

COMMISSION ON STATE MANDATES

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September 30, 2011

Diana D. Halpenny, Esq.
Kronick, Moskovitz, Tiedemann and Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814

And Affected State Agencies and Interested Parties (See Mailing List)

RE: **Request to Postpone Further Action and Revised Comment Period**
Request to Amend Parameters and Guidelines
Graduation Requirements, 11-PGA-03 (CSM-4435)
Education Code Sections 51225.3 and 42238.24
Statutes 1983, Chapter 498; Statutes 2010, Chapter 724
Department of Finance, Requestor

Dear Ms. Halpenny:

On August 10, 2011, the Commission on State Mandates (Commission) issued a notice of complete filing and schedule for comments for the above-named program. On September 9, 2011, the Commission sent a letter informing the members of the mailing list that comments would be due on October 10, 2011. However, for the reasons discussed below, the comment deadline is now extended to **December 10, 2011**.

On September 23, 2011, you sent a letter requesting that the Commission:

postpone any further action on the above request to amend the Graduation Requirements Parameters and Guidelines, including the filing of responses to the above Request, since the legality of the underlying statute on which the Request is based is the subject of a Declaratory Relief action currently pending in the Alameda County Superior Court (*California School Boards Association v. The State of California*, Case NO. RG11554698, filed January 6, 2011).

Your letter notes that the Commission has taken similar action in the past when Commission matters have become the subject of litigation. Accordingly, I am inclined to grant your request to postpone action on this matter for the good cause stated in your letter. However, before deciding whether to do so, I would first like to give the requestor and others on the mailing list the opportunity to comment on your request by **October 14, 2011**. If no comments are received by that date, I will issue a letter the following week postponing any further action on this matter until the litigation is resolved, pursuant to section 1183.01(c) of the Commission's regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew Bohan".

Drew Bohan
Executive Director

Commission on State Mandates

Original List Date: 8/1/2011
Last Updated: 9/30/2011
List Print Date: 09/30/2011
Claim Number: 11-PGA-03
Issue: Graduation Requirements

Mailing List

TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Solano and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On September 30, 2011, I served the:

Request to Postpone Further Action

Request to Amend Parameters and Guidelines

Graduation Requirements, 11-PGA-03 (CSM-4435)

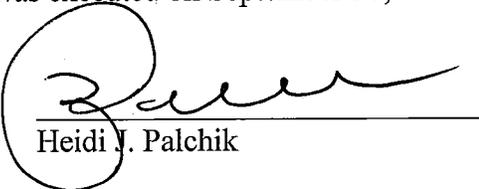
Education Code Sections 51225.3 and 42238.24

Statutes 1983, Chapter 498; Statutes 2010, Chapter 724

Department of Finance, Requestor

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 30, 2011 at Sacramento, California.



Heidi J. Palchik