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June 15, 2011

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

Re: CSM 02-TC-10 County of Los Angeles
CSM 02-TC-51 Riverside Unified School District
California Public Records Act

Dear Mr. Bohan:

I have received your letter dated May 31, 2011, directing the test claimants to submit proposed parameters and guidelines for the above referenced adopted test claim.

This letter transmits the parameters and guidelines proposed by the school district test claimant. A separate response will be submitted for the local agencies by their representative.

Sincerely,



Keith B. Petersen

C: Commission electronic service list

Parameters and Guidelines Drafted by:
Keith B. Petersen
SixTen and Associates

(School District) CLAIMANT'S PROPOSED PARAMETERS AND GUIDELINES

Statutes of 1992, Chapter 463;
Statutes of 2000, Chapter 982; and,
Statutes of 2001, Chapter 355

Government Code Sections:
6253 subdivision (c)
6253.1 subdivisions (a) and (d);
6253.9;
6254.3 subdivisions (a) and (b);
6255 subdivision (b); and,
6253.9, subdivisions (a)(2) and (b)

CALIFORNIA PUBLIC RECORDS ACT

CSM 02-TC-10 and CSM 02-TC-51

(Beginning Fiscal Year 2001-02)

I. SUMMARY OF THE MANDATE

Per Statement of Decision

II. ELIGIBLE CLAIMANTS

Local agencies as defined by Government Code section 17518. School districts as defined by Government Code section 17519, which included school districts, county superintendents of schools (county offices of education), and community college districts.

III. PERIOD OF REIMBURSEMENT

Per Commission boilerplate language.

Reimbursement begins July 1, 2001.

IV. REIMBURSABLE ACTIVITIES

The preamble per Commission boilerplate language.

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LOCAL AGENCIES AND SCHOOL DISTRICTS

A. Records Access Assistance

4. When a member of the public requests to inspect a public record or obtain a copy of a public record: ~~a.~~ (1) assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated; ~~b.~~ (2) describe the information technology and physical location in which the records exist; and, ~~c.~~ (3) provide suggestions for overcoming any practical basis for denying access to the records or information sought.

These activities are not reimbursable when: (1) the public records requested are records open to public inspection made available to the member of the public through the procedures set forth in Government Code section 6253, subdivision (a); (2) the public agency determines that the request should be denied and bases that determination solely on an exemption listed in Government Code section 6254; or (3) the public agency makes available an index of its records. (Government Code, § 6253.1, subdivisions (a) and (d) (Statutes 2001, Chapter 355).)

B. 10-day Disclosure Determination

- ~~2.~~ Within 10 days from receipt of a request for a copy of records determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the local agency or K-14 district and notify the person making the request of the determination and the reasons for the determination. (Government Code, § 6253, subdivision (c) (Statutes ~~2001~~ 2000, Chapter 982).)
- ~~3.~~ If the 10-day time limit of Government Code section 6253 is extended by a local agency or K-14 district due to “unusual circumstances” as defined by Government Code section 6253, subdivision (c)(1)-(4) (Statutes ~~2001~~ 2000, Chapter 982), the agency head, or his or her designee, shall provide written notice to the person making the request, setting forth the reasons of the extension and the date on which a determination is expected to be dispatched. (Gov. Code, § 6253, subdivision (c) (Statutes ~~2001~~ 2000, Chapter 982).)

C. Justification for Denial of Access

- ~~7.~~ If a request is denied, in whole or in part, respond in writing to a written request

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for inspection or copies of public records that includes a determination that the request is denied. (Government Code § 6255, subdivision (b) (Statutes 2000, Chapter 982).)

D. Electronic Records

4. If requested by a person making a public records request for a public record kept in an electronic format, provide a copy of a disclosable electronic record in the electronic format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. (Government Code, § 6253.9, subdivision (a)(2) (Statutes of 2000, Chapter 982).)

~~In addition, the Commission concludes that (T)he fee authority set forth in Government Code section 6253.9, subdivisions (a)(2) and (b), as added by Statutes 2000, chapter 982, is offsetting revenue and shall be deducted from the costs of providing a copy of a disclosable electronic record in the electronic format requested.~~

SCHOOL DISTRICTS ONLY

E. Redaction of Employee Information

5. For K-14 districts and county offices of education only, redact or withhold the home address and telephone number of employees of K-14 districts and county offices of education from records that contain disclosable information.

This activity is not reimbursable when the information is requested by: (1) an agent, or a family member of the individual to whom the information pertains; (2) an officer or employee of another school district, or county office of education when necessary for the performance of its official duties; (3) an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home addresses and home telephone numbers of employees performing law enforcement-related functions shall not be disclosed (and thus must always be redacted or withheld); (4) an agent or employee of a health benefit plan providing health services or administering claims for health services to K-14 district and county office of education employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents. (Government Code § 6254.3, subdivision (a) (Statutes 1992, Chapter 463).)

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F. Removal of Employee Information

~~6.~~ For K-14 districts and county offices of education only, remove the home address and telephone number of an employee from any mailing lists that the K-14 district or county office of education is legally required to maintain, if requested by the employee, except for lists used exclusively by the K-14 district or county office of education to contact the employee. (Government Code, § 6254.3, subdivision (b) (Statutes 1992, Chapter 463).)

V. CLAIM PREPARATION AND SUBMISSION

The preamble per Commission boilerplate language.

A. Direct Cost Reporting

Per Commission boilerplate (e.g., the Mandate Reimbursement Process 2 parameters and guidelines adopted May 26, 2011)

B. Indirect Cost Reporting

Per Commission boilerplate (e.g., the Mandate Reimbursement Process 2 parameters and guidelines adopted May 26, 2011)

VI. RECORD RETENTION

Per Commission boilerplate language.

VII. OFFSETTING REVENUES AND REIMBURSEMENTS

Per Commission boilerplate language.

In addition, the Commission concludes that the fee authority set forth in Government Code section 6253.9, subdivisions (a)(2) and (b), as added by Statutes 2000, chapter 982, is offsetting revenue and shall be deducted from the costs of providing a copy of a disclosable electronic record in the electronic format requested.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Per Commission boilerplate language.

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IX. REMEDIES BEFORE THE COMMISSION

Per Commission boilerplate language.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

Per Commission boilerplate language.