



DANNIS WOLIVER KELLEY

Attorneys at Law

RECEIVED  
March 10, 2020  
Commission on  
State Mandates

**CHRISTIAN M. KEINER**

Attorney at Law  
ckeiner@DWKesq.com

**Sacramento**

March 9, 2020

**Via Drop Box**

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

Re: **Petition/Request for Extension to File Comments on the Commission's Request to Amend Parameters and Guidelines for the Graduation Requirements Program, 11-PGA-03 (CSM-4435)**  
Our file 1011-10320

Dear Ms. Halsey:

Our firm represents several of the test claimants in this matter, including Clovis Unified School District, Fullerton Joint Union High School District, Grossmont Union High School District, Norwalk-La Mirada USD, Poway Unified School District, and Sweetwater Union High School District.

In addition, we are also representing the California School Boards Association ("CSBA") with regard to this matter.

Friday, February 28, 2020, we were first made aware that the Commission issued, on December 20, 2019, a "Request for Simultaneous Comment on the Request to Amend Parameters and Guidelines for the Graduation Requirements program and the Application of the Court's Opinion in *California School Boards Association (CSBA) v. State of California* ("Commission Request for Comments"). The Commission Request for Comments initially called for comments by all interested parties no later than January 20, 2020.

Subsequent to the Commission Request for Comments, the Department of Finance ("Finance"), on January 17, 2020 and February 18, 2020, requested a 30-day and a 60-day extension to file comments and postpone the hearing ("Finance Extension Requests"). On January 17, 2020 and February 20, 2020, the Commission granted extensions of time to file comments ("Commission Extension"), with the comment filing period ultimately extended to April 20, 2020. However, the Commission Extension

**SAN FRANCISCO**  
275 Battery Street  
Suite 1150  
San Francisco, CA 94111  
TEL 415.543.4111  
FAX 415.543.4384

**LONG BEACH**  
115 Pine Avenue  
Suite 500  
Long Beach, CA 90802  
TEL 562.366.8500  
FAX 562.366.8505

**SAN DIEGO**  
750 B Street  
Suite 2310  
San Diego, CA 92101  
TEL 619.595.0202  
FAX 619.702.6202

**SAN RAFAEL**  
4040 Civic Center Drive  
Suite 200  
San Rafael, CA 94903  
TEL 415.543.4111  
FAX 415.543.4384

**CHICO**  
2485 Notre Dame Boulevard  
Suite 370-A  
Chico, CA 95928  
TEL 530.343.3334  
FAX 530.924.4784

**SACRAMENTO**  
555 Capitol Mall  
Suite 645  
Sacramento, CA 95814  
TEL 916.978.4040  
FAX 916.978.4039

**SAN LUIS OBISPO**  
1065 Higuera Street  
Suite 301  
San Luis Obispo, CA 93401  
TEL 805.980.7900  
FAX 916.978.4039

Ms. Heather Halsey  
Commission on State Mandates  
March 9, 2020  
Page 2

appears to apply *only* to Finance. We confirmed this by phone call to the Commission on March 2, 2020.

The Finance proposed amendments to Parameters & Guidelines for the graduation requirements program had been placed on inactive status at the request of the above claimants (see Kronick letter dated September 26, 2011) since about June 2012. The attorney of record (previously, Diana Halpenny of Kronick Moskowitz Tiedemann & Girard) was not updated on the Commission's mailing list to reflect the current attorneys of record, Christian M. Keiner (the undersigned) and William B. Tunick, both attorneys of the firm Dannis Woliver Kelly. Our firm, thus, did not receive notice of the Commission Request for Comments, nor did it receive the subsequent notices of Finance Extension Requests and Commission Extension. We have subsequently updated the Commission's mailing list in this regard.

In any event, we agree with Finance's position that an extension of time to file comments on the Commission Request is appropriate here, where the resolution of remaining issues in *California School Boards Association (CSBA) v. State of California* were remanded by the Supreme Court and are still pending in the lower court.

Most importantly, comments by affected test claimants will assist the Commission and provide a full record. Additionally, comments by CSBA will be helpful to the Commission and the record. Accordingly, we respectfully petition for leave to file comments and request the same extension to file such comments pursuant to the Request for Simultaneous Comment on the Request to Amend Parameters and Guidelines for the Graduation Requirements program and the Application of the Court's Opinion in *CSBA v. State of California*. In short, we can meet the April 20, 2020 deadline for comments. Thus, this petition/request will not impact the comment or hearing timelines. We respectfully assert the "good cause" standard has been met here.

