



December 20, 2019

Mr. Ed Hanson
Department of Finance
915 L Street
Sacramento, CA 95814

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

RE: Request for Simultaneous Comment on the Request to Amend Parameters and Guidelines and the Application of the Court's Opinion in *California School Boards' Association (CSBA) v. State of California*
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, Requester

Dear Mr. Hanson:

Background

On July 25, 2011, the Department of Finance filed a request to amend Section IX of the Parameters and Guidelines (Offsetting Revenues) for the *Graduation Requirements* program to reflect Education Code section 42238.24 (Stats. 2010, ch. 724, § 16 (AB 1610), <https://csm.ca.gov/matters/11-PGA-03.php>). Education Code section 42238.24 states the following:

Costs related to the salaries and benefits of teachers incurred by a school district or county office of education to provide the courses specified in paragraph (1) of subdivision (a) of Section 51225.3 shall be offset by the amount of state funding apportioned to the district pursuant to this article, or in the case of a county office of education pursuant to Article 2 (commencing with Section 2550) of Chapter 12 of Part 2 of Division 1 of Title 1, and the amount of state funding received from any of the items listed in Section 42605 that are contained in the annual Budget Act. The proportion of the school district's current expense of education that is required to be expended for payment of the salaries of classroom teachers pursuant to Section 41372 shall first be allocated to fund the teacher salary costs incurred to provide the courses required by the state.

On June 19, 2012, the above-referenced matter was placed on inactive status at the request of several school districts pending the outcome of litigation in *California School Boards' Association (CSBA) v. State of California* (Alameda County Superior Court, Case No. RG11554698; First District Court of Appeal, Case No. A148606; California Supreme Court, Case No. S247266), which challenged the constitutionality of Education Code section 42238.24.

Mr. Hanson
December 20, 2019
Page 2

On December 19, 2019, the California Supreme Court filed its opinion in the *CSBA* case, determining that Education Code section 42238.24 does not violate the California Constitution. (<https://www.courts.ca.gov/opinions/documents/S247266.PDF>)

Accordingly, this matter is no longer inactive, and will be placed on the Commission's hearing calendar.

Request for Comments

All parties, interested parties, and interested persons receiving this letter are requested to file written comments on or before **January 20, 2020**, regarding the Department of Finance's Request to Amend the Parameters and Guidelines for the *Graduation Requirements* program and the effect of the Supreme Court's decision in *CSBA v. State of California* (California Supreme Court, Case No. S247266) on that request.

Please note that all representations of fact submitted to the Commission must be signed under penalty of perjury by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge, information, or belief. (Cal. Code Regs., tit. 2, § 1187.5.) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over an objection in civil actions. (Cal. Code Regs., tit. 2, § 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.¹

Process for Filing Comments

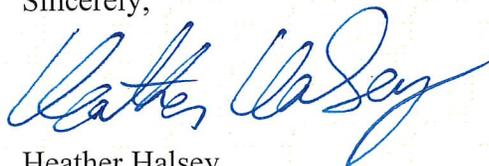
You are advised that comments filed with the Commission on State Mandates (Commission) are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Refer to http://www.csm.ca.gov/dropbox_procedures.php on the Commission's website for electronic filing instructions. (Cal. Code Regs., tit. 2, § 1181.3.)

If you would like to request an extension of time to file comments, please refer to section 1187.9(a) of the Commission's regulations.

Tentative Hearing Date

The request to amend the Parameters and Guidelines is tentatively set for hearing on **May 22, 2020**.

Sincerely,



Heather Halsey
Executive Director

¹ Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

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

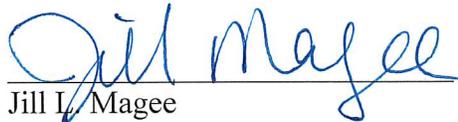
On December 20, 2019, I served the:

- **Request for Simultaneous Comment on the Request to Amend Parameters and Guidelines and the Application of the Court's Opinion in *California School Boards' Association (CSBA) v. State of California* issued December 20, 2019**

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, Requester

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 December 20, 2019 at Sacramento, California.



Jill I. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 12/20/19

Claim Number: 11-PGA-03

Matter: Graduation Requirements (CSM-4435)

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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