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California School Boards Association Suit Contests State Decision to Not Reimburse Local Governments

WEST SACRAMENTO – The California School Boards Association and its Education Legal Alliance filed a lawsuit last week in the Sacramento Superior Court to dispute efforts by the State of California to circumvent its constitutional obligation to reimburse local governments for activities it mandates upon them.

Other parties to the suit, also filed against the Commission on State Mandates and Controller Steve Westly, are the Sweetwater Union High School District, the County of Fresno, the City of Newport Beach, and the County of Los Angeles.

“This is a blatant effort by state government to avoid its constitutional obligation to reimburse schools, cities and counties for state-mandated programs,” said Scott P. Plotkin, executive director of the CSBA. “Local governments, and especially schools, are being hung out to dry by the state when it refuses to cover the costs for programs or operations it requires. It’s beyond me how the state feels it can simply enact legislation that allows it to forego these constitutionally mandated reimbursements. In enacting AB 138, the Legislature has asserted the power to categorically exclude reimbursement.”

In 1979, voters approved Proposition 4, which sought to prevent the state from forcing programs on local governments without paying for them. The Commission on State Mandates is the entity charged with determining which legislation constitutes a state mandate and how much will be reimbursed to local agencies. Historically, the Commission maintained that three state-mandated programs were reimbursable mandates: (1) the School Accountability Report Card; (2) the Mandate Reimbursement Process; and (3) certain Brown Act requirements. However, in 2005, the legislature passed and the governor signed AB 138, which required the Commission to either vacate or reconsider its prior decisions. In accordance with this new regulation, the Commission on Mandates has reversed and set aside its prior determinations in the three claim areas that are the basis of this litigation.

“AB 138, from whatever angle you examine it, is wrong,” Plotkin said. “Instead of tearing down walls in our bureaucratic structure, it builds new ones. The state must be held accountable when it puts local entities in a financial bind – there is just no other way to look at it.”

For more information or to schedule an interview, please contact Ioannis Kazanis at (916) 669-3244.

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