

**COMMISSION ON STATE MANDATES**

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August 27, 2007

Mr. Keith Petersen  
SixTen & Associates  
3841 North Freeway Blvd., Suite 170  
Sacramento, CA 95834

*And Affected State Agencies and Interested Parties (see enclosed mailing list)*

Re: *Academic Performance Index (API)*, 01-TC-22  
Notice of Hearing and Severing Education Code section 52056, subdivision (b)  
San Juan Unified School District, Claimant  
Education Code Sections 44560-44654 and 52050-52058  
Statutes 1999-2000, Chapter 3 (SB 1X); Statutes 1999, Chapter 52 (AB 1114); Statutes  
2000, Chapter 71 (SB 1667); Statutes 2000, Chapter 190 (AB 2162); Statutes 2000,  
Chapter 695 (SB 1552); Statutes 2001, Chapter 159 (SB 662); Statutes 2001, Chapter 745  
(SB 1991); Statutes 2001, Chapter 749 (AB 961); Statutes 2001, Chapter 887 (SB 1295);  
Title 5, California Code of Regulations, Sections 1031 through 1039.

Dear Mr. Petersen:

The *Academic Performance Index* Test Claim, 01-TC-22, is set for hearing on December 6, 2007. The draft staff analysis will be issued eight weeks before the hearing.

The test claim includes Education Code section 52056, subdivision (b), which states: "All schools shall report their ranking, including a description of the components of the API, in their annual school accountability report card pursuant to Sections 33126 and 35256."

An analysis of Education Code section 52056, subdivision (b), would require consideration of Government Code section 17556, subdivision (f), which was held to be unconstitutional in the Sacramento County Superior Court's decision in *California School Boards Association (CSBA), et al. v. Commission on State Mandates, et al.* [No. 06CS01335]. The court's March 13, 2007 judgment enjoined the Commission from taking any action to implement the AB 138 amendment to Government Code section 17556, subdivision (f).

Since the *CSBA* case is on appeal to the Third District Court of Appeal, Case Number C055700, the Commission is unable to make a mandate determination on section 52056, subdivision (b) until there is a final court decision in the *CSBA, et al. v. Commission on State Mandates, et al.*

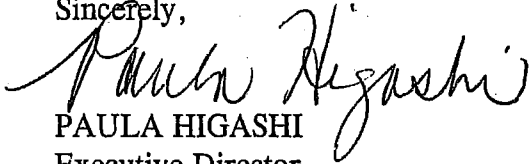
Therefore, instead of postponing the entire test claim until there is a final court decision in the *CSBA* case, Education Code section 52056, subdivision (b), is being severed from the *Academic Performance Index* test claim. This action is taken pursuant to Government Code section 17530, which authorizes the executive director to expedite matters within the jurisdiction of the Commission. Education Code section 52056, subdivision (b), as added by Statutes 1999-2000, Chapter 3 (SB 1X) and amended by Statutes 2000, Chapter 695 (SB 1552), will now be referred to as *School Accountability Report Cards IV*, 01-TC-22 A.

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The claimant may appeal any decision of the Executive Director to the Commission pursuant to California Code of Regulations, title 2, section 1181, subdivision (c).

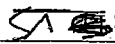
Please contact Eric Feller at (916) 323-8221 if you have any questions regarding this matter.

Sincerely,



PAULA HIGASHI  
Executive Director

Enclosure: Mailing List

MAILED: Mail List FAXED:   
DATE: 8/27/07 INITIAL:   
CHRON: FILE:   
WORKING BINDER:

# Commission on State Mandates

Original List Date: 7/3/2002  
Last Updated: 4/26/2007  
List Print Date: 08/27/2007  
Claim Number: 01-TC-22  
Issue: Academic Performance Index

Mailing Information: Other

## 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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