiving the mandated training. The Commission on State Mandates has recently reaffirmed that these types of costs are reimbursable.

In the *Physical Performance Testing* program the Commission explicitly recognized that mandates that befall teachers create reimbursable costs if the District increases the teacher's workday or work year. In addressing this issue the Commission's Statement of Decision states in pertinent part as follows:

"The manual (State Administrative Manual) defines costs as ".....all additional expenses for which either supplemental financing or the redirection of existing staff or resources ...is required." Because the school days or school year is not extended to accommodate the time required to administer physical performance tests, there are no additional costs as defined by the manual."

"Further, the Commission found that neither the school day or the school year is extended to accommodate the time required to administer and score the physical performance tests, school districts incur no increased reimbursable costs when classroom teachers administer the physical fitness tests."

Although the Commission concluded that teacher time during the school day implementing the *Physical Performance* mandate was not reimbursable, the Commission did recognize that teacher time attending training after the regular school day is reimbursable. In support of Claimant's argument the Commission concluded that:

"Increased costs for substitute teacher time during the school day or for teacher stipends to attend training sessions outside the regular school day (after school or on Saturday) are eligible for reimbursement. However, the labor time of the teacher spent in attending training sessions during that teachers' normal classroom hours is not reimbursable." (Emphasis added).¹

By way of further support for Claimant's position, the Commission has stated in its parameters and guidelines for *American Government Course Document Requirements* that:

"Either the cost of providing a substitute teacher for each teacher who attends a training session during the teacher's normal classroom periods or the additional payments made to each teacher who attends a training session outside the teacher's normal classroom period (after school or on Saturday) is reimbursable." (Emphasis added).

The above-cited sections of Commission parameters and guidelines fully support Claimant's claim for reimbursement for those "additional payments made to each teacher who attends a training session outside the teacher's normal classroom period (after school or on Saturday)." These two programs illustrate the fact that if a district has incurred some type of identifiable increased cost related to a fixed environment employee (i.e., teachers) then that identifiable increased cost shall be considered a reimbursable mandated cost pursuant to Article XIII B, section 6 of the State Constitution whether it is substitute costs, overtime pay, stipends, or as in this case, an expanded work year specifically due to the mandate of additional training for probationary teachers.

¹ See page 6 of the Physical Performance Testing Program parameters and guidelines adopted by the Commission on State Mandates on September 24, 1998.

The Claimant's argument is further bolstered by the erroneous conclusion made by the Controller that reimbursement of substitute teacher time is made "in lieu" of reimbursement for probationary teacher time attending the training. Here, the Claimant is making a claim for probationary teacher time attending training that occurred after the regular work day or after the end of the regular work year when a substitute teacher is not needed. With no substitute costs the Claimant is not provided any reimbursement "in lieu" of reimbursement of probationary teacher time attending the trainings. Moreover, and as outlined above, the Commission has explicitly recognized that Districts are entitled to reimbursement for both substitute teacher time (for costs incurred during the fixed environment) and other identifiable costs for teachers that occur outside the regular work day (e.g. nights, weekends, and at the end of the school year).

IX. Conclusion

Based upon the foregoing, Claimant respectfully requests that the COSM find:

1. Claimant submitted its Certification of Teacher Evaluators' Demonstrated Competence claims for reimbursement in compliance with the State Controller's claiming instructions.
2. Claimant submitted the requisite documentation in support of its claim for reimbursement.
3. That the State Controller incorrectly reduced claimant's reimbursement claim when it disallowed costs for training probationary teachers claimed under the Probationary Certificated Policies component of this program.

Claimant respectfully requests that the COSM determine that SCO incorrectly reduced the claimant's Teacher Evaluator claim and direct Commission Staff, in accordance with COSM's regulations, to submit a letter to the Controller requesting that the costs of the claim be reinstated.

CERTIFICATION

I certify by my signature below that the statements made in this document are true and correct of my own knowledge, or as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on April 4, 2000, at Sacramento, CA.



Steve Smith, President
Mandated Cost Systems, Inc.

Exhibit A

Code, to read:

35160.5. On or before December 1, 1984, the governing board of each school district shall, as a condition for the receipt of school apportionments from the State School Fund, adopt rules and regulations establishing school district policies as they relate to the following:

(a) Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(b) The establishment of district policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district.

(c) The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district. These policies and procedures shall provide for appropriate mechanisms to respond to and where possible to resolve, the complaints. These policies and procedures shall be established in consultation with employee organizations.

1 Code, to read:

2 35160.5. On or before December 1, 1984, the
3 governing board of each school district shall, as a
4 condition for the receipt of school apportionments from
5 the State School Fund, adopt rules and regulations
6 establishing school district policies as they relate to the
7 following:

8 (a) Certification that personnel assigned to evaluate
9 teachers have demonstrated competence in instructional
10 methodologies and evaluation for teachers they are
11 assigned to evaluate. The determination of whether
12 school personnel meet the district's adopted policies shall
13 be made by the governing board.

14 (b) The establishment of district policies ensuring that
15 each probationary certificated employee is assigned to a
16 school within the district with assurances that his or her
17 status as a new teacher and his or her potential needs for
18 training, assistance, and evaluations will be recognized by
19 the district.

20 (c) The establishment of policies and procedures
21 which parents or guardians of pupils enrolled in the
22 district may use to present complaints regarding
23 employees of the district. These policies and procedures
24 shall provide for appropriate mechanisms to respond to
25 and where possible to resolve, the complaints. These
26 policies and procedures shall be established in
27 consultation with employee organizations.

28 The governing board of each school district shall
29 annually review the school district policies adopted
30 pursuant to the requirements of this section.

31 SEC. 13. Section 39363 of the Education Code, is
32 amended to read:

33 39363. The funds derived from the sale of surplus
34 property shall be used for capital outlay or for costs of
35 maintenance of school district property that the
36 governing board of the school district determines will not
37 recur within a five-year period. Proceeds from a lease of
38 school district property with an option to purchase may
39 be deposited into a restricted fund for the routine repair
40 and maintenance of district facilities, as defined by the

State Allocation Board, for up to a five-year period. In
addition, the proceeds may be deposited in the general
fund of the district for any general fund purpose if the
school district governing board and the State Allocation
Board have determined that the district has no
anticipated need for additional sites or building
construction for the five-year period following such sale
or lease, and the district has no major deferred
maintenance requirements.

SEC. 14. Section 42238 of the Education Code is
repealed.

SEC. 15. Section 42238 is added to the Education
Code, to read:

(a) For the 1983-84 fiscal year, the county
superintendent of schools shall determine a revenue limit
for each school district in the county pursuant to this
section.

(b) The base revenue limit for the 1983-84 fiscal year
shall be determined by adding the following amounts:

(1) The revenue limit per unit of average daily
attendance for the 1982-83 fiscal year determined
pursuant to Item 6100-101-001 of the Budget Act of 1982.

(2) The inflation adjustment specified in Section
42238.1.

(3) The equalization adjustment specified in Section
42238.4.

(c) The base revenue limit for each district
determined in subdivision (b) shall be multiplied by the
district average daily attendance computed as specified
in Section 42238.5.

(d) The amount determined in subdivision (c) shall
be increased by the minimum revenue guarantee
adjustment specified in Section 42238.2.

(e) The Superintendent of Public Instruction shall
apportion to each school district the amount determined
in this section less the sum of:

(1) The district's property tax revenue received
pursuant to Chapter 6 (commencing with Section 95) of
Part 0.5 of the Revenue and Taxation Code.

(2) The amount, if any, received pursuant to Part 18.5

Exhibit B

Hearing: 10/24/85
Date Filed: 09/20/84
Staff: Rose Mary Swart
WP 0592A

Proposed Statement of Decision
Adopted Mandate
(Chapter 498, Statutes of 1983)
Teacher Evaluator's Demonstrated Competence

The Commission on State Mandates, at its September 26, 1985 hearing, determined that a reimbursable mandate exists in Chapter 498, Statutes of 1983, Education Code Section 35160.5.

Member Creighton moved to find a mandate. Members Aceituno, Carlyle and Creighton voted aye, Chairman Huff voted no. The motion carried.

BEFORE THE
COMMISSION ON STATE MANDATES

CLAIM OF:

SAN JOSE UNIFIED SCHOOL DISTRICT

Claimant

SB 90-4136

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on September 26, 1985, in Sacramento, California, during a regularly scheduled meeting of the commission. William A. Doyle appeared on behalf of the San Jose Unified School District.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

FINDINGS OF FACT

1. The test claim was filed with the Board of Control on September 20, 1984, by the San Jose Unified School District.

2. The subject of the claim is Statutes of 1983, Chapter 498 (Education Code section 35160.5).

3. Chapter 498, Statutes of 1983, added Education Code section 35160.5 which requires the following actions in order for districts to receive school apportionments. On or before December 1, 1984, each school district shall adopt rules and regulations establishing district policy regarding:

(a) certification that teacher evaluators have demonstrated competence in methodologies needed to evaluate teachers.

(b) district policies ensuring that all new, probationary teachers are assigned to schools where their potential special needs for training, assistance and evaluations will be met.

(c) policies which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Section 35160.5 also requires the governing board of each school district to annually review the policies adopted pursuant to the section.

4. The claimant incurred costs as a result of training teacher evaluators to meet the newly adopted standards as specified in Finding 3.

5. None of the requisites for denying a claim, as specified in Government Code section 17556, subdivision (a), were established.

DETERMINATION OF ISSUES

1. The commission has jurisdiction to decide the claim under authority of Government Code section 17630.

2. The commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore the commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

3. The commission determined that only the higher level of service required by section 35160.5 in each school district is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

4. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

Exhibit C

Hearing: 4/24/86
SB 90-4136
Staff: Rose Mary Swart
WP 1029A

PROPOSED PARAMETERS AND GUIDELINES
Chapter 498, Statutes of 1983
Education Code Section 35160.5
Certification of Teacher Evaluators' Demonstrated Competence

EXECUTIVE SUMMARY

Chapter 498, Statutes of 1983 created a state mandate in Education Code Section 35160.5 by requiring that in order to receive apportionments, school districts adopt rules establishing district policy regarding: certification of teacher evaluators' demonstrated competence, probationary teachers, and a complaint process which parents and guardians of pupils may use to present and resolve complaints regarding employees of the district.

Commission staff has suggested amendments to the claimant's proposed parameters and guidelines, and recommends that the commission adopt the parameters and guidelines as amended. The claimant agrees with staff's proposed parameters and guidelines.

The Department of Finance (DOF) has suggested changes to staff's proposed parameters and guidelines.

Claimant

San Jose Unified School District

Chronology

- 9/20/84 Claim filed with Board of Control.
- 10/12/84 Claim continued pending Board of Control decision regarding multiple filings issue for Chapter 498/83; and, due to transition to Commission on State Mandates.
- 3/21/85 Claim continued due to lack of input from State Department of Education (SDE).
- 5/25/85 Claim continued due to lack of input from SDE.
- 7/25/85 Commission on State Mandates hearing cancelled.

- 8/22/85 Claim held-over to 9/26/85 hearing due to tie-vote.
- 9/26/85 Mandate approved by Commission on State Mandates.
- 10/24/85 Statement of Decision adopted (Attachment E).
- 12/2/85 Proposed parameters and guidelines submitted by San Jose Unified School District.
- 1/13/86 Conference to discuss proposed parameters and guidelines.
- 1/31/86 Amended proposed parameters and guidelines submitted by San Jose Unified School District (Attachment C).
- 3/27/86 Claim continued by the commission due to late filing of recommendation by DOF (Attachment F).

Statement of Claim

Chapter 498, Statutes of 1983 (Attachment B) required school districts to adopt rules and regulations to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers. School districts must also adopt rules to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible, resolve the complaints.

Staff Analysis

Staff is recommending several changes to the claimant's proposed parameters and guidelines (Attachment C).

A complete set of staff's proposed parameters and guidelines are attached (Attachment A).

Following is a summary and analysis of staff's suggested changes and DOF's suggested changes to the claimant's proposal. Additions are shown by underlining, deletions by strikeout. Staff agrees with and has added the claimant's suggested language in Sections V., B., 1, and IX., of this proposal. The claimant submitted this proposed language (Attachment G) in its rebuttal to the DOF recommendation.

Section III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code Section 2208.5, that incurred mandated costs as a result of implementing Chapter 498/83, Education Code Section 35160.5.

Since Chapter 498/83 affected numerous code sections, it is important for accuracy and clarity to include the affected code section(s) in any description or discussion of the impact of Chapter 498/83. This is a nonsubstantive change.

* * *

Section V. Reimbursable Costs

A., 2., a. Time of district administrators spent in certification training excluding classroom observation ~~(including classroom observation when it is part of the training package).~~

Staff proposes: 1) deletion of language from this section which would reimburse for "classroom observation" and; 2) a specific exclusion statement precluding such payment. Staff is making this proposal because classroom observation is part of the administrator's usual responsibility and a basic function of the job. It is important for administrators to practice the skills they have acquired in training, but according to staff of SDE, administrators typically practice this, and other skills, on the job. School administrators are actually performing two functions by incorporating the practice into their usual work. Since the administrator is continuing the same work routine which took place prior to the certification training, it seems unreasonable to expect this time to be recognized as a function mandated by Chapter 498/83. At this point the administrators are back at work and providing the services for which they are paid. The claimant agrees with this change.

However, DOF asserts in its recommendation that Chapter 498/83, Education Code Section 35160.5 does not require that administrators participate in any training (Attachment F). Staff would point out that this issue was addressed by the commission during the test claim phase of this mandate. The commission decided that Chapter 498/83 does require that training be provided for administrators functioning as teacher evaluators. See the commission's Statement of Decision, Attachment E, Part I, 3., (b), which addresses this issue. Therefore, since the matter has previously been resolved by the commission, staff will not address it in this analysis.

* * *

V. B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. The cost of services or activities provided to probationary teachers and which are funded by the Mentor Teacher Program can not be claimed as a reimbursement cost.

This change is being proposed by the claimant in response to a concern expressed by DOF. The DOF recommendation makes the following statement regarding this section:

Chapter 498, Statutes of 1983 only requires that a school district establish policies ensuring that a new teacher's training, assistance and evaluation needs will be recognized. It does not demand that those policies exceed whatever currently is provided by school districts to new teachers. Claims that propose reimbursement for activities beyond those required by a school district prior to adoption of "expanded" policies are essentially claims for discretionary acts. As such, these activity costs should not be reimbursable.

The DOF concern here is about the level of training that will be reimbursed. Again, this is an issue which has been decided by the commission as part of the test claim. The commission, in its statement of decision on the test claim determined that training costs are reimbursable. In addition, it is established that any claim for reimbursement of activities beyond those mandated is not acceptable and will not be reimbursed. Nor are activities which are already being reimbursed going to be doubly reimbursed. However, in response to the DOF concern and to provide clarification the claimant has suggested the new language regarding the Mentor Teacher Program. Any activities already funded through that or any other programs may not be reimbursed through these parameters and guidelines. The proposed parameters and guidelines, in Section V.B.1. clearly prohibit double funding of activities by allowing reimbursement only for "Training, assisting and evaluating probationary teachers over and above that usually provided ...". Emphasis added. Additionally, Education Code Section 44496(a)(3) prohibits a mentor teacher from participating in any evaluation of other teachers.

* * *

- B. 1. c. One third of the time spent by site administrators training, assisting or evaluating probationary teachers.

The DOF recommendation states that the proposed parameters and guidelines, in Section B.1., would provide reimbursement for an activity which is now clearly a responsibility of administrative school personnel. This activity is the evaluation of probationary teachers. The proposed parameters and guidelines indicate that one third of the time spent by site administrators training, assisting or evaluating probationary teachers is reimbursable.

According to the claimant this is not an arbitrary number because "the additional one third of the time spent by administrators during the two year probationary period performing the mandated activities (training, assistance and evaluation) is caused by performing all the mandated activities within a two year period [Section 44882(b)] rather than in the pre-Chapter 498/83 three year period of time."

Education Code Section 44882(b), in pertinent part, referred to above, shortened the probationary period for teachers as follows:

- (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year be classified as and become a permanent employee of the district.

Staff does not find it necessary to change this portion of the proposal. The proposed parameters and guidelines will provide reimbursement only for activities required by Chapter 498/83.

* * *

- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

- 1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code Section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

Regarding above Section V.C.1 of the proposed parameters and guidelines, DOF suggested the following language:

"These costs may be reimbursed if prior policies did not provide a procedure for parents and pupils to present complaints regarding employees or mechanisms for response or resolution to the complaints."

Prior practice has not been a determining factor in past decisions of the commission or its predecessor Board of Control. The commission has determined that a stated policy and process for complaints regarding employees of the district is, in this case, a state-mandated activity. The proposed parameters and guidelines articulate that which is required and that which is reimbursable, in accordance with the commission's fundings. There is an exclusion in this portion of the proposed parameters and guidelines for any

activities or meetings previously required by other laws. Staff asserts that the proposed language will facilitate identification and reimbursement of the mandated activities of Chapter 498/83 but will preclude payment of other functions not required by Chapter 498/83.

* * *

VII. Professional and Consultant Services.

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is ~~\$95~~ \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

Staff is suggesting the \$65 per hour limit because, according to SDE staff, teacher evaluator training of administrators has been offered at no cost through educational associations which are funded by SDE, and the training is available through commercial providers at a maximum \$500 per day rate. Therefore, it was felt that the claimant's allowance of up to \$95 per hour for contracted services was too high. The \$65 per hour maximum has been verified by staff through a telephone survey to be well within the industry average required by the State Administrative Manual for state contracts. Staff's proposal therefore, includes replacement language establishing a \$65 per hour ceiling, as indicated above. The claimant agrees with this change.

* * *

Staff has also added a Section VIII, Offsetting Savings. This is standard language for parameters and guidelines and merely guarantees that any savings the claimant realizes as a result of fulfilling the mandate will be identified and used to offset costs of the program. The claimant concurs.

* * *

Section IX, Required Certification, which was also added by staff is standard, "boilerplate" language which is needed in all parameters and guidelines to insure the validity of future claims. The claimant concurs.