Pursuant to Section 1181.2 of the California Code of Regulations, "documents that are e-filed with the Commission need not be otherwise served on persons that have provided an e-mail address for the mailing list."

If you have any questions regarding this petition/request letter, please contact me.

Sincerely,

DANNIS WOLIVER KELLEY



Christian M. Keiner

CMK:fh

**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.

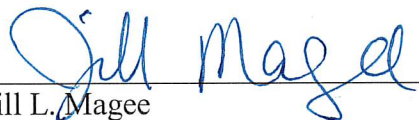
On March 20, 2020, I served the:

- **Notice of Extension Request Approval issued March 12, 2020**
- **Interested Party Representative's Request for Extension of Time filed March 10, 2020**

Request to Amend Parameters and Guidelines  
*Graduation Requirements*, 11-PGA-03 (CSM-4435)  
Education Code Sections 51225.3 and 42238.24  
Statutes 1983, Chapter 498; Statutes 2010, Chapter 724  
Department of Finance, Requester

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 20, 2020 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 3/4/20

**Claim Number:** 11-PGA-03

**Matter:** Graduation Requirements (CSM-4435)

**Requester:** Department of Finance

### 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.)

**Edmundo Aguilar**, Chief Counsel, *Department of Education*

1430 N Street, Sacramento, CA 95814-5901

Phone: (916) 319-0860

EAguiar@cde.ca.gov

**Amber Alexander**, *Department of Finance*

915 L Street, Sacramento, Ca

Phone: (916) 445-0328

Amber.Alexander@dof.ca.gov

**Michael Ambrose**, Associate General Counsel, *California School Boards Association*

3251 Beacon Boulevard, West Sacramento, CA 95691

Phone: (916) 669-3266

mambrose@csba.org

**Socorro Aquino**, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

**Harmeet Barkschat**, *Mandate Resource Services, LLC*

5325 Elkhorn Blvd. #307, Sacramento, CA 95842

Phone: (916) 727-1350

harmeet@comcast.net

**Mike Brown**, *School Innovations & Advocacy*

5200 Golden Foothill Parkway, El Dorado Hills, CA 95762

Phone: (916) 669-5116

mikeb@sia-us.com

**J. Bradley Burgess**, *MGT of America*

895 La Sierra Drive, Sacramento, CA 95864  
Phone: (916)595-2646  
Bburgess@mgtamer.com

**Evelyn Calderon-Yee**, Bureau Chief, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 324-5919  
ECalderonYee@sco.ca.gov

**Gwendolyn Carlos**, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 323-0706  
gcarlos@sco.ca.gov

**Carolyn Chu**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8326  
Carolyn.Chu@lao.ca.gov

**Andra Donovan**, *San Diego Unified School District*

Legal Services Office, 4100 Normal Street, Room 2148, , San Diego, CA 92103  
Phone: (619) 725-5630  
adonovan@sandi.net

**Donna Ferebee**, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
donna.ferebee@dof.ca.gov

**Chris Ferguson**, *Department of Finance*

Education Systems Unit, 915 L Street, 7th Floor, 915 L Street, 7th Floor, Sacramento, CA 95814  
Phone: (916) 445-3274  
Chris.Ferguson@dof.ca.gov

**Brianna Garcia**, *Education Mandated Cost Network*

1121 L Street, Suite 1060, Sacramento, CA 95814  
Phone: (916) 446-7517  
briannag@sscal.com

**Susan Geanacou**, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
susan.geanacou@dof.ca.gov

**Diana Halpenny**, *Kronick Moskovitz Tiedemann & Girard*

400 Capitol Mall, 27th Floor, Sacramento, CA 95814  
Phone: (916) 321-4500  
DHalpenny@kmtg.com

**Heather Halsey**, Executive Director, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
heather.halsey@csm.ca.gov

**Ed Hanson**, *Department of Finance*

**Requester Representative/Requester Contact**

Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814  
Phone: (916) 445-0328  
ed.hanson@dof.ca.gov

**Chris Hill**, Principal Program Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Chris.Hill@dof.ca.gov

**Jason Jennings**, Director, *Maximus Consulting*  
Financial Services, 808 Moorefield Park Drive, Suite 205, Richmond, VA 23236  
Phone: (804) 323-3535  
SB90@maximus.com

**Christian Keiner**, *Dannis Woliver Kelly*  
555 Capitol Mall, Suite 645, Sacramento, CA 95814  
Phone: (916) 978-4040  
ckeiner@dwkesq.com

