



March 10, 2020

Ms. Kris Corey
Superintendent
2490 Hilborn Road
Fairfield, CA 94534

Ms. Natalie Sidarous
State Controller's Office
Local Government Programs
and Services Division
3301 C Street, Suite 740
Sacramento, CA 95816

Ms. Jolene Tollenaar
MGT Consulting Group
2251 Harvard Street, Suite 134
Sacramento, CA 95815

And Parties, Interested Parties, and Interested Persons (See Mailing List)

**Re: Notice of Complete Incorrect Reduction Claim, Schedule for Comments, and
Notice of Tentative Hearing Date**

The Stull Act, 19-9825-I-03

Education Code Sections 44660-44665;

Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

Fiscal Years: 2005-2006, 2006-2007, 2007-2008, 2010-2011, 2011-2012, 2012-2013

Fairfield-Suisun Unified School District, Claimant

Dear Ms. Corey, Ms. Sidarous, and Ms. Tollenaar:

On July 29, 2019, the Fairfield-Suisun Unified School District filed an Incorrect Reduction Claim (IRC) with the Commission on State Mandates (Commission) based on the State Controller's (Controller's) reductions to its reimbursement claims for costs incurred under *The Stull Act* program for fiscal years 2005-2006, 2006-2007, 2007-2008, 2010-2011, 2011-2012, 2012-2013. Upon review, Commission staff found the IRC to be incomplete, notified the claimant on August 26, 2019; provided a refiling deadline of September 25, 2019; and notified the claimant that the executive director may disallow the original IRC filing date if a complete IRC was not received by the 30-day deadline provided pursuant to Government Code section 17553(d) and section 1185.2(a) of the Commission's regulations (California Code of Regulations, Title 2).

On March 2, 2020, the claimant filed documents to cure the IRC. Upon review, Commission staff finds that this IRC does not retain the original filing date since it was not received within 30 calendar days of the notification that the IRC filing was incomplete and is therefore deemed withdrawn pursuant to section 1185.2(a) of the Commission's regulations (California Code of Regulations, Title 2).

Therefore, Commission staff finds that this IRC is newly filed on March 2, 2020 and is complete pursuant to sections 1181.3 and 1185.2 of the Commission's regulations (California Code of Regulations, Title 2).

Government Code section 17551(d) requires the Commission to hear and decide claims by local agencies and school districts that the Controller has incorrectly reduced payments to the local agencies or school districts.

Controller's Review and Response. Please file the Controller's written comments and supporting documentation regarding this claim no later than **June 8, 2020** in accordance with sections 1185.2 and 1187.5 of the Commission's regulations. Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury

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by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1185.2 and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.¹ Hearsay evidence (such as declarations not based on personal knowledge but information and belief alone) may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.² Please include an explanation of the reasons for the reductions and the computation of reimbursements.

The failure of the Controller to respond within this 90-day timeline shall not cause the Commission to delay consideration of this IRC. (Gov. Code §17553(d).)

Claimant's Rebuttal. Upon receipt of the Controller's comments, the claimant and interested parties may file rebuttals. The rebuttals are due 30 days from the service date of the comments (Cal. Code. Regs., tit. 2 § 1185.2.) Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 § 1187.5.) If new written representations of fact are made, they must be supported with documentary evidence submitted with the rebuttal. (Cal. Code. Regs., tit. 2 §§ 1181.3, 1185.2, and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.³ Hearsay evidence (such as declarations not based on personal knowledge but information and belief alone) may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.⁴

Filing Written Materials. All written representations of fact made to the Commission are required to be supported by documentary or testimonial evidence submitted under penalty of perjury. (Cal. Code Regs., tit. 2, 1187.5.)

The Commission's regulations require that written materials filed with the Commission be simultaneously served on all parties, interested parties, and interested persons on the mailing list, and accompanied by a proof of service. (Cal. Code Regs., tit. 2, 1181.3.) However, this requirement may be satisfied by electronically filing your documents via the Commission's e-filing system. Please see <https://www.csm.ca.gov/dropbox.php> on the Commission's website. The written material will be posted on the Commission's website and the mailing list will be

¹ Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

² Title 2, California Code of Regulations, section 1187.5.

³ Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

⁴ Title 2, California Code of Regulations, section 1187.5.

Ms. Corey, Ms. Sidarous, and Ms. Tollenaar

March 10, 2020

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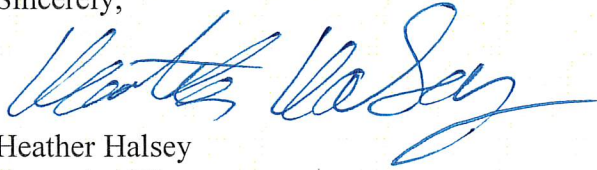
notified by electronic mail of the posting. This procedure will satisfy all the service requirements pursuant to section 1181.3 of the Commission's regulations.

If you would like to request an extension of time, please refer to section 1187.9(a) of the Commission's regulations.

Informal Conference. An informal conference may be scheduled if requested. Refer to section 1187.4 of the Commission's regulations.

Public Hearing and Draft Proposed Decision. The public hearing on this claim has been tentatively scheduled for **March 26, 2021**. The Draft Proposed Decision will be issued for comment at least eight weeks prior to the public hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Heather Halsey", written in a cursive style.

Heather Halsey
Executive Director

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 March 10, 2020, I served the:

- **Notice of Complete Incorrect Reduction Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued March 10, 2020**
- **Incorrect Reduction Claim filed by the Fairfield-Suisun Unified School District on March 2, 2020**

The Stull Act, 19-9825-I-03

Education Code Sections 44660-44665;

Statutes 1983, Chapter 498; Statutes 1999, Chapter 4

Fiscal Years: 2005-2006, 2006-2007, 2007-2008, 2010-2011, 2011-2012, 2012-2013

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 March 10, 2020 at Sacramento, California.



Jill L. Magee

Commission on State Mandates

980 Ninth Street, Suite 300

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/9/20

Claim Number: 19-9825-I-03

Matter: The Stull Act

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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