Staff Recommendation

Staff recommends the adoption of staff's proposed parameters and guidelines. Staff's proposed parameters and guidelines incorporate an editorial change and language which would:

1. preclude paying teacher evaluator's salaries while they perform classroom observation;
2. limit consultant's fees to a maximum of \$65 per hour;
3. add a standard Section VIII Offsetting Savings;
4. Add a Section IX Supporting Data for Claims requiring documentation that a claimant has attempted to secure "no cost consultant services", and;
5. add a Section X Required Certification.

Exhibit D

PARAMETERS AND GUIDELINES
Education Code Section 35160.5
Chapter 498, Statutes of 1983
Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance; and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as a result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200.00 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.00.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.

a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three year period.

a. Time of district administrators spent in certification training excluding classroom observation.

b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.

c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.

d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.

B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.

a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.

b. Training materials and clerical services for probationary teachers.

c. Registration fees and travel costs of probationary teachers attending training activities.

d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to

other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty (20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

Exhibit E

Certification Teacher Evaluators' Demonstrated Competence

1. Summary of Chapter 498/83

This Chapter, which added Section 35160.5 to the Education Code, required the governing board of each school district, on or before December 1, 1984, to adopt rules and regulations establishing school district policies regarding teacher evaluation, training and complaints regarding employees.

On September 26, 1985, the Commission on State Mandates determined that Chapter 498/83 imposed a new program and costs on school districts and that these costs are reimbursable pursuant to Section 17561 of the Government Code.

2. Eligible Claimants

Any school district or county office of education which incurs increased costs as a result of this mandate is eligible to claim reimbursement for those costs.

3. Appropriations

Claims may only be filed with the State Controller's Office for programs that have been funded by the State Budget Act or by special legislation. To determine funding availability for the current fiscal year, refer to the schedule "Appropriation for State Mandated Cost Programs" in the "Annual Claiming Instructions for State Mandated Costs" issued in mid-September of each year to superintendents of schools.

4. Types of Claims

A. Reimbursement and Estimated Claims

An eligible claimant may file a reimbursement claim or an estimated claim as specified below. A reimbursement claim details the costs actually incurred for the previous fiscal year. An estimated claim shows the costs to be incurred for the current fiscal year.

- A claim for reimbursement or an estimate must exceed \$200 per fiscal year. However, a county superintendent of schools, as fiscal agent for the school district, may submit a combined claim in excess of \$200 on behalf of school districts within the county even if the individual district's claim does not exceed \$200. The combined claim must show the individual claim costs for each school district. Once a combined claim is filed, all subsequent claims for the same mandate must be filed in a combined form. A school district may withdraw from the combined claim form by providing a written notice to the county superintendent of schools and the Controller, at least 180 days prior to the deadline for filing the claim, of its intent to file a separate claim.

B. Filing Deadline

Refer to Item 3 "Appropriations" to determine if the program is funded for the current fiscal year. If funding is available, an estimated claim may be filed as follows:

- An estimated claim must be filed with the State Controller's Office and postmarked by **November 30** of the fiscal year in which costs are to be incurred. Timely filed estimated claims will be paid before late claims.

After having received payment for the estimated claim, the claimant must file a reimbursement claim by **November 30** of the following fiscal year. If the district fails to file a reimbursement claim by **November 30** of the following fiscal year, monies received must be returned to the State. If no estimated claim was filed, the district may file a reimbursement claim detailing the actual costs incurred for the fiscal year, provided there was an appropriation for the program for that fiscal year. See Item 3 above.

- A reimbursement claim must be filed with the State Controller's Office and postmarked by **November 30** following the fiscal year in which costs were incurred. If a claim is filed after the deadline, but by **November 30** of the succeeding fiscal year, the approved claim will be reduced by 10% but not to exceed \$1,000. If the claim is filed more than one year after the deadline, the claim can not be accepted.

5. Reimbursable Components

The governing board of each school district was required, as a condition of receiving appropriations from the State School Fund, to adopt rules and regulations regarding teacher evaluation training and complaints regarding employees.

A. Competence in Instructional Methodology

Education Code Section 35160.5(a)(1) requires certification of personnel assigned to evaluate teachers that have demonstrated competence in instructional methodology and evaluation of teachers.

(1) Adoption of Rules and Regulations.

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies, and the annual revision of these policies are reimbursable. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

(2) Teacher Evaluator Certification Training Programs

The costs of training programs provided to administrators for the purpose of meeting certification requirements adopted by the governing board are reimbursable. Eligible costs include: salaries and benefits paid to administrators during certification training; mileage, meals and materials for attending locally provided training sessions; transportation, meals and lodging for attending training not available locally; contracts for administrators to be trained locally (consultant fees, materials, travel, meals and lodging for trainers); and salaries and benefits for preparation and presentation, plus mileage, meals, clerical support and material used in training by district employees used as trainers.

Training expenses for an administrator are allowed a maximum of ten days (80 hours) in any three year period. The reimbursable travel costs of attending a local training session shall be the same as provided by the district for other district activities. The reimbursement for non-local training shall be the same as provided for business travel by employees of the State of California.

B. Probationary Certificated Employee Policies

Education Code Section 35160.5(a)(2) requires the establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance and evaluations will be recognized.

(1) Adoption of Rules and Regulations

The cost of preparation, discussion and distribution of the proposed rules and regulations, the adoption of rules and regulations establishing education policies and the annual review of these policies are reimbursable. Copies of the approved previous policy and the subsequent policy must be included with claims for reimbursement.

(2) Training, Assisting and Evaluating Probationary Teachers

The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist or evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available within the school district or county office of education, is reimbursable. Registration fees, travel costs and the cost of substitute teachers provided for probationary teachers so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester.

C. Parental Complaint Policies

Education Code Section 35160.5(a)(3) requires policies and procedures for enrolled pupils' parents or guardians to present employee complaints. The policies and procedures provide response mechanisms and, where possible, resolve the complaint.

(1) Adoption and Review of Rules and Regulations

The costs of preparation, discussion and distribution of the proposed rules and regulations, the adoption of the rules and regulations establishing education policies and the annual policy review are reimbursable.

(2) Resolution of Complaints

The cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the claimant in compliance with Education Code Section 35160.5 are reimbursable.

These costs shall include:

- ▣ notification costs of parent and pupil complaint procedures
- ▣ claimant costs of time, mileage, supplies and specialized training to respond to parent and pupil complaints.

Meeting and activity costs required by categorical programs and/or special education rules and regulations are not eligible for this program.

6. Reimbursement Limitations

Any offsetting savings or reimbursement the claimant received from any source, as a result of this mandate, must be deducted from the amount claimed.

7. Cost Elements of a Claim

Contracted services for training evaluators are not reimbursable, unless the claimant can document that the State Department of Education was unable to provide the consultant services or the Department failed to respond to the claimant's request within the following time period. The claimant must request consultant services from the State Department of Education at least thirty calendar days prior to the need for the consultant services and the district must have been notified by the Department that the requested consultant services were not available at the time of the request. If the claimant did not receive a response to their request within twenty calendar days after the request was received by the Department, contracted service expenses are reimbursable.

The maximum reimbursable fee for contracted services in 1983/84 was \$ 65 per hour, to be adjusted annually by the GNP Deflator through the claim year. The current rate is shown on Form TE-1, Claim Summary. Claimants will receive a revised claim form each year with a revised rate. Claims which are based on annual retainer must contain a certification that the fee is no greater than the allowable maximum fee per hour.

8. Claiming Forms and Instructions

The diagram "Illustration of Claim Forms", provides a graphical presentation of forms required to be filed with a claim. A claimant may submit a computer generated report in substitution for Form TE-1 and Form TE-2, provided the format of the report and data fields contained within the report are identical to the claim forms included with these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file an estimated or reimbursement claim. The State Controller's Office will revise the manual and claim forms as necessary.

A. Form TE-2, Component/Activity Cost Detail

This form is used to segregate the detailed costs by claim component. In some mandates, specific reimbursable activities have been identified for each component. The expenses reported on this form must be supported by cost and time records. Copies of supporting documentation specified in the claiming instructions must be submitted with

the claims.

For audit purposes, all supporting documents must be retained for a period of two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

B. Form TE-1, Claim Summary

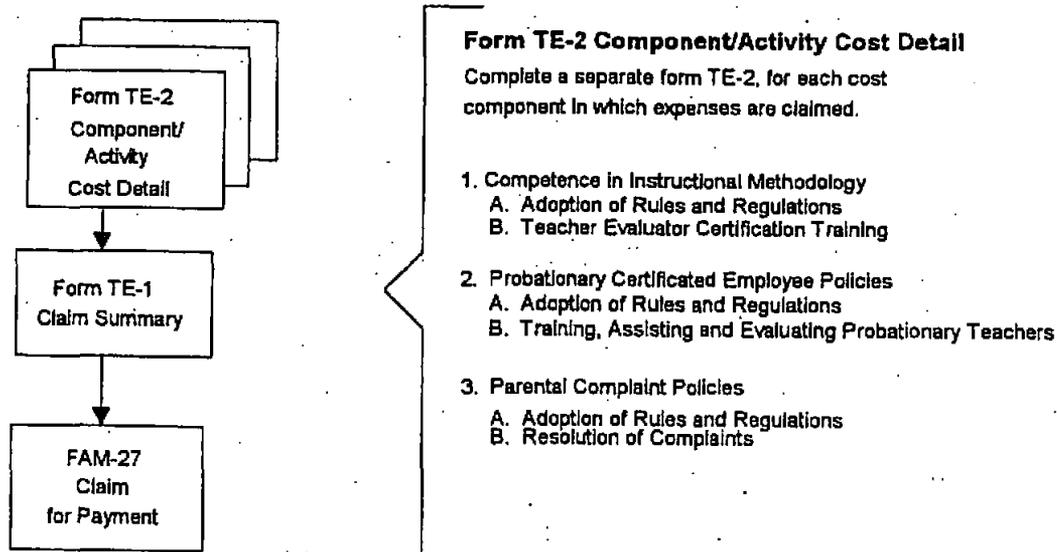
This form is used to summarize direct costs by claim component and compute allowable indirect costs for the mandate. Claim statistics shall identify the work performed for costs claimed.

School districts and local offices of education may compute the amount of indirect costs utilizing the State Department of Education's Annual Program Cost Data Report J-380 or J-580 rate, as applicable. The cost data on this form are carried forward to form FAM-27.

C. Form FAM-27, Claim for Payment

Form FAM-27 contains a certification that must be signed by an authorized representative of the district. All applicable information from form TE-1 must be carried forward to this form for the State Controller's Office to process the claim for payment.

Illustration of Claim Forms



CLAIM FOR PAYMENT
Pursuant to Government Code Section 17561
Certification of Teacher Evaluator's Demonstrated Competence
CLAIM FOR PAYMENT

For State Controller Use only

(19) Program Number 00009
(20) Date Filed _____/_____/_____
(21) Signature Present

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(01) Claimant Identification Number: _____

(02) Mailing Address _____

Claimant Name _____

County of Location _____

Street Address or P. O. Box _____

City _____ State _____ Zip Code _____

Reimbursement Claim Data	
(22) TE-1, (04)(1)(d)	
(23) TE-1, (04)(2)(d)	
(24) TE-1, (04)(3)(d)	
(25) TE-1, (05)(d)	
(26) TE-1, (06)	
(27) TE-1, (11)	
(28)	
(29)	
(30)	
(31)	
(32)	
(33)	
(34)	
(35)	
(36)	
(37)	

Type of Claim	Estimated Claim	Reimbursement Claim
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>
Fiscal Year of Cost	(06) 19____/____	(12) 19____/____
Total Claimed Amount	(07)	(13)
Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)		(14)
Less: Estimate Payment Received		(15)
Net Claimed Amount		(16)
Due from State	(08)	(17)
Due to State		(18)

(38) CERTIFICATION OF CLAIM:

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 through 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimant, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative _____ Date _____

Type or Print Name _____ Title _____

(39) Name of Contact Person for Claim _____ Telephone Number _____

Ext. _____

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE

FORM

Certification Claim Form

FAM-27

Pursuant to Government Code Section 17561

- (01) Leave blank
- (02) A set of mailing labels with the claimant's I.D. number and address have been enclosed with the claiming instructions. The mailing labels are designed to speed processing and prevent common errors that delay payment. Affix the label provided at the place indicated on form FAM-27. Cross out any errors and print the correct information on the label. Add any missing address items, except county of location and a person's name. If you didn't receive labels, print or type your agency's mailing address.
- (03) If filing an original estimated Claim, enter an "X" in the box on line (03) Estimated.
- (04) If filing an original estimated Claim on behalf of districts within the county, enter an "X" in the box on line (04) Combined.
- (05) If filing an amended claim to an original estimated or combined claim, enter an "X" in the box on line (05) Amended. Leave boxes (03) and (04) blank.
- (06) Enter the current fiscal year in which costs are to be incurred.
- (07) Enter the amount of estimated claim from form TE-1, line (11).
- (08) Enter the same amount as shown on line (07).
- (09) If filing an original reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) If filing an original reimbursement claim on behalf of districts within the county, enter an "X" in the box on line (10) combined.
- (11) If filing an amended claim to an original reimbursement or combined claim on behalf of districts within the county, enter an "X" in the box on line (11) combined.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim from form TE-1, line (11).
- (14) If a reimbursement claim is filed after November 30 following the fiscal year in which costs were incurred, the claim must be reduced by late penalty. Enter either the product of multiplying line (13) by the factor 0.10 [10% penalty] or \$1,000, whichever is less.
- (15) If filing a reimbursement claim and have previously filed an estimated claim for the same fiscal year, enter the amount received for estimated claim, otherwise enter a zero.
- (16) Enter the result of subtracting the sum of line (14) and line (15) from line (13).
- (17) If line (16) Net Claimed Amount is positive, enter that amount on line (17) Due from State.
- (18) If line (16) Net Claimed Amount is negative, enter that amount on line (18) Due to State.
- (22) through (37) for the Reimbursement claim

Bring forward cost information as specified in the left-hand column of lines (22) through (37) for the reimbursement claim [e.g., TE-1, (04)(1)(d), means the information is located on form TE-1, line (04)(1)(d)]. Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, (i.e., no cents). Indirect costs percentage should be shown as a whole number and without the percent symbol (i.e., 7.548% should be shown as 8). The claim cannot be processed for payment unless this data block is correct and complete.

- (38) Read the statement "Certification of Claim". If the statement is true, the claim must be dated, signed by the agency's authorized representative and must include the person's name and title, typed or printed. Claims cannot be paid unless accompanied by a signed certification.
- (39) Enter the name of the person and telephone number that this office should contact if additional information is required.

SUBMIT A SIGNED ORIGINAL AND A COPY OF FORM FAM-27 AND A COPY OF ALL OTHER FORMS AND SUPPORTING DOCUMENTS TO:

*Address, if delivery is by:
U.S. Postal Service*

KATHLEEN CONNELL
Controller of California
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250-5875

*Address, if delivery is by:
Other delivery service*

KATHLEEN CONNELL
Controller of California
Division of Accounting and Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE CLAIM SUMMARY Instructions	FORM TE-1
--	----------------------------

- (01) Enter the name of the claimant.
- (02) Type of Claim. Check a box, Reimbursement or Estimated, to identify the type of claim being filed. Enter the fiscal year of costs.
- Form TE-1 must be filed for a reimbursement claim. Do not complete form TE-1 if you are filing an estimated claim and the estimate does not exceed the previous fiscal year's actual costs by more than 10%. Simply enter the amount of the estimated claim on form FAM-27, line (07). However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, form TE-1 must be completed and a statement attached explaining the increased costs. Without this information the high estimated claim will automatically be reduced to 110% of the previous fiscal year's actual costs.
- (03) (a) Answer yes or no.
(b) If yes, explain contract terms or annual retainer.
- (04) Reimbursable Components. For each reimbursable component, enter the totals from form TE-2, line (05) columns (d) and (e) and (f). Total each row.
- (05) Total Direct Costs. Total block (05) columns (a) through (d).
- (06) Indirect Cost Rate. Enter the indirect cost rate from the Department of Education form J-380 or J-580, as applicable, for the fiscal year of the costs.
- (07) Total Indirect Costs. Enter the result of multiplying the difference of Total Direct Costs, line (05)(d) and Contracted Services, line (05)(c) by the Indirect Cost Rate, line (06).
- (08) Total Direct and Indirect Costs. Enter the sum of Total Direct Costs, line (05)(d) and Total Indirect Costs, line (07).
- (09) Less: Offsetting Savings, if applicable. Enter the total savings experienced by the claimant as a direct result of this mandate. Submit a detailed schedule of savings with the claim.
- (10) Less: Other Reimbursements, if applicable. Enter the amount of other reimbursements received from any source (i.e., service fees collected, federal funds, other state funds, etc.) which reimbursed any portion of the mandated cost program. Submit a detailed schedule of the reimbursement sources and amounts.
- (11) Total Claimed Amount. Subtract the sum of Offsetting Savings, line (09), and Other Reimbursements, line (10), from Total Direct and Indirect Costs, line (08). Enter the remainder of this line and carry the amount forward to form FAM-27, line (13) for the Reimbursement Claim.

CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE			FORM TE-1	
CLAIM SUMMARY				
Instructions				
(01) Claimant	(02) Type of Claim		Fiscal Year	
	Reimbursement <input type="checkbox"/>		19__ / __	
	Estimated <input type="checkbox"/>			
Claim Statistics				
(03) Professional and Consultant Services Certification			Yes	No
(a) Is the fee claimed for contracted services, including claims based on annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year? (b) If yes, explain.			<input type="checkbox"/>	<input type="checkbox"/>
Direct Costs	Object Accounts			
(04) Reimbursable Components:	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contracted Services	(d) Total
1. Competence in Instructional Methodology				
2. Probationary Certified Employee Policies				
3. Parental Complaint Policies				
(05) Total Direct Costs				
Indirect Costs				
(06) Indirect Cost Rate	[From J-380 or J-580]			%
(07) Total Indirect Costs	[Line (06) x {(line (05)(d) - line (05)(c))}]			
(08) Total Direct and Indirect Costs	[Line (05)(d) + line (07)]			
Cost Reduction				
(09) Less: Offsetting Savings, if applicable				
(10) Less: Other Reimbursements, if applicable				
(11) Total Claimed Amount	[Line (08) - (Line (09) + Line (10))]			

MANDATED COSTS CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL	FORM TE-2
---	----------------------------

(01) Claimant	(02) Fiscal Year Costs Were Incurred
---------------	--------------------------------------

(03) Reimbursable Component: Check only one box per form to identify the component being claimed.

