



Fairfield-Suisun Unified School District

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"Fairfield-Suisun Unified School District is a premier learning community that empowers each student to thrive in an ever changing world."

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Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 94814

December 11, 2017

**RE: Commission's Draft Proposed Decision dated November 22, 2017
- Cal Grant: Grade Point Average and Graduation Certification Test
Claim (16-TC-02).**

Dear Ms. Exec. Director Halsey and Ms. Magee,

Below please find the District's response to the Commission's Draft Proposed Decision dated November 22, 2017.

The Fairifield Suisun Unified School District agrees with the Commission on State Mandates (CSM) Draft Staff Analysis in all areas except for the denial of Education Code section 69432.9(c) (Stats. 2014, ch. 679). The COSM staff asserts that the section does not impose a reimbursable state-mandated program to certify GPAs to CSAC by a statutory deadline. The summary of staff's determination is stated in the proposed statement of decision issued November 22, 2017 and contains the following flawed rationale for denying the activity:

"Although school districts may now have to certify more GPAs than under prior law, and may or may not incur increased costs to do so, increased costs alone do not establish a reimbursable state-mandated program."¹³

Fairfield Suisun Unifed School District asserts the references listed in footnote 13 page 6 are not applicable in this case. Specifically, the last four items listed in the footnote reference the initial ruling found in County of Los Angeles V. State of California (1987) 43 Cal.3d at 55-56. The pertinent section of the Justices opinion is as follows:

[1] We conclude that when the voters adopted article XIII B, section 6, their intent was not to require the state to provide subvention whenever a newly enacted statute resulted incidentally in some cost to local agencies. Rather, the drafters and the electorate had in mind subvention for the expense or [43 Cal. 3d 50] increased cost

of programs administered locally and for expenses occasioned by laws that impose unique requirements on local governments and do not apply generally to all state residents or entities. In using the word "programs" they had in mind the commonly understood meaning of the term, programs which carry out the governmental function of providing services to the public. Reimbursement for the cost or increased cost of providing workers' compensation benefits to employees of local agencies is not, therefore, required by section 6.

The above discussion does not define "higher level of service" but discusses a definition for "programs" which is defined as providing services to the public not actually providing workers compensation benefits.

Additionally, in the same opinion it also states:

"On November 6, 1979, the voters approved an initiative measure which added article XIII B to the California Constitution. That article imposed spending limits on the state and local governments and provided in section 6 (hereafter section 6): "Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such program or increased level of service, except that the Legislature may, but need not, provide such subvention of funds for the following mandates: [¶] (a) Legislative mandates requested by the local agency affected; [¶] (b) Legislation defining a new crime or changing an existing definition of a crime; or [¶] (c) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975." No definition of the phrase "higher level of service" was included in article XIII B, and the ballot materials did not explain its meaning. fn. 1"

New information is now available which details the specifics of the definition of a "higher level of service." On April 12, 1972 in the California Assembly Journal - page 1556 "higher level of service" is specifically listed in the definitions.

2213 Assembly Journal April 12, 1973

"Increased level of service" means a mandate required by a statute or by a court interpretation of a statute which requires any unit of local government or school district to increase services or perform more acts and which results in additional costs to any such unit or district. "Increased level of service" does not include increased costs resulting from changes required by population growth, increased workload or price increases."

It is clear to us in the requirements created by Education Code section 69432.9(c) (Stats. 2014, ch. 679) now mandates that school district's now certify the GPA for all seniors. This requirement is not only for seniors that apply for student loans, but for all seniors. This code section has greatly increased the number of required acts and activities performed by school districts and has resulted in additional costs to the districts. This increased activity and the associated costs are precisely what is detailed in 1972 as the definition of a "higher level of service."

Thank you for your time to consider and hear this test claim and consider the above comments,

Michelle Henson



Assistant Superintendent Business Services
Fairfield Suisun Unified School District

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.

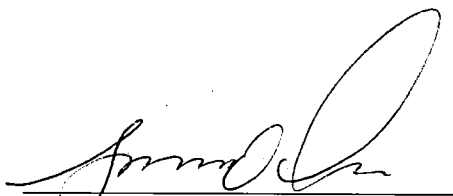
On December 13, 2017, I served the:

- **Claimant's Comments on the Draft Proposed Decision filed December 13, 2017**

Cal Grant: Grade Point Average and Graduation Certification, 16-TC-02
Education Code Sections 69432.9(c)(2), 69432.9(c)(3), 69432.9(c)(5),
69432.9(d)(1)(d)(2)(A); Statutes 2014, Chapter 679 (AB 2160); Education Code Sections
69432.92(a) and 69432.92(b); Statutes 2015, Chapter 637 (AB 1091); and Education
Code Sections 69432.9(c)(2) and (d)(1); Statutes 2016, Chapter 82 (AB 2908)
Fairfield-Suisun Unified School District, 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 December 13, 2017 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/20/17

Claim Number: 16-TC-02

Matter: Cal Grant: Grade Point Average and Graduation Certification

Claimant: Fairfield-Suisun Unified School District

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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