



## LATE FILING

Received  
September 27, 2012  
Commission on  
State Mandates

EDMUND G. BROWN JR. ■ GOVERNOR

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September 27, 2012

Ms. Heather Halsey  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Dear Ms. Halsey:

As requested in your letter of September 12, 2012, the Department of Finance (Finance) has reviewed the final staff analysis of the test claim submitted by the Solana Beach School District (claimant) asking the Commission on State Mandates (Commission) to determine whether specified costs incurred under Education Code section 200 et al. and related regulations are reimbursable state mandated costs (Claim No. CSM—03-TC-02 “Uniform Complaint Process”). Finance concurs with the Commission’s findings on the test claim items determined not to constitute reimbursable state-mandated programs. However, Finance has the following comments on those activities identified as reimbursable state mandates.

Finance disagrees that the California Code of Regulations, Title 5, section 4611 imposes reimbursable state-mandated costs for complaints pertaining to any adult education program. The Commission’s analysis finds that school districts are not mandated by the state to process complaints alleging violations of adult basic education programs established pursuant to Education Code sections 8500-8538 and 52500-52616.5 with the exception of adult English classes and citizenship classes provided pursuant to Education Code sections 52540 and 52552. However, Finance maintains that these classes are only required to be offered, assuming sufficient applications are received, by districts that already (and voluntarily) offer adult education programs. The requirement to process complaints pertaining to adult education programs arises from a district’s discretionary decision to offer adult education classes and is therefore not a reimbursable state mandate.

In addition, we provide on the attached spreadsheet a list of Budget Act appropriations for fiscal years 2002-03 through 2012-13 for the following programs: Adult Basic Education, Child Nutrition, and Special Education. These appropriations represent funding available for both mandated and discretionary activities. It is Finance’s position that these appropriations should be considered offsetting revenues, to the extent that school districts and county offices of education used these funds for activities found to be state-reimbursable mandates by the Commission under this test claim. Therefore, Finance expects these available funds to be referenced in the Parameters and Guidelines and for claims to be reduced accordingly.

Pursuant to Section 1181.2, subdivision (c)(1)(E) of the California Code of Regulations, “documents that are e-filed with the Commission on State Mandates need not be otherwise served on persons that have provided an e-mail address for the mailing list.”

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If you have any questions regarding this letter, please contact Lenin Del Castillo, Principal Program Budget Analyst at (916) 445-0328.

Sincerely,



NICK SCHWEIZER  
Program Budget Manager

Enclosure

**LATE FILING**  
 Attachment to September 26, 2012, Letter to the Commission on State Mandates  
 Uniform Complaint Procedures (K-12), 03-TC-02  
 Funding History for Adult Education, Child Nutrition, and Special Education

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Program Ed Code Sections Budget Act Items	Adult Basic Education 8500-8538; 52500-52616.5 6110-156-0001, 6110-156-0890		Child Nutrition Programs 49490-49560 6110-203-0001, 6110-201-0890		Special Education Programs 56000-56885; 59000-59300 6110-161-0001, 6110-161-0890	
<b>BA Appropriations</b>		*		*		*
<b>2002-03</b>	\$ 673,864,000		\$ 1,485,288,000		\$ 3,509,442,000	
GF	\$ 582,038,000	N	\$ 71,632,000	N	\$ 2,711,073,000	N
FF	\$ 91,826,000		\$ 1,413,656,000		\$ 798,369,000	
<b>2003-04</b>	\$ 619,044,000		\$ 1,518,173,000		\$ 3,637,478,000	
GF	\$ 536,850,000	N	\$ 73,308,000	N	\$ 2,686,728,000	N
FF	\$ 82,194,000		\$ 1,444,865,000		\$ 950,750,000	
<b>2004-05</b>	\$ 645,248,000		\$ 1,696,883,000		\$ 3,809,582,000	
GF	\$ 563,533,000	N	\$ 80,079,000	N	\$ 2,718,608,000	N
FF	\$ 81,715,000		\$ 1,616,804,000		\$ 1,090,974,000	
<b>2005-06</b>	\$ 681,266,000		\$ 1,702,067,000		\$ 4,039,066,000	
GF	\$ 602,054,000	N	\$ 85,263,000	N	\$ 2,890,022,000	N
FF	\$ 79,212,000		\$ 1,616,804,000		\$ 1,149,044,000	
<b>2006-07</b>	\$ 736,439,000		\$ 1,720,177,000		\$ 4,217,007,000	
GF	\$ 657,571,000	N	\$ 93,092,000	N	\$ 3,065,640,000	N
FF	\$ 78,868,000		\$ 1,627,085,000		\$ 1,151,367,000	
<b>2007-08</b>	\$ 784,995,000		\$ 1,768,303,000		\$ 4,320,349,000	
GF	\$ 707,821,000	N	\$ 123,281,000	N	\$ 3,158,993,000	N
FF	\$ 77,174,000		\$ 1,645,022,000		\$ 1,161,356,000	
<b>2008-09</b>	\$ 801,790,000		\$ 1,882,342,000		\$ 4,290,437,000	
GF	\$ 726,664,000	Y	\$ 125,685,000	N	\$ 3,116,298,000	N
FF	\$ 75,126,000		\$ 1,756,657,000		\$ 1,174,139,000	
<b>2009-10</b>	\$ 825,060,000		\$ 2,168,961,000		\$ 5,010,082,000	
GF	\$ 745,978,000	Y	\$ 134,044,000	N	\$ 3,149,874,000	N
FF	\$ 79,082,000		\$ 2,034,917,000		\$ 1,860,208,000	
<b>2010-11</b>	\$ 835,742,000		\$ 2,311,613,000		\$ 4,338,899,000	
GF	\$ 745,978,000	Y	\$ 151,532,000	N	\$ 3,106,681,000	N
FF	\$ 89,764,000		\$ 2,160,081,000		\$ 1,232,218,000	
<b>2011-12</b>	\$ 835,637,000		\$ 2,357,413,000		\$ 4,346,204,000	
GF	\$ 745,978,000	Y	\$ 155,232,000	N	\$ 3,117,119,000	N
FF	\$ 89,659,000		\$ 2,202,181,000		\$ 1,229,085,000	
<b>2012-13</b>	\$ 837,274,000		\$ 2,505,305,000		\$ 4,455,822,000	
GF	\$ 745,978,000	Y	\$ 156,624,000	N	\$ 3,220,353,000	N
FF	\$ 91,296,000		\$ 2,348,681,000		\$ 1,235,469,000	

\* GF amount subject to Control Section 12.42 reduction? Y/N