1. Competence in Instructional Methodology

2. Probationary Certificated Employee Policies

3. Parental Complaint Policies

(04) Description of Expenses: Complete columns (a) through (f).			Object Accounts		
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services

(05) Total	<input type="text"/>	Subtotal	<input type="text"/>	Page: _____ of _____	
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CERTIFICATION OF TEACHER EVALUATORS' DEMONSTRATED COMPETENCE COMPONENT/ACTIVITY COST DETAIL Instructions	FORM TE-2
---	----------------------------

- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Reimbursable Components. Check the box which indicates the cost component being claimed. Check only one box per form. A separate form TE-2 shall be prepared for each component which applies.
- (04) Description of Expenses. The following table identifies the type of information required to support reimbursable costs. To detail costs for the component activity box "checked" in block (03), enter the employee names, position titles, a brief description of their activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, etc. Maximum reimbursable fee for contracted services is \$98.27 per hour for 1995/96 f.y. For audit purposes, all supporting documents must be retained by the claimant for a period of not less than two years after the end of the calendar year in which the reimbursement claim was filed or last amended, whichever is later. Such documents shall be made available to the State Controller's Office on request.

Object/ Subobject Accounts	Columns						Submit these supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	
Salaries	Employee Name	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked			
Benefits	Title Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries			
Materials and Supplies	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Consumed		
Contracted Services	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Itemized Cost of Services Performed	Invoice

- (05) Total line (04), columns (d), (e) and (f) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed for the component/activity, number each page. Enter totals from line (05), columns (d), (e) and (f) to form TE-1, block (04) columns (a), (b) and (c) in the appropriate row.

Exhibit F

Exhibit "F" Explanation

Upon reviewing files for this program at the State Controller's Office on August 31, 1998, we were not able to obtain the original adjustment letters. Original adjustment amounts were calculated based upon the State Controller's Office work papers (please see Exhibit "G").

Exhibit G

CLAIM FOR PAYMENT

Pursuant to Government Code Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

(01) Claimant Identification Number: S19285

Reimbursement Claim Data

(02) Mailing Address

(22) TE-1,(04)(1)(d)

2,049

Claimant Name

MANHATTAN BEACH UNIFIED SD

(23) TE-2,(04)(2)(d)

67,086

County Of Location

LOS ANGELES

(24) TE-1,(04)(3)(d)

10,391

Street Address or P.O. Box

1230 ROSECRANS AVE, SUITE 400

(25) TE-1,(05)(d)

79,526

City

MANHATTAN BEACH

State

CA

Zip Code

90266

(26) TE-1,(06)

6

Type of Claim

Estimated Claim

Reimbursement Claim

(27) TE-1,(11)

84,528

(03) Estimated

(09) Reimbursement

(28)

(04) Combined

(10) Combined

(29)

(05) Amended

(11) Amended

(30)

Fiscal Year of Cost

(06) 19 /

(12) 19 95 / 96

(31) ~~SA~~

Total Claimed Amount

(07)

(13) \$ 84,528

(32) ~~SA~~

Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)

(14) \$ 1,000

(33)

Less: Estimate Payment Received

(15)

(34)

Net Claimed Amount

(16)

(16) \$ 83,528

(35)

Due From State

(08)

(17) \$ 83,528

(36) ~~SA~~

Due to State

(18)

(37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimants for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

Date

Scott J. Smith
SCOTT J. SMITH

11/25/97
ASSISTANT SUPERINTENDENT OF BUSINESS SERVICES

Type or Print Name

Title

Name of Contact Person For Claim

Telephone Number

Steve Smith, Mandated Cost Systems

916-487-4435

Ext.

CLAIM FOR PAYMENT

Pursuant to Government Code, Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

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R
E

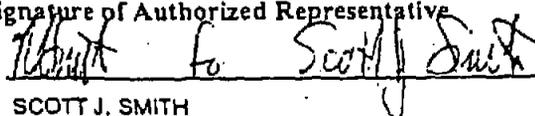
(01) Claimant Identification Number: S19285		Reimbursement Claim Data	
(02) Mailing Address		(22) TE-1,(04)(1)(d)	2,049
Claimant Name MANHATTAN BEACH UNIFIED SD		(23) TE-2,(04)(2)(d)	67,086
County Of Location LOS ANGELES		(24) TE-1,(04)(3)(d)	10,391
Street Address or P.O. Box 1230 ROSECRANS AVE, SUITE 400		(25) TE-1,(05)(d)	79,526
City MANHATTAN BEACH	State CA	Zip Code 90266	(26) TE-1,(06) 6
Type of Claim	Estimated Claim	Reimbursement Claim	(27) TE-1,(11) 84,528
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>	(28)
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(29)
	(05) Amended <input type="checkbox"/>	(11) Amended <input checked="" type="checkbox"/>	(30)
Fiscal Year of Cost	(06) 19 /	(12) 19 95 / 96	(31)
Total Claimed Amount	(07)	(13) \$ 84,528	(32)
Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)		(14) \$ 1,000	(33)
Less: Estimate Payment Received		(15)	(34)
Net Claimed Amount		(16) \$ 83,528	(35)
Due From State	(08)	(17) \$ 83,528	(36)
Due to State		(18)	(37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimants for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

 SCOTT J. SMITH
 Type or Print Name

Date
 11/25/97
 ASSISTANT SUPERINTENDENT OF BUSINESS SERVICES
 Title

(39) Name of Contact Person For Claim
 Steve Smith, Mandated Cost Systems
 Telephone Number
 916-487-4435
 Ext.

DISTRICT: MANHATTAN BEACH UNIFIED SD

S# 19285

The District's Certification of Teacher Evaluators claim has been amended due to the following:

- A) District did not claim all employee costs for Parental Complaints**
- B) District did not claim all employee costs for Probationary Teacher Training**

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE
CLAIM SUMMARY
 Instructions

FORM
TE-1

(01) Claimant: S19285 MANHATTAN BEACH UNIFIED SD	(02) Type of Claim: Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year: 19 <u>95</u> / <u>96</u>
--	--	--

Claim Statistics

(03) Professional and Consultant Services Certification	Yes	No
a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year?		X
b. If yes, explain.		

Direct Costs	Object Accounts
---------------------	------------------------

(04) Reimbursable Components:	(a) Salaries and Benefits	(b) Material and Supplies	(c) Contracted Services	(d) Total
1. Competence in Instructional Methodology	2,049	0	0	2,049
2. Probationary Certified Employee Policies	3331 67,086	0	0	3331 67,086
3. Parental Complaint Policies	10,391	0	0	10,391
(05) Total Direct Costs	29,526 1577	0	0	29,526 1577

Indirect Costs 9894-63755-

(06) Indirect Cost Rate	From J-380 or J-580	6.2900 %
(07) Total Indirect Costs	{[Line (05)(d) - line (05)(c)] x line (06)}	992- ^{5,002}
(08) Total Direct and Indirect Costs:	[Line (05)(d) + line (07)]	84,528- 16763-

Cost Reduction

(09) Less: Offsetting Savings, if applicable	
(10) Less: Other Reimbursements, if applicable	
(11) Total Claimed Amount:	(Line(08) - [Line(09) + line(10)]) 84,528 16763-

MANDATED COSTS

**FORM
TE-2**

**CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **MANHATTAN BEACH UNIFIED SD**

(02) Fiscal Year costs were incurred: **95-96**

- (03) Reimbursable Component: 1. Competence in Instructional Methodology
 2. Probationary Certificated Employee Policies
 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Object Accounts

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS					
AKERS, B/TEACHER	31.55	19.50	615		
ARRASMITH, C/TEACHER	31.55	19.50	615		
ARRASMITH, J/TEACHER	31.55	19.50	615		
BARBERIS, J/TEACHER	33.98	26.50	900		
BARR, K/TEACHER	38.43	24.50	942		
BROWN, W/TEACHER	33.79	19.50	659		
CARTWRIGHT, D/TEACHER	26.98	47.00	1268		
CATTIVERA, L/TEACHER	34.12	44.00	1501		
CHEN, S/TEACHER	39.88	19.50	778		
COHN, B/DIRECTOR	54.90	36.00	1976		
CONTENT, S/ASST SUPERINTENDENT	59.14	36.00	2129		
COX, J/ASSISTANT PRINCIPAL	43.61	20.50	894		
CURRIER, C/TEACHER	34.57	19.50	674		
DAVIDSON, S/TEACHER	48.90	19.50	954		
DECKER, M/TEACHER	38.21	24.50	936		
DETERS, S/TEACHER	37.99	40.00	1520		
FARACI, L/TEACHER	30.06	44.00	1323		
FERRAN, J/TEACHER	31.82	15.17	483		
FRENCH, Y/SCHOOL SECRETARY	31.43	10.75	338		
GALANTE, P/TEACHER	42.25	18.50	782		
GARDNER, G/TEACHER	31.70	19.50	618		
GELLER, T/TEACHER	35.62	43.75	1558		
GREGER, D/TEACHER	39.57	19.50	772		
GUERRERO, P/TEACHER	28.84	19.50	562		
HAMMACK, C/TEACHER	39.57	19.50	772		
HINSCHKE, H/ASSISTANT PRINCIPAL	43.18	20.50	885		
HOLZ, K/TEACHER	50.12	48.00	2406		
KRAGH, J/TEACHER	26.27	28.50	749		
KREMER, K/TEACHER	39.57	24.50	969		
LACINA, W/TEACHER	30.06	44.00	1323		
LEONARD, N/TEACHER	50.23	19.50	979		

(05) Total Subtotal

Page: 1 of 1

\$ 31,495 0 0

MANDATED COSTS

**FORM
TE-2**

**CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **MANHATTAN BRACH UNIFIED SD**

(02) Fiscal Year costs were incurred: **95-96**

- (03) Reimbursable Component: 1. Competence in Instructional Methodology
 2. Probationary Certificated Employee Policies
 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Object Accounts

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
LaPOUR, J/TEACHER	29.58	7.00	207		
MANAGO, P/TEACHER	47.57	19.50	928		
MARTIN, E/TEACHER	27.99	44.00	1232		
MARTIN, W/TEACHER	28.84	19.50	562		
MCCANN/TEACHER	30.65	32.00	981		
MCMAN, S/TEACHER	30.65	20.50	628		
MELLIS, J/TEACHER	39.62	19.50	773		
MILLER, T/TEACHER	29.62	24.50	726		
MULHAUPT, K/TEACHER	33.98	18.50	629		
NAMMACK, C/TEACHER	30.42	24.50	745		
OLIFSON, S/TEACHER	33.98	44.00	1495		
OLIVER, K/TEACHER	34.82	55.00	1915		
PARCENTE, V/SPECIALIST	22.12	20.67	457		
PARENTE, V/TEACHER	30.06	28.50	857		
PETERS, S/TEACHER	28.65	18.50	530		
PILLOW, B/TEACHER	29.18	7.00	204		
QUINTERO, C/TEACHER	32.18	44.00	1416		
SALTER, C/TEACHER	37.35	19.50	728		
SCHAEFER, P/TEACHER	31.34	44.00	1379		
SIVERT, C/TEACHER	32.97	19.50	643		
SKORA, S/TEACHER	43.12	49.00	2113		
STEPHANI, L/TEACHER	37.77	22.50	850		
STEVENS, S/TEACHER	35.84	19.50	699		
STRAUSSNER, H/TEACHER	39.57	19.50	772		
SULLIVAN, M/TEACHER	37.99	94.50	3590		
TONNE, L/TEACHER	31.15	24.50	763		
TURNNEY, M/TEACHER	35.97	43.75	1574		
WADA, N/TEACHER	39.11	44.00	1721		
WEDBUSH, C/TEACHER	31.38	28.50	894		
WHITTAKER, K/TEACHER	35.92	39.00	1401		
WIEBOLD, U/ASSISTANT PRINCIPAL	38.03	30.67	1166		
WOOD, M/TEACHER	31.82	41.00	1305		

(05) Total Subtotal

Page: 1 of 1

\$ 33,883

0

0

MANDATED COSTS

**FORM
TE-2**

**CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **MANHATTAN BEACH UNIFIED SD**

(02) Fiscal Year costs were incurred: 95 - 96

- (03) Reimbursable Component:
- 1. Competence in Instructional Methodology
 - 2. Probationary Certificated Employee Policies
 - 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Object Accounts

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
WUNDER, M/COUNSELOR	47.88	35.67	1708		
			333		

(05) Total Subtotal

Page: 1 of 1

\$ 1,708 0 0

MANDATED COSTS

**FORM
TE-2**

**CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **MANHATTAN BEACH UNIFIED SD**

(02) Fiscal Year costs were incurred: **95-96**

- (03) Reimbursable Component: 1. Competence in Instructional Methodology
 2. Probationary Certificated Employee Policies
 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Object Accounts

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SB813 LEVELS					
COHN, B/DIRECTOR	54.90	36.50	2004		
COORDT, C/PRINCIPAL	49.58	15.25	756		
ELLIS, J/SCHOOL SECRETARY	22.52	5.33	120		
FRENCH, Y/SCHOOL SECRETARY	31.43	10.00	314		
FROSETH, P/SECRETARY	12.57	15.50	195		
GIOVATI, J/PRINCIPAL	48.32	30.33	1466		
HARNS, T/CLERK	17.22	2.58	44		
HARRINGTON, C/PRINCIPAL	48.91	40.17	1965		
HINSCH, H/ASSISTANT PRINCIPAL	43.18	20.67	893		
PERRY, J/SECRETARY	18.22	13.00	237		
SCHWABE, J/PRINCIPAL	46.32	15.08	699		
SHEEHAN, N/CLERK	15.17	2.58	39		
WIEBOLD, L/ASSISTANT PRINCIPAL	38.03	24.33	925		
WUNDER, M/COUNSELOR	47.88	15.33	734		

(05) Total Subtotal

Exhibit H

April 5, 1999

Jeff Yee
Manager, Local Reimbursement Section
Division of Accounting and Reporting
State Controller's Office
P.O. Box 942850
Sacramento, CA 94250-5875

RE: Reconsideration Request (CTE 98-43)

Dear Mr. Yee:

The Manhattan Beach Unified School District, Claimant ID S19285 received an adjustment that disallowed costs on its 1995/96 Certification of Teacher Evaluator's Demonstrated Competence Chapter 498/83 claim as follows:

1)	Training Time for Non-probationary Teachers	\$ 6,613
2A)	1 st & 2 nd year Probationary Teacher Time Disallowed	\$ 32,469
2B)	2 Day Training Time Disallowed for Probationary Teachers	\$ 28,683
3)	Late Claim Penalty	\$ 1,000
	Total	\$ 68,765

On August 31, 1998 one of my staff met with Eduardo Antonio to obtain the composition of this adjustment and to copy the work papers used in reviewing this claim.

Issue #1 - Training Time for Non-probationary Teachers (Trainers) Disallowed:

District personnel with the assigned responsibility to train and assist probationary teachers were disallowed. The State Controller's Office Claiming Instructions for this program states that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, (not including the site principal, ... used to train, assist or evaluate probationary teachers are reimbursable."

In reviewing the work papers provided by your office, it is clear that salary and benefits of employees that were used to train and assist probationary teachers were disallowed. It appears that all teachers listed on the claim were assumed to be probationary teachers. In addition, our office has no record of receiving a request for additional information on this claim.

Please note that the Probationary Certificated Employees Policies component code is H2B. We have attached a detailed report with component code H2B, that itemizes the source of all charges to this component and the documentation to support these charges. Also, we have identified these Non-Probationary Teacher (Trainers) on the attached claim with a "T". These costs should be reinstated.

Issue #2 A & B - Probationary Teacher Time Disallowed:

The Claiming Instructions and Parameters & Guidelines are silent on whether the time spent by probationary teachers is reimbursable. We feel strongly that these are legitimate costs of the mandate and that they are reimbursable. The State Controller's Office Claiming Instructions state that:

"The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable".

A) The time spent by probationary teachers receiving additional training and assistance would be included as a cost of training, assisting and evaluating probationary teachers.

B) In addition, the district requires its first year probationary teachers (P1) to work two extra 7 hour days each fiscal year for teacher training. Permanent teachers work a 182 day work year, while the probationary teachers (P1) work a 184 day work year. These training sessions exceed what is provided to permanent teachers and there are costs incurred by the district.

There is an identifiable increased cost to the school district for these days worked by probationary teachers and these days worked are specifically attributable to the mandate of probationary teacher training. Recent rulings by the Commission on State Mandates on test claims that involve teacher training costs have indicated that if the district incurs an increased cost of some kind (i.e. substitutes, stipends, overtime pay or an extended work year) then this identifiable increased cost would be reimbursable.

The probationary teachers are identified on the attached claim with a "P1" for 1st year teachers or "P2" for 2nd year teachers.

Issue #3 - Late Filing Penalty:

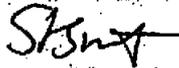
We agree with this adjustment. The 1995/96 Certification of Teacher Evaluator's Demonstrated Competence Claim was filed during the late filing period. The late penalty is \$1,000.

Conclusion:

Based on the additional information and clarifications listed above, I request that \$67,765 in incorrectly reduced costs be reinstated. Please notify me within four weeks (May 3, 1999) of the State Controller's Office's decision on this matter. In the absence of a response within four weeks, we will assume that you intend to stand by this adjustment and not reinstate these costs.

If you have any questions or need any additional information, please contact me at (916) 487-4435.

Sincerely,



Steve Smith
President
Mandated Cost Systems, Inc.