**Doug Kimberly**, Superintendent, *Lake Elsinore Unified School District*  
545 Chaney Street, Lake Elsinore, CA 92530  
Phone: (951) 253-7000  
Doug.Kimberly@leusd.k12.ca.us

**Jennifer Kuhn**, Deputy, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8332  
Jennifer.kuhn@lao.ca.gov

**Lisa Kurokawa**, Bureau Chief for Audits, *State Controller's Office*  
Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 327-3138  
lkurokawa@sco.ca.gov

**Audin Leung**, Student Leader, *Free the Period California*  
1 Shield Ave, Pierce Co-op TB14, Davis, CA 95616  
Phone: (415) 318-9343  
freetheperiod.ca@gmail.com

**Jill Magee**, Program Analyst, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
Jill.Magee@csm.ca.gov

**Michelle Mendoza**, *MAXIMUS*  
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403  
Phone: (949) 440-0845  
michellemendoza@maximus.com

**Kathryn Meola**, General Counsel, *California School Boards Association*  
3251 Beacon Blvd., West Sacramento, CA 95691  
Phone: (916) 669-3273  
kmeola@csba.org

**Yazmin Meza**, *Department of Finance*  
915 L Street, Sacramento, CA 95814  
Phone: (916) 445-0328  
Yazmin.meza@dof.ca.gov

**Lourdes Morales**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8320  
Lourdes.Morales@LAO.CA.GOV

**Debra Morton**, Manager, Local Reimbursements Section, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 324-0256  
DMorton@sco.ca.gov

**Michelle Nguyen**, *Department of Finance*  
Education Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-0328  
Michelle.Nguyen@dof.ca.gov

**Andy Nichols**, *Nichols Consulting*  
1857 44th Street, Sacramento, CA 95819  
Phone: (916) 455-3939  
andy@nichols-consulting.com

**Arthur Palkowitz**, *Artiano Shinoff*  
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106  
Phone: (619) 232-3122  
apalkowitz@as7law.com

**Keith Petersen**, *SixTen & Associates*  
P.O. Box 340430, Sacramento, CA 95834-0430  
Phone: (916) 419-7093  
kpbsixten@aol.com

**Ned Resnikoff**, Fiscal & Policy Analyst, K-12, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95816  
Phone: (916) 319-8332  
Ned.Resnikoff@lao.ca.gov

**Sandra Reynolds**, President, *Reynolds Consulting Group, Inc.*  
P.O. Box 891359, Temecula, CA 92589-1359  
Phone: (888) 202-9442  
rcginc19@gmail.com

**Carla Shelton**, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
carla.shelton@csm.ca.gov

**Camille Shelton**, Chief Legal Counsel, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
camille.shelton@csm.ca.gov

**Steve Shields**, *Shields Consulting Group, Inc.*  
1536 36th Street, Sacramento, CA 95816  
Phone: (916) 454-7310  
steve@shieldscg.com

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

95816  
Phone: 916-445-8717  
NSidarous@sco.ca.gov

**Jim Spano**, Chief, Mandated Cost Audits Bureau, *State Controller's Office*  
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 323-5849  
jspano@sco.ca.gov

**Dennis Speciale**, *State Controller's Office*  
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 324-0254  
DSpeciale@sco.ca.gov

**Joe Stephenshaw**, Director, *Senate Budget & Fiscal Review Committee*  
California State Senate, State Capitol Room 5019, Sacramento, CA 95814  
Phone: (916) 651-4103  
Joe.Stephenshaw@sen.ca.gov

**Amy Tang-Paterno**, Educational Fiscal Services Consultant, *California Department of Education*  
Government Affairs, 1430 N Street, Suite 5602, Sacramento, CA 95814  
Phone: (916) 322-6630  
ATangPaterno@cde.ca.gov

**Jolene Tollenaar**, *MGT of America*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 243-8913  
jolenetollenaar@gmail.com

**William Tunick**, Attorney, *Dannis Woliver Kelley*  
275 Battery Street, Suite 1150, San Francisco, CA 94111  
Phone: (415) 543-4111  
wtunick@dwkesq.com

**Brian Uhler**, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8328  
Brian.Uhler@LAO.CA.GOV

**Michelle Valdivia**, *Department of Finance*  
Education Systems Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-0328  
Michelle.valdivia@dof.ca.gov

**Marichi Valle**, *San Jose Unified School District*  
855 Lenzen Avenue, San Jose, CA 95126  
Phone: (408) 535-6141  
mvalle@sjusd.org