

Hearing: May 27, 2010

ITEM 20

CHIEF LEGAL COUNSEL'S REPORT New Filings, Recent Decisions, Litigation Calendar

This public session report is intended only as an information item for the public.¹ Commission communications with legal counsel about pending litigation or potential litigation are reserved for Closed Executive Session, per the Notice and Agenda.

New Filings

Department of Finance v. Commission on State Mandates, San Diego Unified School District, et al., Sacramento County Superior Court, Case No. 34-2010-80000529
[*Graduation Requirements Parameters and Guidelines Amendments*]

The Department of Finance filed a Petition for Writ of Administrative Mandamus on April 30, 2010, to challenge the Commission's November 2008 adoption of amendments to the parameters and guidelines for the *Graduation Requirements* program. Finance seeks a writ of mandate directing the Commission to:

- Set aside the one-quarter class load reasonable reimbursement methodology for the reimbursement of science teacher salaries and benefits.
- Revise the parameters and guidelines amendments to include revenue limit apportionment funding as offsetting revenue for the second science teacher salary costs.
- Set aside or revise the finding that the parameters and guidelines amendments apply retroactively to San Diego Unified School District's 1996 request and instead apply them back only to San Diego's April 2007 amendments request.

Recent Decisions

None.

Litigation Calendar

<u>Case</u>	<u>Hearing Date</u>
<i>Department of Finance v. Commission on State Mandates, et al.</i> Sacramento County Superior Court, Case No. 03CS01432, [<i>Behavioral Intervention Plans</i>]	December 10, 2010

¹ Based on information available as of May 13, 2010. Release of this litigation report shall not be deemed to be a waiver of any privileged communication or act, including, but not limited to, the attorney-client privilege and the attorney work product doctrine.

Cases of Interest (The Commission is not a party to these actions)

a. Clovis Unified School Dist., et al. v. State Controller

Third District Court of Appeal, Case No. C061696

The case is fully briefed on appeal

This case involves a challenge by school districts and community college districts on reductions made by the State Controller's Office to reimbursement claims for several mandated programs. The school districts argue that reductions made on the ground that school districts did not have contemporaneous source documents were invalid.

b. California School Board's Association v. State of California

Fourth District Court of Appeal, Case No. D055659

Appeal Filed: July 30, 2009

This case involves a challenge by school districts to the practice of deferring mandate reimbursement payments. Since 2001-2002, the State has been nominally funding certain state mandated school programs and deferring payment of the balance. The trial court found that the State's practice of deferring payment for state-mandated programs is an unreasonable and unconstitutional restriction on the school districts and county offices of education's constitutional rights under article XIII B, section 6 of the California Constitution.