SS/KDR

Enclosures

cc: Scott Smith, Manhattan Beach Unified School District

CLAIM FOR PAYMENT

Pursuant to Government Code, Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

L
A
B
E
L
H
E
R
E

(01) Claimant Identification Number:
S19285

(02) Mailing Address

Reimbursement Claim Data

(22) TE-1,(04)(1)(d) 2,049

Claimant Name
MANHATTAN BEACH UNIFIED SD

(23) TE-2,(04)(2)(d) 67,086

County Of Location
LOS ANGELES

(24) TE-1,(04)(3)(d) 10,391

Street Address or P.O. Box
1230 ROSECRANS AVE, SUITE 400

(25) TE-1,(05)(d) 79,526

City State Zip Code
MANHATTAN BEACH CA 90266

(26) TE-1,(06) 6

Type of Claim Estimated Claim Reimbursement Claim

(27) TE-1,(11) 84,528

10/1/95

(03) Estimated
(04) Combined
(05) Amended

(09) Reimbursement
(10) Combined
(11) Amended

(28)
(29)
(30)

Fiscal Year of Cost (06) 19 1 19 1

(12) 95 96

(21)

Total Claimed Amount (07)

(13) \$ 106,788

(32)

Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)

(14) \$ 1,000

(33)

Less: Estimate Payment Received

(15)

(34)

Net Claimed Amount

(16) \$ 105,788

(35)

Due From State (08)

(17) \$ 50,885

(36) ES

Due to State

(18)

(37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimants for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative
Scott J. Smith
SCOTT J. SMITH

Date
11/25/97
ASSISTANT SUPERINTENDENT OF BUSINESS SERVICES

Type or Print Name

Title

(39) Name of Contact Person For Claim
Steve Smith, Mandated Cost Systems

Telephone Number
916-487-4435 Ext.

CLAIM FOR PAYMENT

Pursuant to Government Code, Section 17561

Certification of Teacher Evaluator's Demonstrated Competence

(19) Program Number 00009

(20) Date Filed

(21) Signature Present

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A
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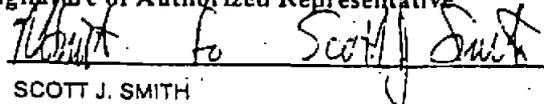
(01) Claimant Identification Number: S19285		Reimbursement Claim Data	
(02) Mailing Address		(22) TE-1,(04)(1)(d)	2,049
Claimant Name MANHATTAN BEACH UNIFIED SD		(23) TE-2,(04)(2)(d)	67,086
County Of Location LOS ANGELES		(24) TE-1,(04)(3)(d)	10,391
Street Address or P.O. Box 1230 ROSECRANS AVE, SUITE 400		(25) TE-1,(05)(d)	79,526
City MANHATTAN BEACH	State CA	Zip Code 90266	(26) TE-1,(06) 6
Type of Claim	Estimated Claim	Reimbursement Claim	(27) TE-1,(11) 84,528
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>	(28)
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(29)
	(05) Amended <input type="checkbox"/>	(11) Amended <input checked="" type="checkbox"/>	(30)
Fiscal Year of Cost	(06) 19 /	(12) 19 95 / 96	(31)
Total Claimed Amount	(07)	(13) \$ 84,528	(32)
Less: 10% Late Penalty, but not to exceed \$1000 (if applicable)		(14) \$ 1,000	(33)
Less: Estimate Payment Received		(15)	(34)
Net Claimed Amount		(16) \$ 83,528	(35)
Due From State	(08)	(17) \$ 83,528	(36)
Due to State		(18)	(37)

(38) CERTIFICATION OF CLAIM

In accordance with the provisions of Government Code 17561, I certify that I am the person authorized by the school district to file claims with the State of California for costs mandated by Chapter 498, Statutes of 1983; and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1096, inclusive.

I further certify that there were no applications for nor any grants or payments received, other than from the claimants for reimbursement of costs claimed herein; and such costs are for a new program or increased level of service of an existing program mandated by Chapter 498, Statutes of 1983.

The amount of Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs for the mandated program of Chapter 498, Statutes of 1983, set forth on the attached statements.

Signature of Authorized Representative

 SCOTT J. SMITH
 Type or Print Name

Date
 11/25/97
 ASSISTANT SUPERINTENDENT OF BUSINESS SERVICES
 Title

(39) Name of Contact Person For Claim Telephone Number
 Steve Smith, Mandated Cost Systems 916-487-4435 Ext.

DISTRICT: MANHATTAN BEACH UNIFIED SD

S# 19285

The District's Certification of Teacher Evaluators claim has been amended due to the following:

- A) District did not claim all employee costs for Parental Complaints**
- B) District did not claim all employee costs for Probationary Teacher Training**

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE CLAIM SUMMARY

Instructions

FORM TE-1

(01) Claimant:
 S19285
 MANHATTAN BEACH UNIFIED SD

(02) Type of Claim:
 Reimbursement
 Estimated

Fiscal Year:
 19 95 / 96

Claim Statistics

(03) Professional and Consultant Services Certification	Yes	No
		X
a. Is the fee claimed for contracted services, including claims based on an annual retainer, greater than \$98.27 per hour for the 1995/96 fiscal year? b. If yes, explain.		

Direct Costs **Object Accounts**

(04) Reimbursable Components:	(a)	(b)	(c)	(d)
	Salaries and Benefits	Material and Supplies	Contracted Services	Total
1. Competence in Instructional Methodology	2,049	0	0	2,049
2. Probationary Certified Employee Policies	57,086 3331	0	0	57,086 3331
3. Parental Complaint Policies	10,391	0	0	10,391
(05) Total Direct Costs	79,526 15771	0	0	79,526 15771

Indirect Costs 9894 - 63755 -

(06) Indirect Cost Rate	From J-380 or J-580	6.2900 %
(07) Total Indirect Costs	((Line (05)(d) - line (05)(c)) x line (06))	9920 4010 5,002
(08) Total Direct and Indirect Costs:	[Line (05)(d) + line (07)]	84,526 16763

Cost Reduction

(09) Less: Offsetting Savings, if applicable		
(10) Less: Other Reimbursements, if applicable		
(11) Total Claimed Amount:	[Line(08) - [Line(09) + line(10)]]	84,526 - 16763

MANDATED COSTS

**FORM
TE-2**

**CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **MANHATTAN BEACH UNIFIED SD**

(02) Fiscal Year costs were incurred: 95-96

(03) Reimbursable Component: 1. Competence in Instructional Methodology
 2. Probationary Certificated Employee Policies
 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Object Accounts

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
TEACHER EVALUATOR CERTIFICATION TRAINING PROGRAMS					
COHN, B/DIRECTOR	54.90	6.00	329		
COORDT, C/PRINCIPAL	49.58	6.00	297		
GIOVATI, J/PRINCIPAL	48.32	6.00	290		
HARRINGTON, C/PRINCIPAL	48.91	6.00	293		
NORVELL, C/PRINCIPAL	47.11	6.00	283		
ROBERTSON, A/PRINCIPAL	46.47	6.00	279		
SCHWABE, J/PRINCIPAL	46.32	6.00	278		

(05) Total Subtotal

Page: 1 of 1

\$ 2,049 0 0

MANDATED COSTS

FORM

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: **MANHATTAN BEACH UNIFIED SD**

(02) Fiscal Year costs were incurred: **95 - 96**

- (03) Reimbursable Component:
- 1. Competence in Instructional Methodology
 - 2. Probationary Certificated Employee Policies
 - 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Object Accounts

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits		(e) Materials and Supplies	(f) Contracted Services
TRAIN, ASSIST AND EVALUATE PROB. TEACHERS						
PZAKERS, B/TEACHER	31.55	19.50	442	615		
P ARRASMITH, C/TEACHER	31.55	19.50	442	615		
P ARRASMITH, J/TEACHER	31.55	19.50	442	615		
P BARBERIS, J/TEACHER	33.98	26.50	476	900		
P BARR, K/TEACHER	38.43	24.50	538	942		
P BROWN, W/TEACHER	33.79	19.50	473	659		
P CARTWRIGHT, D/TEACHER	26.98	47.00	378	1268		
P CATTIVERA, L/TEACHER	34.12	44.00	478	1501		
P CHEN, S/TEACHER	39.88	19.50	558	778		
T COHN, B/DIRECTOR	54.90	36.00		1976		
T CONTENT, S/ASST SUPERINTENDENT	59.14	36.00		2129		
T COX, J/ASSISTANT PRINCIPAL	43.61	20.50		894		
P CURRIER, C/TEACHER	34.57	19.50	484	674		
P DAVIDSON, S/TEACHER	48.90	19.50	605	954		
P DECKER, M/TEACHER	38.21	24.50	535	936		
P DETERS, S/TEACHER	37.99	40.00	532	1520		
P FARACI, L/TEACHER	30.06	44.00	421	1323		
P FERRAN, J/TEACHER	31.82	15.17	445	483		
T FRENCH, Y/SCHOOL SECRETARY	31.43	10.75		338		
P GALANTE, P/TEACHER	42.25	18.50	542	782		
PZ GARDNER, G/TEACHER	31.70	19.50	444	618		
P GELLER, T/TEACHER	35.62	43.75	499	1558		
P GREGER, D/TEACHER	39.57	19.50	554	772		
P GUERRERO, P/TEACHER	28.84	19.50	404	562		
P HAMMACK, C/TEACHER	39.57	19.50	554	772		
T HINSCHKE, H/ASSISTANT PRINCIPAL	43.18	20.50		885		
P HOLZ, K/TEACHER	50.12	48.00	702	2406		
P KRAGH, J/TEACHER	26.27	28.50	368	749		
P KREMER, K/TEACHER	39.57	24.50	534	969		
P LACINA, W/TEACHER	30.06	44.00	421	1323		
P LEONARD, N/TEACHER	50.23	19.50	703	979		

(05) Total Subtotal

Page: 79 of 1

\$ 31,495 0 0

MANDATED COSTS

**FORM
TE-2**

**CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **MANHATTAN BEACH UNIFIED SD**

(02) Fiscal Year costs were incurred: **95-96**

- (03) Reimbursable Component: 1. Competence in Instructional Methodology
 2. Probationary Certificated Employee Policies
 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Object Accounts

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
P LaPOUR, J/TEACHER	29.58	7.00	207	207	
P2 MANAGO, P/TEACHER	47.57	19.50	666	928	
P1 MARTIN, E/TEACHER	27.99	44.00	392	1232	
P MARTIN, W/TEACHER	28.84	19.50	404	562	
P MCCANN/TEACHER	30.65	32.00	429	981	
P MCMAN, S/TEACHER	30.65	20.50	429	628	
P2 MELLIS, J/TEACHER	39.62	19.50	555	773	
P MILLER, T/TEACHER	29.62	24.50	415	726	
P MULHAUPT, K/TEACHER	33.98	18.50	416	629	
P NAMMACK, C/TEACHER	30.42	24.50	424	745	
P1 OLIFSON, S/TEACHER	33.98	44.00	476	1495	
P OLIVER, K/TEACHER	34.82	55.00	487	1915	
PARCENTE, V/SPECIALIST	22.12	20.67		457	
P PARENTE, V/TEACHER	30.06	28.50	421	857	
P PETERS, S/TEACHER	28.65	18.50	401	530	
P PILLOW, B/TEACHER	29.18	7.00	207	204	
P2 QUINTERO, C/TEACHER	32.18	44.00	451	1416	
P2 SALTER, C/TEACHER	37.35	19.50	523	728	
P1 SCHAEFER, P/TEACHER	31.34	44.00	439	1379	
P SIVERT, C/TEACHER	32.97	19.50	462	643	
P SKORA, S/TEACHER	43.12	49.00	604	2113	
P STEPHANI, L/TEACHER	37.77	22.50	529	850	
P1 STEVENS, S/TEACHER	35.84	19.50	501	699	
P STRAUSSNER, H/TEACHER	39.57	19.50	554	772	
P SULLIVAN, M/TEACHER	37.99	94.50	532	3590	
P TONNE, L/TEACHER	31.15	24.50	436	763	
P TURNEY, M/TEACHER	35.97	43.75	504	1574	
P1 WADA, N/TEACHER	39.11	44.00	548	1721	
P WEDBUSH, C/TEACHER	31.38	28.50	431	894	
P WHITTAKER, K/TEACHER	35.92	39.00	503	1401	
WIEBOLD, L/ASSISTANT PRINCIPAL	38.03	30.67		1166	
P WOOD, M/TEACHER	31.82	41.00	445	1305	

(05) Total Subtotal

Page: **80** 1 of 1

\$ **31,883** 0 0

MANDATED COSTS

**FORM
TE-2**

**CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE
COMPONENT / ACTIVITY COST DETAIL**

(01) Claimant: **MANHATTAN BEACH UNIFIED SD**

(02) Fiscal Year costs were incurred: **95-96**

(03) Reimbursable Component: 1. Competence in Instructional Methodology
 2. Probationary Certificated Employee Policies
 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Object Accounts

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
WUNDER, M/COUNSELOR	47.88	35.67	1708		

(05) Total Subtotal

333

MANDATED COSTS

FORM

CERTIFICATION OF TEACHER EVALUATOR'S DEMONSTRATED COMPETENCE

TE-2

COMPONENT / ACTIVITY COST DETAIL

(01) Claimant: **MANHATTAN BEACH UNIFIED SD**

(02) Fiscal Year costs were incurred: **95-96**

- (03) Reimbursable Component:
- 1. Competence in Instructional Methodology
 - 2. Probationary Certificated Employee Policies
 - 3. Parental Complaint Policies

(04) Description of Expense: Complete columns (a) through (f).

Object Accounts

(a) Employee Names, Job Classifications and Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contracted Services
RESOLVE COMPLAINTS OVER PRE SBB13 LEVELS					
COHN, B/DIRECTOR	54.90	36.50	2004		
COORDT, C/PRINCIPAL	49.58	15.25	756		
ELLIS, J/SCHOOL SECRETARY	22.52	5.33	120		
FRENCH, Y/SCHOOL SECRETARY	31.43	10.00	314		
FROSETH, P/SECRETARY	12.57	15.50	195		
GIOVATI, J/PRINCIPAL	48.32	30.33	1466		
HARNS, T/CLERK	17.22	2.58	44		
HARRINGTON, C/PRINCIPAL	48.91	40.17	1965		
HINSCHÉ, H/ASSISTANT PRINCIPAL	43.18	20.67	893		
PERRY, J/SECRETARY	18.22	13.00	237		
SCHWABE, J/PRINCIPAL	46.32	15.08	699		
SHEEHAN, N/CLERK	15.17	2.58	39		
WIEBOLD, L/ASSISTANT PRINCIPAL	38.03	24.33	925		
WUNDER, M/COUNSELOR	47.88	15.33	734		

(05) Total Subtotal

Page: 1 of 1

\$ 10,391 0 0

Issue 1

Non-Probationary
Teacher Time

1,975.00

2,120.00

391.00

333.00

305.00

3,122.00

1,522.00

3.00

2,133.00

total 10,113.00

Issue 3

Not disputed

Issue 2A

Probationary
Teacher Time

515.00

515.00

990.00

942.00

650.00

1,233.00

1,501.00

773.00

674.00

954.00

956.00

1,520.00

1,323.00

483.00

732.00

613.00

1,553.00

172.00

562.00

772.00

1,403.00

749.00

937.00

1,323.00

total Probationary Time 22,110.00

- 2B 28,533.00

30,643.00

Issue 2B

2 days Extra
Training for
Probationary
Teachers

442.00

442.00

442.00

475.00

533.00

473.00

373.00

473.00

550.00

484.00

685.00

535.00

532.00

421.00

445.00

592.00

444.00

690.00

551.00

654.00

591.00

702.00

360.00

334.00

481.00

7.00

indirect costs

total 2B 10,113.00

Exhibit I



KATHLEEN CONNELL
Controller of the State of California

May 7, 1999

Mr. Steve Smith
President
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

Dear Mr. Smith:

RE: NOTICE OF CLAIM ADJUSTMENT
MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
CHAPTER 498/83 CERTIFICATION OF TEACHER EVALUATORS
FISCAL YEAR 1995-1996

This is in reply to your letter dated April 5, 1999 regarding the above claim for reimbursement of mandated cost program. The result of our review is as follows:

Amount Claimed		\$84,528
Adjustment to Claim:		
<i>Probationary Certificated Employee Policies</i>		
The amount of \$57,533 for salaries and benefits of probationary teachers in training is disallowed.	-\$57,533	
Parameters and guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the P's & G's reimburse the cost of substitute teachers while the probationary teachers attend training activities.		
Sub-total on Adjustment for Direct Costs		-\$57,533
Adjustment of Indirect Costs	(\$5,002-\$1,383)	-3,619
Total Adjustment for Claim		-\$61,152
Approved Claim		\$23,376
Less: Prior Payment of 5/15/97 & 8/12/98		-15,315
Late Penalty		-1,000
Amount Due Claimant		<u>\$7,061</u>

SACRAMENTO 3301 C Street, Suite 501, Sacramento, CA 95816 (916) 445-8717
Mailing Address: P.O. Box 942850, Sacramento, CA 94250

May 7, 1999

If you have any questions, please contact Eduardo Antonio at (916) 323-0755 or in writing at the State Controller's Office, Attn: Local Reimbursements Section, Division of Accounting and Reporting, P.O. Box 942850, Sacramento, CA 94250-5875.

Sincerely,



JEFF YEE, Manager
Local Reimbursements Section

JY:ea

cc: Scott Smith, Manhattan Beach Unified Sch. Dist.



KATHLEEN CONNELL
Controller of the State of California
 Division of Accounting and Reporting

July 26, 2000

Shirley Opie, Assistant Executive Director
 Commission on State Mandates
 980 Ninth Street, Suite 300
 Sacramento, CA 95814



RE: *Incorrect Reduction Claims*
Certification of Teachers Evaluator's Demonstrated Competence
99-4136-I-01 through 99-4136-I-39
Education Code Section 35160.05
Statutes of 1983, Chapter 498
(See Enclosed List of Claimants)

Dear Ms. Opie:

This is in response to the Incorrect Reduction Claims ("IRC's") filed by the subject claimants-school districts (claimant's) for adjustments made by the State Controller's Office (SCO) in the district's reimbursement claims for the 1995-96 fiscal year.

The claimants' are contending that the time spent by probationary teachers in training, over and above that provided to permanent teachers is reimbursable. As such, they have claimed the salaries and wages of probationary teachers when they receive one-on-one training during the course of their regular workday and when they receive training outside of their regular workday, workweek, or work year.

