



April 11, 2019

Ms. Amber Alexander  
Department of Finance  
915 L Street, 7th Floor  
Sacramento, CA 95814

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

**RE: Notice of Complete Mandate Redetermination Request, Schedule for Comments,  
and Notice of Tentative Hearing Date**

Mandate Redetermination Request, 18-MR-01

*Academic Performance Index (01-TC-22)*

Education Code Sections 44650-44654, 52050-52055.51, 52056-52057, 52058;  
Statutes 1999-2000x1, Chapter 3; Statutes 1999, Chapter 52; Statutes 2000, Chapters  
71, 190, and 695; Statutes 2001, Chapters 159, 745, 749, and 887; California Code of  
Regulations, Title 5, Sections 1031-1039; Register 00, No. 52 (Dec. 28, 2000);  
Register 01, No. 4 (Jan. 26, 2001); Register 01, No. 5 (Jan. 30, 2001); Register 01,  
No. 24 (Jun. 11, 2001); Register 01, No. 31 (Aug. 2, 2001); Register 01, No. 46  
(Nov. 15, 2001); Register 02, No. 2 (Jan 8, 2002); as alleged to be modified by  
Statutes 2013, Chapter 47 (AB 97)

Department of Finance, Requester

Dear Ms. Alexander:

On March 8, 2019, the Department of Finance filed a request to adopt a new test claim decision to supersede the prior decision on the above-named matter. Upon review, Commission on State Mandates (Commission) staff found the Mandate Redetermination request to be incomplete and notified the requester on March 27, 2019. On April 2, 2019, the requester filed documents to cure the Mandate Redetermination request. Upon review, Commission staff finds that this Mandate Redetermination request is complete and that it retains the original filing date of March 8, 2019, in accordance with section 1190.1(e) of the Commission's regulations (California Code of Regulations, Title 2). The Commission is now requesting parties, interested parties, and interested persons to comment on the Mandate Redetermination request as specified below.

**Review of Mandate Redetermination Request**

Parties, interested parties, and interested persons receiving this letter are requested to analyze the merits of the Mandate Redetermination request and to file written comments on or before **May 13, 2019** in accordance with sections 1190.2 and 1181.3 of the Commission's regulations. Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information, or belief. (Cal. Code. Regs., tit. 2 §§ 1190.2 and 1187.5.) If new representations of fact are made, they must be supported with documentary evidence filed with the comments on the Mandate Redetermination. (Cal. Code. Regs., tit. 2 §§ 1190.2 and 1187.5.) The Commission's ultimate findings of fact must be

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supported by substantial evidence in the record.<sup>1</sup> Requests for extensions of time may be filed in accordance with sections 1187.9(a) of the Commission's regulations.

Please focus your comments on the legal issue of whether the state's liability has been modified based on a subsequent change in law. (See generally Gov. Code § 17570 and Cal. Code Regs., tit. 2, §1190.1 et seq.)

### **Rebuttal**

Written rebuttals to written comments concerning this Mandate Redetermination request may be filed and served in accordance with section 1181.3 of the Commission's regulations within 30 days of service of the written comments. (Cal. Code Regs., tit. 2 § 1190.3.) Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code Regs., tit. 2 §§ 1190.3 and 1187.5.) If new representations of fact are made, they must be supported with documentary evidence filed with the rebuttal. (Cal. Code Regs., tit. 2 §§ 1190.3 and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.<sup>2</sup>

### **Process for Filing Comments**

The Commission has prepared a mailing list of parties, interested parties, and interested persons for this Mandate Redetermination request. The mailing list will be uploaded to the Commission's website and an e-mail notification of its availability will be sent to everyone on the list who has provided an e-mail address. A hard copy will be provided to persons who have not provided an e-mail address and to any person who requests a hard copy. (Cal. Code Regs., tit. 2 § 1181.4.)

You are advised that if written materials are filed in hard copy, the filing must simultaneously be served on everyone on the mailing list, and be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents on the Commission's website. For instructions on electronic filing, please see the Commission's website at [http://www.csm.ca.gov/dropbox\\_procedures.php](http://www.csm.ca.gov/dropbox_procedures.php). The comments will be posted on the Commission's website and the mailing list will be notified by electronic mail of the posting and the comment period. This procedure will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.3.

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<sup>1</sup> 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.

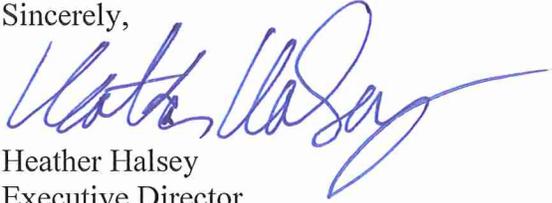
<sup>2</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

Ms. Alexander  
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**Tentative Hearing Date**

This Mandate Redetermination request is tentatively set for hearing on **November 22, 2019**.

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 April 11, 2019, I served the:

- **Notice of Complete Mandate Redetermination Request, Schedule for Comments, and Notice of Tentative Hearing Date issued April 11, 2019**
- **Mandate Redetermination Request filed by the Department of Finance on March 8, 2019**

Mandate Redetermination Request, 18-MR-01

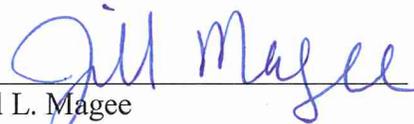
*Academic Performance Index (01-TC-22)*

Education Code Sections 44650-44654, 52050-52055.51, 52056-52057, 52058; Statutes 1999-2000x1, Chapter 3; Statutes 1999, Chapter 52; Statutes 2000, Chapters 71, 190, and 695; Statutes 2001, Chapters 159, 745, 749, and 887; California Code of Regulations, Title 5, Sections 1031-1039; Register 00, No. 52 (Dec. 28, 2000); Register 01, No. 4 (Jan. 26, 2001); Register 01, No. 5 (Jan. 30, 2001); Register 01, No. 24 (Jun. 11, 2001); Register 01, No. 31 (Aug. 2, 2001); Register 01, No. 46 (Nov. 15, 2001); Register 02, No. 2 (Jan 8, 2002); as alleged to be modified by Statutes 2013, Chapter 47 (AB 97)

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 April 11, 2019 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 4/10/19

**Claim Number:** 18-MR-01

**Matter:** Academic Performance Index (01-TC-22)

**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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