

ITEM 8
PROPOSED STATEMENT OF DECISION
ON WITHDRAWAL AND DISMISSAL OF

Board of Governors Fee Waiver Program and Special Programs, 2000-2001 Program Manual

FROM TEST CLAIM:

Enrollment Fee Waivers (00-TC-15)

Filed by Glendale Community College District, Claimant

EXECUTIVE SUMMARY

On March 27, 2003, during the hearing on test claims 99-TC-13, *Enrollment Fee Collection* and 00-TC-15, *Enrollment Fee Waivers*, the claimant, Glendale Community College District, requested a withdrawal, without prejudice, of the *Board of Governors Fee Waiver Program and Special Programs, 2000-2001 Program Manual*.¹ Claimant's request was made pursuant to California Code of Regulations, title 2, section 1188.3.

Sixty-day notice of this withdrawal and dismissal was provided pursuant to California Code of Regulations, title 2, section 1183.08. No interested party to this test claim has taken over the claim by substitution. Therefore, the issue before the Commission is whether to adopt the Proposed Statement of Decision, dismissing the *Board of Governors Fee Waiver Program and Special Programs, 2000-2001 Program Manual* from test claim 00-TC-15.²

Staff Recommendation

Staff recommends that the Commission adopt the Proposed Statement of Decision, dismissing the above-named manual from the 00-TC-15 test claim.

¹ Applicable portions of the transcript of the March 27, 2003 Commission hearing are attached.

² California Code of Regulations, title 2, section 1188.1, subdivision (g).

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE WITHDRAWAL AND DISMISSAL
OF:

*Board of Governors Fee Waiver Program and
Special Programs, 2000-2001 Program
Manual*

Filed on June 4, 2001,

By Glendale Community College District,
Claimant.

No. 00-TC-15

Enrollment Fee Waivers

PROPOSED STATEMENT OF DECISION
PURSUANT TO GOVERNMENT CODE
SECTION 17500 ET SEQ.; TITLE 2,
CALIFORNIA CODE OF REGULATIONS,
DIVISION 2, CHAPTER 2.5, ARTICLE 7

(Proposed for adoption on July 31, 2003)

PROPOSED STATEMENT OF DECISION

The claimant, Glendale Community College District, during the Commission on State Mandates hearing on March 27, 2003, requested a withdrawal, without prejudice, of the *Board of Governors Fee Waiver Program and Special Programs, 2000-2001 Program Manual*, from the test claim, pursuant to California Code of Regulations, title 2, section 1188.3.

Keith B. Peterson appeared for claimant Glendale Community College District. Mr. Randy Katz, Ms. Susan Geanacou, and Deputy Attorney General Leslie Lopez appeared on behalf of the Department of Finance.

Sixty-day notice of this withdrawal and dismissal was provided pursuant to California Code of Regulations, title 2, section 1183.08. No other interested party to this test claim has taken over this claim by substitution of parties.

CONCLUSION

The *Board of Governors Fee Waiver Program and Special Programs, 2000-2001 Program Manual* is dismissed, without prejudice, from test claim 00-TC-15, pursuant to California Code of Regulations, title 2, section 1188.3. Any claimant may file a new test claim on the above-referenced manual. However, such claim shall be subject to a new filing date and reimbursement period.

PUBLIC HEARING

COMMISSION ON STATE MANDATES

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TIME: 9:38 a.m.

DATE: Thursday, March 27, 2003

PLACE: Commission on State Mandates
State Capitol, Room 126
Sacramento, California

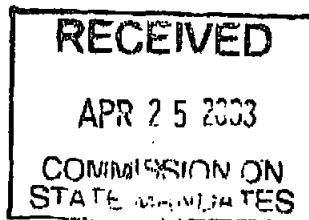
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REPORTER'S TRANSCRIPT OF PROCEEDINGS

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Reported By:

KAREN S. CHALLE
CSR #8244, RPR



1 do something, I -- I -- I made note of it. And that's --
2 and those were the three things that I found were in the
3 manual and came from the manual, where it says the
4 community colleges were required to do something.

5 I can point you to those in the record, if you
6 like. But --

7 MR. LARSON: Again, I don't think the question is
8 on the manual, is it? It's if there is any other
9 requirements. Because that makes the manual issue moot,
10 and we can move on.

11 CHAIR MIYASHIRO: Right. And I guess what I am
12 hearing is that the members of the Commission have some
13 comfort and sense about where they stand with regard to
14 staff recommendation versus finance being on this question
15 of activities related to the mandate. But do we need to
16 flush this out a little bit more?