It is the position of the SCO that the Parameters and Guidelines (P's & G's) do not provide for reimbursement of salaries and wages for probationary teachers while they attend training. In addition to the absence of specific reimbursement authorization in the P's & G's, our position is also supported by a letter dated April 4, 1995, from the Stockton Unified School District to the Commission (Exhibit 1). The letter proposed an amendment to the P's & G's to include reimbursement for these costs but was later withdrawn (Exhibit 2). Based on these factors, the SCO did allow all training costs

July 26, 2000

claimed by the districts for probationary teacher training except for salaries and benefits of probationary teachers for the time spent in training.

In conclusion, it appears that the issue before the Commission is not whether the SCO incorrectly reduced the claims but whether the P's & G's intended to provide reimbursement for the salary costs of probationary teachers for the time spent in training.

CERTIFICATION

I certify by my signature below, under penalty of perjury, that the statements made herein are true and correct of my own knowledge, or I believe them to be true and correct upon information and belief.

Sincerely,


PAIGE V. VORHIES, Chief
Bureau of Payments

PVV:cmw

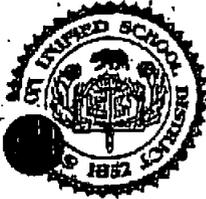
Enclosures

cc: Richard J. Chivaro, Chief Counsel
Steve Smith, Mandated Cost Systems

DATE	NUMBER	CLAIMANT
4/4/00	99-4136-I-01	Ventura County Office of Education
4/4/00	99-4136-I-02	Hayward Unified School District
4/4/00	99-4136-I-03	Manhattan Beach Unified School District
4/4/00	99-4136-I-04	Kings Canyon Joint Unified School District
4/4/00	99-4136-I-05	Visalia Unified School District
4/4/00	99-4136-I-06	Salinas City Elementary School District
4/4/00	99-4136-I-07	Conejo Valley Unified School District
4/4/00	99-4136-I-08	Claremont Unified School District
4/4/00	99-4136-I-09	Oak Grove Elementary School District
4/4/00	99-4136-I-10	Ventura Unified School District
4/4/00	99-4136-I-11	Oceanside City Unified School District
4/4/00	99-4136-I-12	Roseville Joint Union High School District
4/4/00	99-4136-I-13	Folsom Cordova Unified School District
4/4/00	99-4136-I-14	Palmdale School District
4/4/00	99-4136-I-15	Moreland Elementary School District
4/4/00	99-4136-I-16	Novato Unified School District
4/4/00	99-4136-I-17	Modesto City Schools
4/4/00	99-4136-I-18	San Benito Union High School District
4/4/00	99-4136-I-19	Manteca Unified School District
4/4/00	99-4136-I-20	El Monte Elementary School District
4/4/00	99-4136-I-21	Las Virgenes Unified School District
4/4/00	99-4136-I-22	Del Norte County Unified School District
4/4/00	99-4136-I-23	Glendale Unified School District
4/4/00	99-4136-I-24	Garden Grove Unified School District
4/4/00	99-4136-I-25	San Lorenzo Unified School District
4/4/00	99-4136-I-26	Lompoc Unified School District
4/4/00	99-4136-I-27	Mojave Unified School District
4/4/00	99-4136-I-28	Lodi Unified School District
4/4/00	99-4136-I-29	San Juan Unified School District
4/4/00	99-4136-I-30	Los Altos Elementary School District
4/4/00	99-4136-I-31	Salinas Union High School District
4/4/00	99-4136-I-32	Los Angeles County Office of Education
4/4/00	99-4136-I-33	Morgan Hill Unified School District
4/4/00	99-4136-I-34	Fairfield-Suisun Unified School District
4/4/00	99-4136-I-35	Ojai Unified School District
4/4/00	99-4136-I-36	Bellflower Unified School District
4/4/00	99-4136-I-37	Berryessa Union School District
4/4/00	99-4136-I-38	Livingston Union School District
4/4/00	99-4136-I-39	Whittier Union High School District

mandates/irc/99-4136/completelist

EXHIBIT 1



STOCKTON UNIFIED SCHOOL DISTRICT

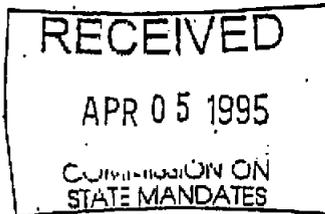
BUSINESS SERVICES

701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4124 • FAX (209) 953-4477

BOARD OF EDUCATION

JOSE A. BERNARDO
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SUPERINTENDENT
GARY MCHENRY

April 4, 1995



Ms. Shelly Mateo
Interim Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Ms. Mateo:

Pursuant to Title 2, California Code of Regulations, Section 1183.2 enclosed is our district's request to amend the parameters and guidelines for the Certification of Teacher Evaluator's Demonstrated Competence mandate. This mandate was enacted by Chapter 498/Statutes of 1983.

We have enclosed a narrative outlining the reasons the amendment is required as well as proposed amended parameters and guidelines. The proposed changes to the current parameters and guidelines have been underlined.

If you have any questions, please contact our consultant, Steve Smith of Mandate Cost Systems at (916) 487-4435.

Thank you for your cooperation.

Sincerely,

Norma E. Mearns
Director of Budget

NEM:cmb

enclosure:

**Justification for Amendment to the Parameters & Guidelines
for Certification of Teacher Evaluator's Demonstrated Competence
Chapter 498/Statutes of 1983**

The current Parameters & Guidelines for Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498, Statutes of 1983 do not address whether the time spent by probationary teachers receiving training, assistance or evaluation, over and above that usually provided to permanent teachers, is claimable.

We have specifically identified the following activities/costs as new programs implemented to comply with the requirements of this mandate. The increased activities required of probationary teachers as a result of this mandate are:

- 1) Probationary teacher time spent attending district sponsored training sessions that are provided specifically for probationary teachers. These sessions take place after school and prior to the start of the school year.
- 2) Probationary teacher time spent receiving assistance or training on a weekly or monthly basis, from district employees as part of the district's probationary teacher training & assistance program.

The district sponsored training sessions prior to the start of school represents a new program because most districts bring in their probationary teachers one or two days earlier than their permanent teacher to orientate them to the district and provide training specific to their needs. This is accomplished by requiring that probationary teachers work 185 day years instead of the 183 day year required of permanent teachers.

Likewise, after school district sponsored training sessions and one-on-one training received from employees with assigned responsibilities to train and assist probationary teachers represents a new program because it takes probationary teachers away from other duties that they perform outside the classroom.

Precedents in other claims

Precedents in other claims exist that provide reimbursement for time spent receiving training. These include:

- 1) The Emergency Procedures, Earthquakes and Disasters claim, Chapter 1659/Statutes of 1984 allows reimbursement for "the costs by the district of employees attending these meetings to receive instruction" (on earthquake and disaster procedures).

- 2) The Collective Bargaining claim, Chapter 961/Statutes of 1975 allows reimbursement for "reasonable costs incurred for a reasonable number of training sessions held for supervisory and management personnel regarding contract administration and the interpretation of the negotiated contract".
- 3) The Certification of Teacher Evaluator's Demonstrated Competence, Chapter 498/Statutes of 1983 allows reimbursement for "time of district administrators spent in certification training excluding classroom observation"
- 4) District employee time receiving various training are also listed as reimbursable under the
 - a) Mandate Reimbursement Process claim, Chapter 1459/Statutes of 1984,
 - b) Credential Monitoring claim, Chapter 1376/Statutes of 1987 and
 - c) AIDS Instruction, Chapter 818/Statutes of 1991

Restrictions

We have identified other time spent by probationary teachers attributable to this mandate, however based on precedents from other claims are not requesting reimbursement for them. These are listed below and should be identified as restrictions.

- 1) In-classroom probationary teacher receiving hands-on training (In classroom teacher time restriction from the Emergency Procedures, Earthquakes & Disasters Chapter 1659/States of 1984 and AIDS Instruction, Chapter 818/Statutes of 1991)
- 2) In cases where substitutes are provided, the district can only claim the substitute cost.

PROPOSED AMENDMENT

Adopted: 4/24/86
Amended: 1/24/91
WP 1080A

PARAMETERS AND GUIDELINES

Education Code Section 35160.5

Chapter 498, Statutes of 1983

Certification of Teacher Evaluator's Demonstrated Competence

I. Summary of Mandate

In enacting Chapter 498, Statutes of 1983 the Legislature required each school district and county office of education to adopt rules and regulations; to certify that personnel assigned to evaluate teachers have demonstrated specified competence in instructional methodologies and in the evaluation of teachers; to ensure that each probationary teacher was assigned to a school with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education; and to establish policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district and to provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

II. Commission on State Mandates Decision

- A. The Commission found that Education Code section 35160.5, as added by Statutes of 1983, Chapter 498 constitutes a reimbursable state mandate. Furthermore, the Commission found that only the activities necessary to implement section 35160.5 constitute a higher level of service pursuant to Government Code section 17514 and are, therefore, reimbursable.

B. The Commission determined that only the higher level of service required by section 35160.5 in each school district or county office of education is reimbursable. Those activities and functions already performed prior to the effective date of section 35160.5 do not constitute a higher level of service and are therefore not reimbursable.

C. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

III. Eligible Claimants

All school districts and county offices of education as defined by Revenue and Taxation Code section 2208.5, that incurred mandated costs as result of implementing Chapter 498, Statutes of 1983, Education Code section 35160.5.

IV. Period of Reimbursement

All costs incurred on or after July 28, 1983. If total costs for a given fiscal year total less than \$200 no reimbursement shall be allowed, except as provided for in Revenue and Taxation Code section 2233, which allows County Superintendents and County fiscal officers to consolidate claims of school districts and special districts that, taken individually, are less than \$201.

V. Reimbursable Costs

A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board.

1. Adoption of rules and regulations establishing school district and/or county office of education policies and annual review of these policies.
 - a. Time and direct expenses of school district or county office of education personnel necessary for the preparation, discussion and distribution of proposed rules and regulations and the annual review of adopted school district and county office of education policies adopted pursuant to the requirements of this section.

2. Training programs provided for administrators to meet the certification requirements adopted by the governing board of the school district or county office of education in conformance with Education Code section 35160.5. Individual administrator training expenses to meet certification requirements shall be allowed for a maximum of ten days (eighty hours) of training in any three-year period.
 - a. Time of district administrators spent in certification training excluding classroom observation.

 - b. Mileage to and return, meals and materials for administrators attending locally provided training sessions. The reimbursement shall be the same as that provided for by the District for other District activities.

 - c. Transportation, meals, housing and cost of training for administrators if certification training is not locally available. The reimbursement shall follow the same rules as provided by the State of California for its employees when traveling on business.

 - d. Consultant fees, materials, travel, meals and housing for trainers contracted with to train district administrators locally.

- e. Preparation and presentation time, mileage, meals, clerical costs and materials for district employees utilized as trainers of administrators for certification.

B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.

1. Training, assisting and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy and a copy of the subsequent policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program can not be claimed as a reimbursable cost.

- a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.

- b. Training materials and clerical services for probationary teachers.

- c. Registration fees and travel costs of probationary teachers attending training activities.

- d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).

- e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.
- f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year.
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probationary teacher training and assistance program.
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable.
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time.

C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

1. Cost of meetings and activities over and above those that would have been required prior to the adoption of rules and regulations by the governing board of the school district or county office of education in compliance with Education Code section 35160.5. These costs shall include the cost of notification of parents and pupils of complaint procedures, the time of school district or county office of education personnel involved in these meetings and activities including mileage, supplies and when necessary specialized training of personnel to adequately respond to complaints of pupils and parents regarding employees.

2. Costs shall not be allowed for meetings and activities required by categorical program and/or special education rules and regulations.

VI. Offsetting Savings

Any offsetting savings the claimants experience as a result of this statute must be deducted from the costs claimed.

VII. Professional and Consultant Services

Claimants shall separately show the name of professionals or consultants, specify the functions which the consultants performed relative to the mandate, length of appointment, and the itemized costs for such services. Invoices must be submitted as supporting documentation with the claim. The maximum reimbursable fee for contracted services is \$65 per hour, adjusted annually by the GNP Deflator. Those claims which are based on annual retainers shall contain a certification that the fee is no greater than the above maximum. Reasonable expenses will also be paid as identified on the monthly billings of consultants.

VIII. Allowable Overhead Costs

The overhead cost for all of the above reimbursable costs shall be the Non-Restrictive Indirect Cost Rate from the J-41A.

IX. Supporting Data for Claims

Effective July 1, 1986 documentation shall be provided that a request for no cost consultant services similar to those submitted for reimbursement was made by the district to the State Department of Education at least thirty (30) calendar days prior to the need for consultant services and that the district was notified that such consultant service was not available at the time requested or that the District did not receive a response to its request within twenty

(20) calendar days after the request had been received by the State Department of Education.

X. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

EXHIBIT 2



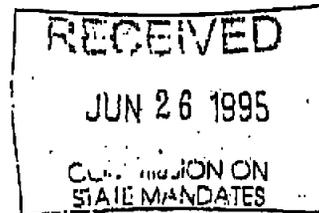
STOCKTON UNIFIED SCHOOL DISTRICT

BOARD OF EDUCATION

BUSINESS MANAGER
701 NORTH MADISON STREET • STOCKTON, CA 95202-1687
(209) 953-4055 • FAX (209) 953-4477

JOSE A. BERNARDO
CHARLES D. BLOCH
VICKI BRAND
LOUIS GONZALES
CLEM G. LEE
FRANK E. OROZCO
JAMES L. URBANI
SUPERINTENDENT
GARY MCHENRY

June 23, 1995



Mr. Kirk Stewart
Executive Director
Commission on State Mandates
1414 K Street, Suite 315
Sacramento, CA 95814

Dear Mr. Stewart:

This letter is to inform you that we are withdrawing our request dated April 4, 1995 to amend the Parameters and Guidelines for the Certification of Teacher Evaluator's Demonstrated Competence mandate. This mandate was enacted by Chapter 498/Statutes of 1983.

This request is being withdrawn because after numerous discussions with Commission Staff and other interested parties, it is clear that any positive action resulting from clarifying this issue is more than offset by the possibility that re-opening this claim could result in the entire claim being denied.

If you have any questions, please contact our consultant, Steve Smith, of Mandated Cost Systems at (916) 487-4435.

Sincerely,

Norma E. Mearns
Director of Budget

NEM:mw

PROOF OF SERVICE BY MAIL
Claim No. 99-4136-I-01 through 99-4136-I-39

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of 18 years and not a party to the within-entitled Action. My place of employment and business address is 3301 C Street, Suite 500, Sacramento, California 95816.

On July 26, 2000, I served the foregoing letter to Shirley Opie, dated July 26, 2000, by placing a true copy thereof enclosed in a sealed envelope addressed to the person(s) named below at the address shown and by depositing said envelope in the United States Mail at Sacramento, California, with postage thereon fully prepaid:

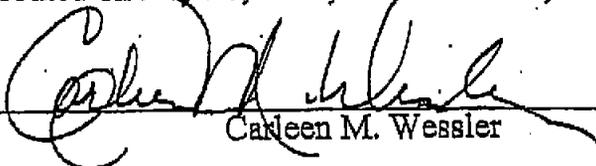
Ms. Shirley Opie, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
U.S. Bank Plaza Building
Sacramento, CA 95814

Mr. Steve Smith
Mandated Cost Systems Inc.
2275 Watt Avenue, Suite "C"
Sacramento, CA 95825

Mr. Richard J. Chivaro, Chief Counsel
Executive Office
Office of the State Controller
300 Capital Mall, 18th Floor
Sacramento, CA 95814

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

Executed on July 26, 2000, at Sacramento, California.


Carleen M. Wessler

RECEIVED

JAN 31 2001

**COMMISSION ON
STATE MANDATES**

Growers Square
1676 N. California Blvd., Ste. 450
Walnut Creek, CA 94596
Telephone: 925.746.7660
Fax: 925.935.7995
e-mail: g-and-v@verio.com
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6767 Green Valley Road
Placerville, CA 95667
530.622.7130 ext. 235
Fax: 530.642.1832

The California Fruit Building
1006 Fourth Street
Eighth Floor
Sacramento, CA 95814
916.446.9292
916.446.5711

Depend to Sacramento

DAVID W. GIRARD
ALLEN R. VINSON
PAUL C. MINNEY
CHRISTIAN M. KEINER*
PHILLIP A. TRUJILLO
DEANNA J. MOUSER

Lois Schwartz
Michelle L. Cannon
Laura Lee Briggs
Keith J. Bray
Heather A. Hoyle
Marc P. Bouret
Sherianne Laba

OF COUNSEL
Sally Jensen Dutcher

*Professional Law Corporation

January 30, 2001

Shirley Opie, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

RE: **Incorrect Reduction Claims**

Certification of Teachers Evaluator's Demonstrated Competence
99-4136-I-01 - 99-4136-I-39
Education Code Section 35160.05
Chapter 498, Statutes of 1983

Dear Ms. Opie:

On July 26, 2000, the State Controller's Office (SCO) submitted a letter in response to the claimant's Incorrect Reduction Claims, which were filed due to adjustments made by the SCO to districts' reimbursement claims for the 1995-96 fiscal year.

The SCO makes two contentions in its July 26, 2000 filing: (1) the Parameters and Guidelines do not provide for reimbursement of salaries and wages for probationary teachers while they attend training; and (2) a letter submitted by Stockton Unified School District proposing an amendment to the Parameters and Guidelines to include reimbursement for these costs proves that the Commission did not intend for these costs to be reimbursed. The SCO concludes that:

"The issue before the Commission is not whether the SCO incorrectly reduced the claims but whether the P's & G's intended to provide reimbursement for the salary costs of probationary teachers for the time spent in training."

- (1) The Parameters and Guidelines Do Not Provide for Reimbursement of Salaries/Wages

After researching the minutes from the Commission on State Mandates' August and September 1985 hearings and the original set of adopted Parameters and Guidelines

To: Shirley Opie, Assistant Executive Director
Re: Incorrect Reduction Claims
Certification of Teachers Evaluator's Demonstrated Competence
Date: January 30, 2001
Page: -2-

for this test claim, the claimant concludes that the Commission did not specifically address reimbursement of salaries and wages for probationary teachers. The claimant notes that this issue was probably not addressed because payment of such costs is common sense.

