



February 13, 2017

Ms. Lisa M. Macchione
County of San Diego
Office of County Counsel
1600 Pacific Highway, Room 355
San Diego, CA 92101

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Limited Approval of Request for Extension of Time and Postponement of Hearing Handicapped and Disabled Students (04-RL-4282-10); Handicapped and Disabled Students II, (02-TC-40/02-TC-49); and Seriously Emotionally Disturbed (SED) Pupils: Out-of-State Mental Health Services (97-TC-05), 15-9705-I-06**
Government Code Sections 7571, 7572, 7572.5, 7572.55, 7576, 7581, and 7586 as added by Statutes 1984, Chapter 1747 (AB 3632); and as amended by Statutes 1985, Chapter 1274 (AB 882); Statutes 1994, Chapter 1128 (AB 1892); Statutes 1996, Chapter 654 (AB 2726); California Code of Regulations, Title 2, Division 9, Chapter 1, Sections 60020, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200, and 60550 (Emergency regulations effective January 1, 1986 [Register 86, No. 1], and refiled June 30, 1986, designated effective July 12, 1986 [Register 86, No. 28]; and Emergency regulations effective July 1, 1998 [Register 98, No. 26]; final regulations effective August 9, 1999 [Register 99, No. 33])
Fiscal Years: 2006-2007, 2007-2008, and 2008-2009
County of San Diego, Claimant

Dear Ms. Macchione:

On February 9, 2017, the Commission on State Mandates (Commission) received a request from the County of San Diego (claimant) for an extension of time to file comments on the Draft Proposed Decision until March 24, 2017 and for postponement of the March 24, 2017 hearing on the above-named Incorrect Reduction Claim (IRC).

Section 1187.9(a) of the Commission's regulations provides that *so long as postponement of a hearing would not be required*, there is no prejudice to any party or interested party, and there is no other good reason for denial, the request for extension shall be approved.

Postponements are disfavored and pursuant to Government Code section 17530, the executive director has a duty to expedite all matters within the jurisdiction of the Commission. Section 1187.9(b) of the Commission's regulations provide, however, that each request for postponement must be considered on its own merits and shall fully explain the reasons for the request. Moreover, section 1187.9(b) further states that "the executive director may postpone the matter *only* upon a showing of good cause." (Emphasis added.)

Here, the request states the unavailability of the claimant representative who will be attending an unspecified conference and the request does not indicate whether the conference is yet to be booked or whether it is cancelable - thus it is unclear whether this constitutes good cause.

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However, the request further specifies the complex nature of this matter requiring knowledgeable representation at the hearing.

Additionally, while there is arguably no prejudice to the parties in this case, this delay will have the effect of disrupting Commission workflow as the staff have significant pending litigation and are working on complex test claims for the May and July Commission hearings, which take priority over IRCs. This disruption may affect the ability for this matter to be heard at the next regularly scheduled meeting (May 26, 2017), dependent on the complexity of the issues raised in the comments. Therefore, any extension must be timed to minimize the effect on other pending matters and to allow time for staff to address the comments on the Draft Proposed Decision.

Accordingly, the request for extension of time to file comments is approved pursuant to section 1187.9(a) of the Commission's regulations and comments must be filed by **March 10, 2017**; and postponement to the next regularly scheduled hearing is approved for good cause pursuant to section 1187.9(b)(1)(F) of the Commission's regulations.

This matter is now set for hearing at the next regularly scheduled hearing on **May 26, 2017** at 10:00 a.m. in Room 447 of the State Capitol, Sacramento, California.

Sincerely,



Heather Halsey
Executive Director

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 February 13, 2017, I served the:

Limited Approval of Request for Extension of Time and Postponement of Hearing and Claimant Request for Extension of Time and Postponement of Hearing Handicapped and Disabled Students (04-RL-4282-10); Handicapped and Disabled Students II, (02-TC-40/02-TC-49); and Seriously Emotionally Disturbed (SED) Pupils: Out-of-State Mental Health Services (97-TC-05), 15-9705-I-06

Government Code Sections 7571, 7572, 7572.5, 7572.55, 7576, 7581, and 7586 as added by Statutes 1984, Chapter 1747 (AB 3632); and as amended by Statutes 1985, Chapter 1274 (AB 882); Statutes 1994, Chapter 1128 (AB 1892); Statutes 1996, Chapter 654 (AB 2726);

California Code of Regulations, Title 2, Division 9, Chapter 1, Sections 60020, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200, and 60550

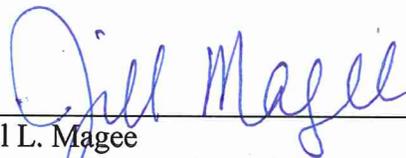
(Emergency regulations effective January 1, 1986 [Register 86, No. 1], and refiled June 30, 1986, designated effective July 12, 1986 [Register 86, No. 28]; and Emergency regulations effective July 1, 1998 [Register 98, No. 26]; final regulations effective August 9, 1999 [Register 99, No. 33])

Fiscal Years: 2006-2007, 2007-2008, and 2008-2009

County of San Diego, Claimant

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 February 13, 2017 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 2/9/17

Claim Number: 15-9705-I-06

Matter: Handicapped and Disabled Students (04-RL-4282-10); Handicapped and Disabled Students II (02-TC-40/02-TC-49); Seriously Emotionally Disturbed Pupils (SED); Out-of-State Mental Health Services (97-TC-05)

Claimant: County of San Diego

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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