17 MR. SHERWOOD: In general, you're talking about
18 now, or in the manual?

19 CHAIR MIYASHIRO: Well, I'm not -- I don't want
20 us to get too far below here so that we're losing sight of
21 the issues being brought by the Department of Finance.

22 MR. PETERSEN: Mr. Miyashiro, I'll withdraw the
23 manual from the test claim.

24 CHAIR MIYASHIRO: Okay.

25 MR. PETERSEN: We're suffering from a catch-22

1 MR. LAZAR: Yeah.

2 MR. LARSON: Okay.

3 MS. WILLIAMS: What -- okay. What about the three
4 categories of students?

5 CHAIR MIYASHIRO: Yes. That has not been
6 addressed.

7 MS. WILLIAMS: Are we going to do that?

8 CHAIR MIYASHIRO: You want to move that as well?

9 MS. WILLIAMS: I'd like to move that we delete
10 those three from the six that are mentioned on staff.

11 CHAIR MIYASHIRO: We'll take it one at a time.
12 We'll take it one at a time.

13 Commissioner Lazar has moved staff recommendation,
14 noting the withdrawal of the manual, and the direction of
15 staff to come back with unit cost.

16 MR. LAZAR: Yes.

17 CHAIR MIYASHIRO: Do we have a second on that?

18 Okay. I have no second on that. So that motion
19 will fail.

20 MR. LAZAR: Fail? Okay.

21 CHAIR MIYASHIRO: I will entertain an alternative
22 motion or another motion.

23 MS. WILLIAMS: I would like to move the staff
24 analysis, absent the manual, and delete the three
25 categories of students mentioned on page 15.

1 CHAIR MIYASHIRO: Uh-huh.
2 MS. WILLIAMS: And the cost -- unit cost figure as
3 well.
4 MR. SHERWOOD: And those three categories are to
5 the fee exemption.
6 MS. WILLIAMS: Fee exemptions. Right.
7 CHAIR MIYASHIRO: All right. Do I have a second?
8 MR. LAZAR: I'll second that.
9 CHAIR MIYASHIRO: Any discussion on that motion?
10 Okay. Paula, will you call role?
11 MS. HIGASHI: Mr. Larson?
12 MR. LARSON: Aye.
13 MS. HIGASHI: Mr. Lazar?
14 MR. LAZAR: Yeah.
15 MS. HIGASHI: Mr. Sherwood?
16 MR. SHERWOOD: Aye.
17 MS. HIGASHI: Ms. Williams?
18 MS. WILLIAMS: Aye.
19 MS. HIGASHI: Mr. Miyashiro?
20 MR. MIYASHIRO: Aye.
21 Motion is carried.
22 Okay. Thank you.
23 MR. PETERSEN: Thank you.
24 CHAIR MIYASHIRO: Okay. Paula, 3 and 4.
25 MS. HIGASHI: This brings us to staff reports,

COMMISSION ON STATE MANDATES

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April 15, 2002

Mr. Keith B. Petersen
SixTen and Associates
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

State Agencies and Interested Parties (See Attached Mailing List)

Re: **Proposed Statement of Decision on Withdrawal and Dismissal; Hearing Date**
Enrollment Fee Waivers, 00-TC-15
Glendale Community College District, Claimant
Board of Governors Fee Waiver Program and Special Programs,
2000-2001 Program Manual

Dear Mr. Petersen:

The Proposed Statement of Decision regarding the dismissal of the *Board of Governors Fee Waiver Program and Special Programs, 2000-2001 Program Manual* from the above test claim is complete and is enclosed for your review. Any party may provide written comments on the motion to dismiss the test claim.

This letter serves as notice that if no other community college district takes over the claim by substitution of parties within sixty days of the date of this letter, the Commission will hear the Proposed Statement of Decision, dismissing the manual from the test claim. (Cal. Code Regs., tit. 2, § 1183.08.)

Hearing

This Proposed Statement of Decision is set for hearing on Thursday, July 31, 2003, at 9:30 a.m. in Room 126 of the State Capitol, Sacramento, California. This item will be placed on the Proposed Consent Calendar unless you let us know in advance if you or a representative of your agency will testify at the hearing, or if other witnesses will appear.

Please contact Eric Feller, Commission Counsel, at (916) 323-8221, if you have any questions regarding the above.

Sincerely,

A handwritten signature in cursive script that reads "Paula Higashi".

Paula Higashi
Executive Director

Enc. Proposed Statement of Decision
cc: Mailing List