For example, if the State requires a Commission staff person to attend training, the cost to the Commission's budget is not simply the registration fee. The cost to the Commission's budget includes the normal salary and benefits paid to that employee while attending the State-required training course. The same can be said in the case of probationary teachers. The costs to school districts are not limited to the costs associated with trainers or consultants, registration fees, and training materials. The costs to districts include the usual salaries paid to those probationary teachers while attending the training course, since districts continue to pay these costs.

The Commission made a similar finding in its Statement of Decision for the *School Crimes Statistics Reporting and Validation* Incorrect Reduction Claims. The SCO reduced claims for training costs because training was not expressly included in the Parameters and Guidelines. The Commission acknowledged that the Parameters and Guidelines for the *School Crimes Reporting* program did not specifically include training as a reimbursable activity. The Commission found that training was an *implicit* cost of the claims, but did not find training to be implicit in *every new* mandate. The Commission concluded that the costs to conduct training were reasonably necessary for the claimants to carry out the *School Crimes Statistics Reporting and Validation* mandate.

In the present case, training is included in the Parameters and Guidelines. However, the SCO will not pay for the salaries and wages of probationary teachers since these costs are not represented by a separate line item in the Parameters and Guidelines. While the Parameters and Guidelines do not specifically address probationary teacher salaries and wages while attending training, these costs should be reimbursed as reasonably necessary to carry out the *Certification of Teachers Evaluator's Demonstrated Competence* mandate. In addition, the claimant asserts that inclusion of every minute detail related to the performance of a mandate program is unworkable. Broad categories of costs are needed to allow adequate flexibility to ensure *all* local entities receive reimbursement regardless of minor differences in approach.

Neither the Commission nor the claimant included language in the Parameters and Guidelines regarding whether salaries and wages paid to probationary teachers while attending the required training was reimbursable because such reimbursement is common sense.

(2) Letter Submitted by Stockton Unified School District Proposing an Amendment to the Parameters and Guidelines

The April 4, 1995 letter submitted by the Stockton Unified School District to the Commission requesting an amendment to the *Certification of Teacher Evaluator's Demonstrated Competence* Parameters and Guidelines and subsequent withdrawal of the request supports the claimant's position. The requested amendment highlighted the fact that most school districts bring in their

To: Shirley Opie, Assistant Executive Director
Re: Incorrect Reduction Claims
Certification of Teachers Evaluator's Demonstrated Competence
Date: January 30, 2001
Page: -3-

probationary teachers one or two days before permanent teachers to orient them to the district and provide specific training. Under these circumstances, it is clear that districts are required to pay for one or two extra days of probationary teacher time in addition to trainers, fees, and training materials. Other districts train their probationary teachers after the normal school day. Under this scenario, districts must pay the salary and wages of probationary teachers while attending the training at the end of the regular school day.

On June 23, 1995, Stockton Unified School District withdrew its request to amend the Parameters and Guidelines because, after substantive conversations with Commission staff and interested parties, the chances of a positive result clarifying this issue was more than offset by the possibility of the entire claim being denied. While this may have been the perceived result of the request to amend the Parameters and Guidelines, it does not diminish the fact that several other test claims include broad language allowing for reimbursement for district employee time while attending training. For example, the *Emergency Procedures, Earthquakes and Disasters* Test Claim allows reimbursement for district costs associated with employee training.

The request to amend the Parameters and Guidelines submitted by the Stockton Unified School District is not evidence of the fact that school districts are prohibited from being reimbursed for costs associated with the salaries and wages of probationary teachers while attending training, it reflects the understanding that the SCO may try to limit reimbursement accordingly. The claimant asserts that costs for the salaries and wages of probationary teachers while attending training is reasonably necessary to ensure that school districts comply with the mandate.

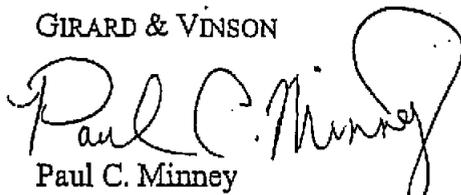
Based on the foregoing, the claimant respectfully requests that the Commission order the reinstatement of those costs incorrectly reduced by the SCO related to the salaries and wages of probationary teachers while attending training.

CERTIFICATION

I certify under the penalty of perjury that the statements made herein are true and correct of my own knowledge, or I believe them to be true and correct based upon information or belief.

Sincerely,

GIRARD & VINSON



Paul C. Minney

Representing Mandated Cost Systems, Inc.

cc: Steve Smith, Mandated Cost Systems, Inc.
Raige Vorhies, State Controller's Office

GIRARD &
ATTORNEYS AT
VINSON

PROOF OF SERVICE BY MAIL
Claim No. 99-4136-I-01 through 99-4136-I-39

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of 18 years and not a party to the within-entitled Action. My place of employment and business address is 1006 Fourth Street, 8th Floor, Sacramento, CA 95814.

On January 30, 2001, I served the foregoing letter to Shirley Opie, dated January 30, 2001, by placing a true copy thereof enclosed in a sealed envelope addressed to the person(s) named below at the address shown and by depositing said envelope in the United States Mail at Sacramento, California, with postage thereon fully prepaid:

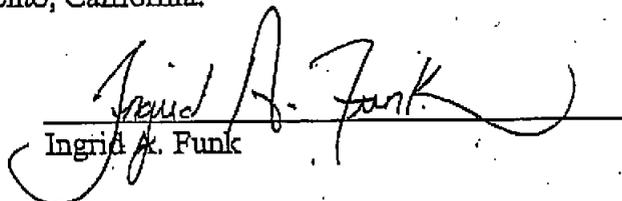
Ms. Shirley Opie, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
U.S. Bank Plaza Building
Sacramento, CA 95814

Mr. Steve Smith
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite "C"
Sacramento, CA 95825

Paige Vorhies
State Controller's Office
3301 "C" Street, Suite 500, Rm. 501
Sacramento, CA 95816

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

Executed on January 30, 2001, at Sacramento, California.


Ingrid A. Funk

COMMISSION ON STATE MANDATES

1001 STREET, SUITE 950
SACRAMENTO, CA 95814
(916) 323-3662
445-0278
email: csminfo@osm.ca.gov



April 13, 2000

Mr. Steve Smith
President
Mandated Cost Systems, Inc.
2275 Watt Avenue, Suite C
Sacramento, CA 95825

Mr. Paige Vorhies
State Controller's Office
Division of Accounting and Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

Re: **Incorrect Reduction Claims**
Certification of Teacher Evaluator's Demonstrated Competence
99-4136-I- 01 through 99-4136-I-39
Education Code Section 35160.5
Statutes of 1983, Chapter 498
(See Enclosed List of Claimants)

Dear Mr. Smith and Mr. Vorhies:

On April 4, 2000, the Commission received 39 incorrect reduction claims (IRC) based on the *Certification of Teacher Evaluator's Demonstrated Competence* program. Commission staff determined that the subject IRC submittals are complete.

State Controller's Office Response. In 1999, AB 1679 (Stats. 1999, ch. 643) provided the State Controller's Office (SCO) with additional time to respond to IRCs. Therefore, please file the SCO responses and supporting documentation regarding these claims within 90 days of the date of this letter. Please include an explanation of the reason(s) for the reductions and the computation of reimbursements. All documentary evidence must be authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and be based on the declarants' personal knowledge, information or belief. The Commission's regulations also require that the responses (opposition or recommendation) filed with the Commission be simultaneously served on the claimants and their designated representatives, and accompanied by a proof of service. (Cal. Code Regs., tit. 2, § 1185.01.)

Please note AB 1679 also provided that failure of the SCO to respond within this 90-day timeline shall not cause the Commission to delay consideration of the IRC.

Claimant's Rebuttal. Upon receipt of the State Controller's Office responses, the claimants and interested parties may file rebuttals. The rebuttals are due 30 days from the service date of the responses.

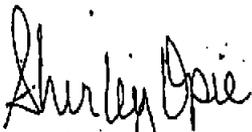
Mr. Steve Smith
Mr. Paige Vorhies
April 13, 2000
Page 2

Hearing. A hearing on these claims will be scheduled after the records close.

Prehearing Conference. A prehearing conference will be scheduled if requested.

Please contact Nancy Patton at (916) 323-8217 if you have any questions.

Sincerely,



SHIRLEY OPIE
Assistant Executive Director

Enclosure
f:/mandates/irc/984136/completeltr

DATE	NUMBER	CLAIMANT
4/4/00	99-4136-I-01	Ventura County Office of Education
4/4/00	99-4136-I-02	Hayward Unified School District
4/4/00	99-4136-I-03	Manhattan Beach Unified School District
4/4/00	99-4136-I-04	Kings Canyon Joint Unified School District
4/4/00	99-4136-I-05	Visalia Unified School District
4/4/00	99-4136-I-06	Salinas City Elementary School District
4/4/00	99-4136-I-07	Conejo Valley Unified School District
4/4/00	99-4136-I-08	Claremont Unified School District
4/4/00	99-4136-I-09	Oak Grove Elementary School District
4/4/00	99-4136-I-10	Ventura Unified School District
4/4/00	99-4136-I-11	Oceanside City Unified School District
4/4/00	99-4136-I-12	Roseville Joint Union High School District
4/4/00	99-4136-I-13	Folsom Cordova Unified School District
4/4/00	99-4136-I-14	Palmdale School District
4/4/00	99-4136-I-15	Moreland Elementary School District
4/4/00	99-4136-I-16	Novato Unified School District
4/4/00	99-4136-I-17	Modesto City Schools
4/4/00	99-4136-I-18	San Benito Union High School District
4/4/00	99-4136-I-19	Manteca Unified School District
4/4/00	99-4136-I-20	El Monte Elementary School District
4/4/00	99-4136-I-21	Las Virgenes Unified School District
4/4/00	99-4136-I-22	Del Norte County Unified School District
4/4/00	99-4136-I-23	Glendale Unified School District
4/4/00	99-4136-I-24	Garden Grove Unified School District
4/4/00	99-4136-I-25	San Lorenzo Unified School District
4/4/00	99-4136-I-26	Lompoc Unified School District
4/4/00	99-4136-I-27	Mojave Unified School District
4/4/00	99-4136-I-28	Lodi Unified School District
4/4/00	99-4136-I-29	San Juan Unified School District
4/4/00	99-4136-I-30	Los Altos Elementary School District
4/4/00	99-4136-I-31	Salinas Union High School District
4/4/00	99-4136-I-32	Los Angeles County Office of Education
4/4/00	99-4136-I-33	Morgan Hill Unified School District
4/4/00	99-4136-I-34	Fairfield-Suisun Unified School District
4/4/00	99-4136-I-35	Ojai Unified School District
4/4/00	99-4136-I-36	Bellflower Unified School District
4/4/00	99-4136-I-37	Berryessa Union School District
4/4/00	99-4136-I-38	Livingston Union School District
4/4/00	99-4136-I-39	Whittier Union High School District

ates/irc/99-4136/completelist

SixTen and Associates

Mandate Reimbursement Services

KEITH B. PETERSEN, MPA, JD, President
52 Balboa Avenue, Suite 807
San Diego, CA 92117

Telephone: (858) 514-8605
Fax: (858) 514-8645
E-Mail: Kbpsixten@aol.com

September 9, 2002

RECEIVED

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

SEP 13 2002

**COMMISSION ON
STATE MANDATES**

Re: Chapter 498, Statutes of 1983
Education Code Section 35160.5
Incorrect Reduction Claim CSM 99-4136-I-03
Manhattan Beach Unified School District, Claimant
Certification of Teacher Evaluator's Demonstrated Competence

Dear Ms. Higashi:

Please find enclosed a Substitution of Claimant's Incorrect Reduction Claim Representative whereby the claimant is substituting Keith B. Petersen, SixTen and Associates, as its representative in the above described pending incorrect reduction claim in place of Steve Smith and Mandated Cost Systems, Inc.

Sincerely,



Keith B. Petersen

c: Scott J. Smith, Manhattan Beach Unified School District
Steve Smith, Mandated Cost Systems, Inc.
Paul C. Minney, Girard & Vinson, Attorneys at Law
Virginia Brummels, State Controller's Office

3 Keith B. Petersen
4 SixTen and Associates
5 5252 Balboa Avenue, Suite 807 Balboa Avenue, Suite 807
6 San Diego, California 92117
7 Voice: (858) 514-8605
8 Fax: (858) 514-8645

9
10 BEFORE THE
11 COMMISSION ON STATE MANDATES
12 STATE OF CALIFORNIA

13
14 Incorrect Reduction Claim of:)
15) CSM 99-4136-I-03
16 Manhattan Beach)
17 Unified School District) Certification of Teacher
18) Evaluator's Demonstrated Competence
19 Claimant)
20) Education Code Section 35160.5
21) Chapter 498, Statutes of 1983
22)
23)
24)
25) SUBSTITUTION OF CLAIMANT'S
26) INCORRECT REDUCTION CLAIM
27) REPRESENTATIVE

28 Claimant, Manhattan Beach Unified School District, hereby substitutes Keith B.
29 Petersen, SixTen and Associates, as its Representative in this pending incorrect
30 reduction claim in place of Steve Smith and Mandated Cost Systems, Inc.

31 Dated: August 28, 2002

Manhattan Beach Unified School District

32
33
34
35 By:

Scott J. Smith
36 Scott J. Smith, Deputy Superintendent
37

SixTen and Associates

Mandate Reimbursement Services

KEITH B. PETERSEN, MPA, JD, President
52 Balboa Avenue, Suite 807
San Diego, CA 92117

Telephone: (858) 514-8605
Fax: (858) 514-8645
E-Mail: Kbpsixten@aol.com

August 23, 2002

Scott J. Smith, Deputy Superintendent
Manhattan Beach Unified School District
1230 Rosecrans Avenue, Suite 400
Manhattan Beach, California 90266

re: Incorrect Reduction Claim
CSM 99-4136-I-03
Teachers Evaluator's Demonstrated Competence

Dear Mr. Smith:

Please find enclosed a Substitution of Representative form to be used in connection with the above described incorrect reduction claim. Since I will now be your mandate cost reimbursement consultant, it will be necessary to substitute me in place of Steve Smith and Mandates Cost Systems, Inc.

Please date and sign the enclosed form and return it to me in the envelope provided.

If you have any questions, please do not hesitate to give me a call.

Sincerely,



Keith B. Petersen

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Section 60800,
Chapter 975, Statutes of 1995, and the
California Department of Education
Memorandum Dated February 16, 1996;

And filed on December 23, 1996;

By San Diego Unified School District,
Claimant

NO. CSM 96-365-01

Physical Performance Tests

ADOPTION OF PARAMETERS AND
GUIDELINES PURSUANT TO
GOVERNMENT CODE SECTION 17557
AND TITLE 2, CALIFORNIA CODE OF
REGULATIONS, SECTIONS 1183.12.

(Adopted on September 24, 1998)

ADOPTED PARAMETERS AND GUIDELINES

The attached Parameters and Guidelines of the Commission on State Mandates is hereby adopted in the above-entitled matter.

This Decision shall become effective on October 8, 1998.


Paula Higashi, Executive Director

PARAMETERS AND GUIDELINES

Education Code Section 60800
Chapter 975, Statutes of 1995
and the

California Department of Education Memorandum
Dated February 16, 1996
Physical Performance Tests

I. SUMMARY AND SOURCE OF THE MANDATE

On June 25, 1998, the Commission on State Mandates adopted its Statement of Decision finding that Education Code section 60800, as added by Chapter 975, Statutes of 1995, and the California Department of Education Memorandum, dated February 16, 1996, imposed a reimbursable state mandated program on school districts. (Exhibit A.) The Commission limited its decision to the following reimbursable state mandated activities:

- Acquiring materials and equipment to administer the State Board of Education's designated physical performance test to students in grades 5, 7, and 9;
- Training teachers to conduct the designated physical performance test;
- Processing and analyzing score data by school personnel other than teachers; and
- Responding to requests by the California Department of Education for testing results pursuant to Education Code section 60800, subdivision (b).

II. ELIGIBLE CLAIMANTS

Any "school district," as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement.

III. PERIOD OF REIMBURSEMENT

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on December 23, 1996. Therefore, all costs incurred on or after July 1, 1995, are eligible for reimbursement, pursuant to these Parameters and Guidelines.

Actual costs for one fiscal year should be included in each reimbursement claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Section 17561 (d)(1) of the Government Code, all claims for reimbursement of initial years' costs shall be submitted within 120 days of issuance of the claiming instructions by the State Controller.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

IV. REIMBURSABLE COMPONENTS AND DESCRIPTION OF ACTIVITIES

The direct and indirect costs of labor, materials and supplies, contracted services, equipment, travel, and training incurred for compliance with the following mandate components are eligible for reimbursement on an on-going basis:

1. Acquiring materials, supplies and equipment to administer the State Board of Education's designated physical performance test to students in grades 5, 7 and 9. The following activities associated with the acquisition of any materials, supplies, and equipment required by the Prudential Fitnessgram testing program are eligible for reimbursement:

- contacting the test provider and negotiating the purchase of the materials, preparing contracts or purchase orders for the purchase of materials, administering the purchase of materials;
- purchasing the materials, supplies, and equipment, including test administration manuals, test materials, testing equipment, test scoring and reporting materials and related software; and
- conducting an inventory of the purchased materials, and distributing materials.

2. Training to conduct the designated physical performance test to students in grades 5, 7, and 9.

The following activities associated with training teachers and other school district personnel to conduct, score, and process the physical performance tests and test results are eligible for reimbursement:

- reviewing the requirements of the testing program selected by the State Board of Education¹ by administrators, teachers and other school district personnel;
- preparing policies and procedures;
- developing and preparing for training sessions;
- attending training sessions; and
- providing materials and supplies in training sessions.

Increased costs for substitute teacher time during the school day or for teacher stipends to attend training sessions outside the regular school day (after school or on Saturday) are eligible for reimbursement. However, the labor time of the teacher spent in attending training sessions during that teacher's normal classroom hours is not reimbursable.

¹ Currently the Prudential Fitnessgram testing program.

3. Conducting the Physical Performance Tests

The following activity associated with conducting the physical performance tests is eligible for reimbursement:

- conducting the tests.

The Commission on State Mandates determined that the labor time of the teacher spent in conducting the tests during that teacher's normal classroom hours is *not* reimbursable.²

4. Processing and analyzing score data by school district personnel other than teachers.

The following activities associated with processing and analyzing test score data are eligible for reimbursement:

- re-recording raw test scores onto "scantron" or other score sheets used to process test scores, processing and analyzing test scores, and preparing and distributing personalized test score results; and
- data processing of test scores by the district, consultants, or other entities.

The Commission on State Mandates determined that labor time of the teacher spent on these activities during that teacher's normal classroom hours is *not* reimbursable.³

5. Responding to requests by the California Department of Education for testing results pursuant to Education Code section 60800, subdivision (b).

The following activities associated with responding to a request by the California Department of Education for physical fitness test results are eligible for reimbursement:

- data processing and analysis, preparing reports, and filing reports.

V. CLAIM PREPARATION

Each reimbursement claim for costs incurred to comply with this mandate must be timely filed and set forth a listing of each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified according to the components of reimbursable activity described in Section IV of this document.

Supporting Documentation

Claimed costs should be supported by the following information:

A. Direct Costs

Direct costs are defined as costs that can be traced to specific goods, services, units, programs, activities, or functions.

² In sum, the Commission found that physical performance testing requires teachers to substitute the tests for other activities. The time to administer and score the tests is therefore *absorbed* into the school day with no resultant increased costs to the school district. To be eligible for reimbursement a school district must incur increased costs as a result of administering physical performance tests. However, because testing takes place in an environment that has an identifiable limit on the number of hours in a normal workday, and the normal workday has not been extended, the Commission found that teacher time to administer physical performance tests is not reimbursable. The Claimant disagrees.

³ See Footnote 2.

1. Employee Salaries and Benefits

Identify the employee(s) and/or show the classification of the employee(s) involved. List the reimbursable activities performed by each employee and specify the time devoted to each reimbursable activity by each employee, productive hourly rate and the related fringe benefits. The average number of hours devoted to each reimbursable activity in these Parameters and Guidelines can be claimed if supported by a documented time study.

Reimbursement for personal services includes compensation for salaries, wages, and employee fringe benefits. Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g. annual leave, sick leave) and employer's contribution for social security, pension plans, insurance, and worker's compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities performed by the employee.

2. Materials and Supplies

List cost of materials and supplies which have been consumed or expended specifically for the purpose of this mandate. The cost of materials and supplies, which is not used exclusively for the mandate is limited to the pro rata portion used to comply with this mandate.

3. Contracted Services

Provide the name(s) of the contractor(s) who performed the service(s). Describe the activities performed by each named contractor, and give the number of actual hours spent on the activities, if applicable, show the inclusive dates when services were performed, and itemize all costs for those services. For fixed price contracts list only the activities performed, the dates services were performed, and the contract price.

4. Equipment

List the purchase price paid for equipment and other capital assets acquired for this mandate. Purchase price includes taxes, delivery costs, and installation costs. If the equipment or other capital asset is used for purposes other than this mandate, only the pro rata purchase price can be claimed.

5. Travel

Travel expenses for mileage, transportation, per diem, lodging, parking, and other employee entitlements are reimbursable in accordance with the rules of the local school district. Provide the name(s) of the person(s) traveling, purpose of the travel, inclusive dates and time of travel, destination(s), and travel expenses.

6. Training

The cost of training for activities specified in Section IV can be claimed. Identify the employee(s) by name and job classification. Provide the name of the training session, the dates attended and the location. Reimbursement costs

include, but are not limited to, salaries and benefits of personnel conducting or attending the training, registration fees, and travel expenses.

B. Indirect Costs

1. School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.
2. County offices of education must use the J- 580 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the Sate Department of Education.

VI. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets to show evidence of the validity of costs. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim was filed or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of the initial payment of the claim. These documents must be made available to the State Controller's Office on request.

VII. DATA FOR DEVELOPMENT OF THE STATEWIDE COST ESTIMATE

The State Controller's claiming instructions shall include a request for claimants to send an additional copy of the completed test claim specific form for each of the initial years' reimbursement claims by mail or facsimile to the Commission on State Mandates, 1300 I Street, Suite 950, Sacramento, CA 95814, Facsimile Number: (916) 445-0278. Although providing this information to the Commission on State Mandates is not a condition of reimbursement, claimants are encouraged to provide this information to enable the Commission to develop a statewide cost estimate.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this mandate must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, including but not limited to, service fees collected, federal funds, and other state funds shall be identified and deducted from this claim.

IX. REQUIRED CERTIFICATION

An authorized representative of the claimant will be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Section 51230, as added by
Statutes of 1996, Chapter 778;

Filed on September 15, 1997;

By the San Diego Unified School District and
Sweetwater Union High School District,
Co-Claimants

NO. CSM 97-TC-02 (a.k.a. 97-258-01)

*American Government Course Document
Requirement*

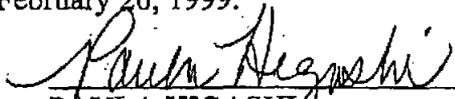
*ADOPTION OF PARAMETERS AND
GUIDELINES PURSUANT TO
GOVERNMENT CODE SECTION 17557.;
TITLE 2, CALIFORNIA CODE OF
REGULATIONS, DIVISION 2; CHAPTER
2.5, SECTION 1183.12.*

(Adopted on February 25, 1999)

PARAMETERS AND GUIDELINES

The Commission on State Mandates adopted the attached Parameters and Guidelines on
February 25, 1999.

These Parameters and Guidelines are effective on February 26, 1999.



PAULA HIGASHI
Executive Director

Adopted: February 25, 1999

PARAMETERS AND GUIDELINES,

Education Code Section 51230
Statutes of 1996, Chapter 778

American Government Course Document Requirements

I. SUMMARY AND SOURCE OF THE MANDATE

On October 29, 1998, the Commission on State Mandates ("Commission") adopted its Statement of Decision finding that Education Code section 51230, as added by Chapter 778, Statutes of 1976, imposed a reimbursable state-mandated new program on school districts. Education Code section 51230 requires school districts to teach, and students to read, the Declaration of Independence, the United States Constitution, including the Bill of Rights, the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address as part of the American Government and Civics courses required for high school graduation.

II. ELIGIBLE CLAIMANTS

Any school district, as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement.

III. PERIOD OF REIMBURSEMENT

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on September 15, 1997, establishing an eligibility date of July 1, 1996. However, Chapter 778, Statutes of 1996, was enacted on September 23, 1996, and became effective on January 1, 1997. Therefore, costs incurred on or after January 1, 1997, are eligible for reimbursement, pursuant to these Parameters and Guidelines.

Actual costs for one fiscal year should be included in each reimbursement claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561(d)(1) of the Government Code, all claims for reimbursement of initial years' costs shall be submitted within 120 days of issuance of the claiming instructions by the State Controller.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17561.

IV. REIMBURSABLE COMPONENTS AND DESCRIPTION OF ACTIVITIES

The direct and indirect costs of labor, materials and supplies, contracted services, equipment, travel, and training incurred for compliance with the following mandate components are eligible for reimbursement:

- A. Preparing and Adopting Policies, Procedures and Forms

Preparing and adopting policies, procedures and forms related to teaching the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address as part of the American Government and Civics courses.

B. Training

Training teachers that teach American Government or Civics courses about the requirements to teach the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address, about new text materials related to these documents, and about methods of teaching these documents. This reimbursable component includes:

- 1) Activities performed by administrators, other school district personnel, and consultants to prepare for training sessions and to conduct training sessions;
- 2) Either the costs of providing a substitute teacher for each teacher who attends a training session during the teacher's normal classroom periods or the additional payments made to each teacher who attends a training session outside the teacher's normal classroom period (after school or on Saturday); and
- 3) The cost of materials and supplies used or distributed in training sessions on this mandated program.

Each school district may conduct more than one training session and may conduct training sessions in different fiscal years; however, the cost of providing either a substitute teacher during the school day or making additional payments to each teacher attending a training session outside the regular school day is eligible for reimbursement only once for each teacher who teaches an American Government or Civics course. The labor time of the teacher spent in attending a training session during that teacher's normal classroom hours is not eligible for reimbursement.

C. Acquiring Materials and Supplies

1. Acquiring Student Text Materials before the Scheduled Adoption of New Textbooks
 - a) The one-time activity of reviewing student text materials purchased before January 1, 1997 (the effective date of the test claim statute) to determine whether they contain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address;
 - b) If existing textbooks and materials do not contain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address, then the following activities are eligible for reimbursement:
 - 1) Contacting text publishers to determine what text materials are available that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address;
 - 2) Negotiating and coordinating the purchase of student materials that contain or explain about the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address; and
 - 3) Administering the purchase of student materials that contain or explain about the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address

and George Washington's Farewell Address, including preparing contracts or purchase orders for the purchase of student materials, distributing the purchased materials, and conducting an inventory of purchased materials.

The purchase price of the student materials that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address is eligible for reimbursement.

2. Adoption of New Textbooks

- a) Reviewing proposed student text materials to determine whether they contain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address.
- b) If the proposed new text materials contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address, then the pro rata share of costs directly related to performing the following activities is eligible for reimbursement:
 - 1) Negotiating and coordinating the purchase of student materials that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address; and
 - 2) Administering the purchase of student materials that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address, including preparing contracts or purchase orders for the purchase of student materials, distributing the purchased materials, and conducting an inventory of purchased materials.

The pro rata share of the purchase price directly related to the inclusion of text materials that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address is eligible for reimbursement.

- c) If the proposed new text materials do not contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address, then the pro rata share of costs directly related to performing the following activities is eligible for reimbursement:
 - 1) Contacting text publishers to determine what text materials are available that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address;
 - 2) Negotiating and coordinating the purchase of student materials that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address; and
 - 3) Administering the purchase of student materials that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address, including preparing contracts or purchase orders for the purchase of student materials, distributing the purchased materials, and conducting an inventory of purchased materials.

The pro rata share of the purchase price directly related to the inclusion of text materials that contain or explain the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address is eligible for reimbursement.

3. Acquiring Teacher Reference and Resource Materials

- a) Reviewing teacher reference and resource materials purchased before January 1, 1997 (the effective date of the test claim statute) to determine whether they are sufficient to facilitate the teaching of the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address;
- (b) If existing teacher reference and resource materials are not sufficient to facilitate the teaching of the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address, then the following activities are eligible for reimbursement:
 - 1) Contacting text publishers to determine what teacher reference and resource materials are available to facilitate the teaching of the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address, and George Washington's Farewell Address;
 - 2) Negotiating and coordinating the purchase of teacher reference and resource materials that are sufficient to facilitate the teaching of the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address; and
 - 3) Administering the purchase of teacher reference and resource materials that are sufficient to facilitate the teaching of the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address, including preparing contracts or purchase orders for the purchase of student materials, distributing the purchased materials, and conducting an inventory of purchased materials.

Each school district may purchase teacher reference and resource materials in different fiscal years; however, the cost of providing teacher reference and resource materials is eligible for reimbursement only once for each teacher who teaches an American Government or Civics course.

The purchase price of teacher reference and resource materials that are sufficient to facilitate the teaching of the Federalist Papers, the Emancipation Proclamation, the Gettysburg Address and George Washington's Farewell Address is eligible for reimbursement.

V. CLAIM PREPARATION

Each reimbursement claim for costs incurred to comply with this mandate must be timely filed and set forth a listing of each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified according to the components of reimbursable activity described in Section IV of this document.

Supporting Documentation

Claimed costs should be supported by the following information:

A. Direct Costs

Direct costs are defined as costs that can be traced to specific goods, services, units, programs, activities, or functions.

1. Employee Salaries and Benefits

Identify the employee(s) and/or show the classification of the employee(s) involved. List the reimbursable activities performed by each employee and specify the time devoted to each reimbursable activity by each employee, productive hourly rate and the related fringe benefits. The average number of hours devoted to each reimbursable activity in these Parameters and Guidelines can be claimed if supported by a documented time study.

2. Materials and Supplies

List cost of materials and supplies which have been consumed or expended specifically for the purpose of this mandate. The cost of materials and supplies, which are not used exclusively for the mandate is limited to the pro rata portion used to comply with this mandate.

3. Contracted Services

Provide the name(s) of the contractor(s) who performed the service(s). Describe the activities performed by each named contractor, and give the number of actual hours spent on the activities; if applicable, show the inclusive dates when services were performed, and itemize all costs for those services. For fixed price contracts list only the activities performed, the dates services were performed, and the contract price.

4. Equipment and Capital Assets

List the purchase price paid for equipment and other capital assets acquired for this mandate. Purchase price includes taxes, delivery costs, and installation costs. If the equipment or other capital asset is used for purposes other than this mandate, only the pro rata purchase price is eligible for reimbursement.

5. Travel

Travel expenses for mileage, transportation, meals, per diem, lodging, parking, and other employee entitlements are reimbursable in accordance with the rules of the local school district. Provide the name(s) of the person(s) traveling, purpose of the travel, inclusive dates and time of travel, destination(s), and travel expenses.

6. Training

The cost of training for activities specified in Section IV can be claimed. Identify the employee(s) by name and job classification. Provide the name of the training session, the dates attended and the location. Reimbursement costs include, but are not limited to, salaries and benefits of personnel conducting or attending the training, registration fees, and travel expenses.

B. Indirect Costs

1. School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.
2. County offices of education must use the J-580 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the State Department of Education.

VI. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or worksheets to show evidence of the validity of costs. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim was filed or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of the initial payment of the claim. These documents must be made available to the State Controller's Office on request.

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VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this mandate must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, including but not limited to, service fees collected, federal funds, and other state funds shall be identified and deducted from this claim.

IX. REQUIRED CERTIFICATION

An authorized representative of the claimant will be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300

SACRAMENTO, CA 95814

PHONE: (916) 323-3562

(916) 445-0278

E-mail: csminfo@csm.ca.gov



November 26, 2002

Mr. Keith Petersen
SixTen and Associates
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

Mr. Mike Havey
State Controller's Office
Division of Accounting and Reporting
Local Reimbursement Section
3301 C Street, Suite 501
Sacramento, CA 95816

RE: Draft Staff Analysis

Certification of Teacher Evaluator's Demonstrated Competence, 99-4136-I-03
Manhattan Beach Unified School District, Claimant
Education Code Section 51225.3
Statutes 1983, Chapter 498

Dear Mr. Petersen and Mr. Havey:

The draft staff analysis of the above-named *Certification of Teacher Evaluator's Demonstrated Competence* incorrect reduction claim (IRC) is enclosed for your review and comment.

Written Comments

Any party or interested person may file written comments on the draft staff analysis by Friday, **December 27, 2002**. You are advised that the Commission's regulations require comments filed with the Commission to be simultaneously served on other interested parties on the mailing list, and to be accompanied by a proof of service on those parties. If you would like to request an extension of time to file comments, please refer to section 1183.01, subdivision (c)(1), of the Commission's regulations.

Hearing

This IRC is set for hearing on Thursday, **January 23, 2003**, at the State Capitol, Sacramento, California. The final staff analysis will be issued on or about Friday, January 10, 2003. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1183.01, subdivision (c)(2), of the Commission's regulations.

Please contact Cathy Cruz at (916) 323-8218 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Shirley Opie".

SHIRLEY OPIE

Assistant Executive Director

Enclosures

cc: Mr. Steve Smith, Mandated Cost Systems, Inc. (No attachments)

MAILED: 11/20/02
FAXED: VS
DATE: VS
INITIAL: VS
FILE: VS
WORKING BINDER: _____

ITEM _____

**INCORRECT REDUCTION CLAIM
DRAFT STAFF ANALYSIS**

Education Code Section 35160.5

Statutes 1983, Chapter 498

Manhattan Beach Unified School District, Claimant

Certification of Teacher Evaluator's Demonstrated Competence

EXECUTIVE SUMMARY

The Executive Summary will be included with the Final Staff Analysis.

CLAIMANT

Manhattan Beach Unified School District

CHRONOLOGY

Test Claim

- 09/20/84 San Jose Unified School District filed a test claim with the Board of Control
- 09/26/85 Commission on State Mandates (Commission) determined that Statutes 1983, chapter 498 imposes reimbursable state mandated costs
- 10/24/85 Commission adopted its statement of decision
- 04/24/86 Commission adopted original parameters and guidelines
- 01/24/91 Commission amended parameters and guidelines
- 09/95 State Controller's Office (SCO) issued claiming instructions
- 07/22/96 Education Trailer Bill to the Budget Act of 1996 (Stats. 1996, ch. 204) repealed this mandate effective with the 1996-1997 fiscal year

Incorrect Reduction Claim (IRC)

- 11/25/97 Claimant filed reimbursement claim for fiscal year 1995-1996
- 04/05/99 Claimant requested the SCO to reconsider its payment action
- 05/07/99 SCO issued a notice of adjustment
- 04/04/00 Claimant filed an IRC with the Commission
- 04/13/00 Commission sent a copy of the IRC to SCO
- 07/26/00 SCO filed comments on the claimant's IRC
- 01/30/01 Claimant filed a rebuttal to the SCO's comments
- 09/09/02 Claimant substituted Mr. Keith B. Petersen as its representative
- 11/26/02 Draft staff analysis issued

COMMISSION AUTHORITY

Government Code section 17551, subdivision (b), requires the Commission to determine whether the SCO has incorrectly reduced payments to a local agency or school district. That section states the following:

The commission, pursuant to the provisions of this chapter, shall hear and decide upon a claim by a local agency or school district filed on or after January 1, 1985, that the Controller has incorrectly reduced payments to the local agency or school district pursuant to paragraph (2) of subdivision (d) of Section 17561.

Government Code section 17561, subdivision (d), authorizes the SCO to audit claims filed by local agencies and school districts and to reduce any claim for reimbursement of state mandated costs that the SCO determines is excessive or unreasonable.

If the Commission determines that a reimbursement claim has been incorrectly reduced, California Code of Regulations, title 2, section 1185.1, requires the Commission to submit its statement of decision to the SCO and request that all costs that were incorrectly reduced be reinstated.

SUMMARY OF THE MANDATE AND CLAIM

On October 24, 1985, the Commission adopted its decision that the *Certification of Teacher Evaluator's Demonstrated Competence* program constitutes a reimbursable state-mandated program. Education Code section 35160.5, as added by Statutes 1983, chapter 498, requires that the governing board of each school district shall, as a condition for the receipt of school apportionments, adopt rules and regulations on or before December 1, 1984, establishing district policies regarding:

- a) The certification of the demonstrated competence of administrators who would be conducting teacher evaluations.
- b) Assurances that probationary teachers will have their needs for training, assistance, and evaluations recognized by the district.
- c) Filing of parent complaints regarding district employees.

On April 24, 1986, the Commission adopted the original parameters and guidelines. These parameters and guidelines were subsequently amended on January 24, 1991, and described the following activities as eligible for reimbursement:

- A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board. [¶] . . . [¶]
- B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.
 1. Training, assisting, and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program cannot be claimed as a reimbursable cost.
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.
 - b. Training materials and clerical services for probationary teachers.
 - c. Registration fees and travel costs of probationary teachers attending training activities.

- d. Costs of substitute teachers provided for probationary teachers so that they might attend training activities including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester).
 - e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.
- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.¹

In September 1995, the SCO issued its claiming instructions.² Section 5, "Reimbursable Components," provides the following:

B. Probationary Certificated Employee Policies

(2) Training, Assisting and Evaluating Probationary Teachers

The costs of training, assisting and evaluating probationary teachers, over and above that provided to permanent teachers, are reimbursable. The salary and benefits of personnel, not including the site principal, plus training materials and clerical services used to train, assist or evaluate probationary teachers are reimbursable. The cost of consultants for the purpose of training and assisting probationary teachers, if personnel with the required skills are not available within the school district or county office of education, is reimbursable. Registration fees, travel costs and the cost of substitute teachers provided for probationary teachers so that they can attend training activities, including visitation to observe other teacher's teaching techniques, are reimbursable. Visitations are limited to three visitations per semester.

The claimant filed its reimbursement claim for fiscal year 1995-1996 on November 30, 1996. The SCO adjusted the claim. The claimant submitted a reconsideration request with the SCO dated April 5, 1999.³ On April 29, 1999, the SCO sent the claimant a notice of adjustment denying reimbursement for the salaries and benefits of probationary teachers in training. Specifically, the letter stated:

[The] Parameters and Guidelines do not provide reimbursement for probationary teachers training costs. In lieu of that, the [parameters and guidelines] reimburse the cost of substitute teachers while the probationary teachers attend training activities.⁴

¹ Exhibit A, page 33.

² Exhibit A, page 41.

³ Exhibit A, page 71.

⁴ Exhibit A, page 87.

Thus, on April 4, 2000, the claimant filed an IRC on the *Certification of Teacher Evaluator's Demonstrated Competence* program.⁵ The claimant contends that the SCO incorrectly reduced its claim by \$61,152 for fiscal year 1995-1996, for the cost of training probationary teachers. Table 1, as shown below, lists the alleged incorrect reduction.

TABLE 1

Cost Categories Disallowed	Alleged Incorrect Reduction
1 st and 2 nd year Probationary Teacher Time	\$ 32,469
2-day Training Time for Probationary Teachers	28,683
<i>TOTAL</i>	\$ 61,152

STATEMENT OF ISSUES

DID THE STATE CONTROLLER'S OFFICE INCORRECTLY REDUCE THIS CLAIM?

1. Is the cost of salaries and benefits for probationary teachers receiving additional training outside their regular workday or work year a reimbursable cost under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program?
2. Is the cost of salaries and benefits for probationary teachers attending training and mentoring during the course of their regular workday a reimbursable cost under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program?

For the reasons stated in the staff analysis, staff concludes that the SCO did not incorrectly reduce this reimbursement claim.

POSITIONS OF THE PARTIES

Claimant's Position

The claimant contends that the cost of probationary teachers receiving mandated additional training should be reimbursed because it is authorized by the parameters and guidelines under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program.

The claimant asserts that probationary teacher training costs consist of two categories:

- 1) probationary teachers receiving one-on-one training and mentoring (over and above that provided to permanent teachers) during the course of their regular work day; and
- 2) probationary teachers costs related to working extra hours and a longer work year due to the mandated additional training requirements.

⁵ Exhibit A, page 1.

The claimant states that "the [Commission] should be guided by the common rule of interpretation, which provides that where express provisions of a rule are clear and unambiguous the explicit meaning of those provisions, interpreted in their ordinary and popular sense, controls the interpretation."⁶ Therefore, the claimant asserts that costs associated with the first category are allowed because the parameters and guidelines provide reimbursement for costs of "training, assisting and evaluating probationary teachers *over and above that usually provided to permanent teachers.*"

Further, the claimant contends that the second category is reimbursable because it is consistent with allowable costs of other mandated programs, such as *Physical Performance Testing* and *American Government Course Document Requirements*. While permanent teachers work 182 days a year, the claimant asserts that this mandate requires all first year probationary teachers to work a total of 184 work days, to include two additional 7-hour days for teacher training, occurring either after the regular workday or at the end of the regular work year, when a substitute teacher is not necessary.

State Controller's Office Position

The SCO argues that the parameters and guidelines "do not provide for reimbursement of salaries and wages for probationary teachers while they attend training."⁷ The SCO states that, in lieu of that, the parameters and guidelines reimburse the cost of substitute teachers while the probationary teachers attend training. The SCO also notes that on April 4, 1995, the Stockton Unified School District (SUSD) submitted a request to amend the parameters and guidelines to include salaries and wages for probationary teachers while they attend training.⁸ However, this request was withdrawn by letter dated June 23, 1995.⁹ Therefore, the SCO concluded that the parameters and guidelines did not intend to provide reimbursement for the salary costs of probationary teachers while attending training.

Therefore, the SCO disallowed the cost of salaries and benefits for training probationary teachers and associated indirect costs claimed under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program.

STAFF ANALYSIS

Background

The parameters and guidelines were originally adopted on April 24, 1986, and were subsequently amended on January 24, 1991, to allow reimbursement of individual administrator training for a maximum of 10 days in any three-year period.

On April 4, 1995, the SUSD filed a request to amend the parameters and guidelines with the Commission. SUSD proposed to include the following language under Reimbursable Costs, section V.B.1.:

⁶ Exhibit A, page 5.

⁷ Exhibit B, page 89.

⁸ Exhibit B, page 95.

⁹ Exhibit B, page 107.

- f. Probationary teacher time spent attending district or county office sponsored training sessions specific to probationary teachers after school or prior to the start of the school year.
- g. Probationary teacher time spent receiving assistance or training from district or county office employees as part of the probationary teacher training and assistance program.
- h. In-classroom probationary teacher time spent receiving training or assistance is not claimable.
- i. In cases where a substitute is provided, the claimant is only eligible to claim the substitute and not the probationary teacher's time.¹⁰

SUSD asserted that these amendments were necessary because the parameters and guidelines did not address whether probationary teacher time receiving training, assistance, and evaluation, was reimbursable. SUSD maintained that district-sponsored training sessions prior to the start of the school year required probationary teachers to work one or two days earlier than permanent teachers, and thus, they worked a longer school year. During these training sessions, probationary teachers received orientation and training specific to their needs. Further, SUSD contended that the district-sponsored training sessions after school and the one-on-one training should be reimbursable because it took probationary teachers away from other duties.

To support its position, SUSD noted parameters and guidelines for programs that provide reimbursement for employee time spent receiving training, such as the *Emergency Procedures, Earthquakes, and Disasters* program. Specifically, the *Emergency Procedures, Earthquakes, and Disasters* Parameters and Guidelines provide reimbursement for: "The cost incurred by the district of employees attending [emergency procedures] meetings to receive instruction."

However, on June 23, 1995, SUSD withdrew its request to amend the parameters and guidelines because "after numerous discussions with Commission Staff and other interested parties, it is clear that any positive action resulting from clarifying this issue is more than offset by the possibility that re-opening this claim could result in the entire claim being denied."¹¹

On July 22, 1996, the Education Trailer Bill to the Budget Act of 1996 (Stats. 1996, ch. 204) repealed this mandate beginning with the 1996-1997 fiscal year.

Issue 1: Is the cost of salaries and benefits for probationary teachers receiving additional training outside their regular workday or work year a reimbursable cost under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program?

The claimant contends that the district required all its first year probationary teachers to work two additional 7-hour days for teacher training specifically attributable to this mandate. The claimant asserts that while permanent teachers work 182 days a year, this mandate requires all probationary teachers to work a total of 184 workdays for training occurring either after the regular workday or at the end of the regular work year when a substitute teacher is not necessary.

¹⁰ Exhibit B, page 102.

¹¹ Exhibit B, page 107.

Therefore, the claimant argues that the salary costs of probationary teachers to attend the training outside the regular workday or work year should be reimbursed because the training sessions exceed what is provided to permanent teachers.

The SCO maintains that the parameters and guidelines "do not provide for reimbursement of salaries and wages for probationary teachers while they attend training." In lieu of that, the SCO states that the parameters and guidelines reimburse the cost of substitute teachers while the probationary teachers attend training.

For the reasons provided below, staff finds that the SCO did not incorrectly reduce the claimant's reimbursement claim for the cost of salaries and benefits for probationary teachers to attend the training outside the regular workday or work year.

To support its arguments, the claimant cited the Commission's decision in the parameters and guidelines for *Physical Performance Tests* (CSM 96-365-01). Specifically, the Commission found that:

Increased costs for *substitute teacher time* during the school day or for *teacher stipends* to attend training sessions outside the regular school day (after school or on Saturday) are eligible for reimbursement.¹² (Emphasis added.)

The claimant also cited the Commission's decision in the parameters and guidelines for *American Government Course Document Requirements* (97-TC-02), in which the Commission found the following to be reimbursable:

Either the cost of providing a *substitute teacher* for each teacher who attends a training session during the teacher's normal classroom periods *or* the *additional payments* made to each teacher who attends a training session *outside the teacher's normal classroom period* (after school or on Saturday). (Emphasis added.)¹³

It is true that the Commission previously found the cost of teachers to attend training sessions outside the regular school day to be reimbursable. However, in both of the above-mentioned programs, the Commission's parameters and guidelines provided reimbursement for either the cost of a substitute teacher, if the training session was during the regular school day, or for teacher stipends to attend training outside the regular school day. The parameters and guidelines here clearly provide reimbursement for the costs of substitute teachers so that probationary teachers could attend training activities. However, the parameters and guidelines do not explicitly provide reimbursement for teacher stipends to attend training outside the regular school day. Although a request to amend the parameters and guidelines was filed to include reimbursement for teachers' salaries when training occurs outside the regular school day, that request was withdrawn. Therefore, staff finds that the Commission intended that probationary teacher training be provided during the regular school day when a substitute teacher could be hired.

Moreover, the claimant states that the probationary teachers worked extra hours and a longer work year because the additional training was mandated by Education Code section 35160.5 (Stats. 1983, ch. 498). Education Code section 35160.5,¹⁴ as added by Statutes 1983,

¹² Exhibit E, page 123.

¹³ Exhibit F, page 131.

¹⁴ Repealed by Statutes 1996, chapter 204, effective July 22, 1996.

chapter 498, required that the governing board of each school district, as a condition for the receipt of school apportionments, adopt rules and regulations on or before December 1, 1984, establishing district policies regarding:

- a) The certification of the demonstrated competence of administrators who would be conducting teacher evaluations.
- b) Assurances that probationary teachers will have their needs for training, assistance, and evaluations recognized and met by the district.
- c) Filing of parent complaints regarding district employees.

Neither the test claim statute, the statement of decision, the parameters and guidelines, nor the evidence in the record supports the claimant's contention that the state has mandated additional training to be provided outside the regular school year. Since the 1959 Education Code,¹⁵ the state has required public schools to provide education for a minimum of 175 days in a fiscal year and 240 minutes in a day. Here, neither the school day, nor the school year, increased as a result of the test claim legislation. Accordingly, there is no showing that the state mandated an increased level of service on school districts resulting in increased costs for probationary teachers to attend additional training outside the regular workday or work year. If a school district chooses to increase the school day or the school year by requiring its probationary teachers to work additional days each fiscal year for teacher training, the district does so at its own discretion.

Therefore, staff finds that the cost of salaries and benefits for probationary teachers to attend the training outside the regular workday or work year is not reimbursable, and the SCO did not incorrectly reduce this portion of the claim.

Issue 2: Is the cost of salaries and benefits for probationary teachers attending training and mentoring during the course of their *regular workday* a reimbursable cost under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program?

The claimant contends that the cost of probationary teachers receiving mandated additional training during the regular workday should be reimbursed because it is authorized by the parameters and guidelines under the Probationary Certificated Employee Policies component of the *Certification of Teacher Evaluator's Demonstrated Competence* program. The claimant maintains that the parameters and guidelines provide reimbursement for costs of "training, assisting and evaluating probationary teachers *over and above that usually provided to permanent teachers.*" The claimant asserts that "the [Commission] should be guided by the common rule of interpretation which provides that where express provisions of a rule are clear and unambiguous the explicit meaning of those provisions, interpreted in their ordinary and popular sense, controls the interpretation."¹⁶ Therefore, the salary costs of probationary teachers receiving one-on-one training and mentoring during the course of their regular workday should be reimbursed.

¹⁵ Education Code sections 41420, 46113, 46141, and 46142.

¹⁶ Exhibit A, page 5.

The SCO maintains that the parameters and guidelines "do not provide for reimbursement of salaries and wages for probationary teachers while they attend training." The SCO states that, in lieu of that, the parameters and guidelines reimburse the cost of substitute teachers while the probationary teachers attend training. Further, the SCO states that a request to amend the parameters and guidelines to explicitly include salaries and wages for probationary teachers while they attend training was submitted by the SUSD on April 4, 1995. However, this request was subsequently withdrawn by letter dated June 23, 1995. Therefore, the SCO concluded that the parameters and guidelines did not intend to provide reimbursement for the salary costs of probationary teachers while attending training.

For the reasons provided below, staff finds that the SCO did not incorrectly reduce the claimant's reimbursement claim for the cost of salaries and benefits for probationary teachers attending training and mentoring during the course of their regular work day.

Section V. of the parameters and guidelines, entitled "Reimbursable Costs," provides that the following costs are reimbursable:

- A. Certification that personnel assigned to evaluate teachers have demonstrated competence in instructional methodologies and evaluation for teachers they are assigned to evaluate. The determination of whether school personnel meet the district's adopted policies shall be made by the governing board. [¶] . . . [¶]
- B. The establishment of district or county office of education policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new teacher and his or her potential needs for training, assistance, and evaluations will be recognized by the district or county office of education.
 1. Training, assisting, and evaluating probationary teachers over and above that usually provided to permanent teachers by the district or county office of education. Copies of the approved previous policy must be included with claims for reimbursement. The cost of services or activities provided to probationary teachers funded by the Mentor Teacher Program cannot be claimed as a reimbursable cost.
 - a. Time provided by personnel, other than the site principal, to train, assist or evaluate probationary teachers.
 - b. Training materials and clerical services for probationary teachers.
 - c. Registration fees and travel costs of probationary teachers attending training activities.
 - d. *Costs of substitute teachers provided for probationary teachers so that they might attend training activities* including visitations to other teachers' classrooms to observe teaching techniques (limited to three such visitations per semester). (Emphasis added.)
 - e. Costs of consultants provided to train and assist probationary teachers if personnel with the required skills are not available within the school district or county office of education.

- C. The establishment of policies and procedures which parents or guardians of pupils enrolled in the district may use to present complaints regarding employees of the district that provide for appropriate mechanisms to respond to, and where possible resolve, the complaints.

The parameters and guidelines clearly provide reimbursement for the costs of substitute teachers so that probationary teachers can attend training activities, including visitations to other teachers' classrooms to observe teaching techniques. The SCO's claiming instructions mirrored the Commission's parameters and guidelines. Thus, staff finds, that based on the express language contained in the parameters and guidelines, the claimant is only entitled to reimbursement for salaries of substitute teachers while probationary teachers attend training and mentoring during the course of their regular workday.

Staff also finds that the claimant's reliance on the Commission's decision in the *School Crimes Statistics Reporting and Validation* IRC is misplaced. In that case, the SCO reduced claims for training costs because training was not expressly included in the parameters and guidelines. The Commission found that training was an implicit cost of the claims and concluded that the costs to conduct training were reasonably necessary to comply with the mandate.

Here, training is explicitly included in the parameters and guidelines. However, to be eligible for reimbursement, a school district must incur increased costs mandated by the state as a result of complying with the test claim statute.¹⁷ Staff finds that school districts do not incur increased costs mandated by the state for the salaries and benefits of probationary teachers when they attend training and mentoring during the course of their regular workday. As discussed in Issue 1, neither the school day nor the school year increased as a result of the test claim legislation. Rather, training time is absorbed into the school day. Thus, there are no resultant increased costs mandated by the state to the school district. This is consistent with the Commission's decision in *Physical Performance Tests* (CSM 96-365-01), *Emergency Procedures, Earthquakes and Disasters* (CSM-4241), and *Standardized Testing and Reporting* (97-TC-23).

Accordingly, staff finds that the cost of salaries and benefits for probationary teachers to attend training sessions during that teacher's normal classroom hours is not reimbursable, and therefore, the SCO did not incorrectly reduce this portion of the claim. However, if a substitute teacher is hired, the cost of the substitute teacher is reimbursable.

CONCLUSION

Staff finds that the SCO did not incorrectly reduce the claimant's reimbursement claim on the *Certification of Teacher Evaluator's Demonstrated Competence* program based on the following findings:

- The Commission intended that probationary teacher training be provided during the regular school day when a substitute teacher could be hired. In addition, there is no evidence in the record to support the claimant's contention that the additional training provided outside the regular school year was mandated by this program.

¹⁷ *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1283-1284; Government Code section 17514.

- School districts do not incur increased costs mandated by the state when probationary teachers attend training and mentoring during the course of their regular workday because this time is *absorbed* into the school day. Instead, the parameters and guidelines provide reimbursement for the costs of substitute teachers so that probationary teachers could attend training activities.

STAFF RECOMMENDATION

Staff recommends that the Commission adopt this staff analysis and deny the *Certification of Teacher Evaluator's Demonstrated Competence* IRC filed by the Manhattan Beach Unified School District (99-4136-I-03).

