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STATE MANDATES - CALIFORNIA

Coast Community College District v. Commission on State Mandates

Court of Appeal, Third District, California - April 3, 2020 - Cal.Rptr.3d - 2020 WL 1649919 - 20 Cal. Daily Op. Serv. 3073 - 2020 Daily Journal D.A.R. 3131

Community College Districts filed petition for writ of mandate challenging decision of Commission on State Mandates on claims for subvention for costs associated with 27 sections of Education Code and attendant regulations imposing “minimum conditions.”

The Superior Court denied petition and entered judgment. Districts appealed.

The Court of Appeal held that:

- Districts were entitled to subvention for costs associated with regulations that set forth “minimum conditions” that involved core functions of community college that were legally compelled by State;
- Regulation requiring governing board of community college district to adopt policy relating to open access to qualified persons, to publish policy, and to file copy of policy with Chancellor involved state-mandated activity, as required to support subvention claim;
- Court of Appeal would not consider subvention claims that were not adequately argued in appellate briefs;
- District was not entitled to subvention for costs associated with educational master plans, under regulations that implemented statutes enacted prior to January 1, 1975;
- Former regulation providing that community college district “may only establish such mandatory student fees as it is expressly authorized to establish by law” did not impose state-compelled mandate;
- Remand to Commission was required for consideration of claims for subvention for costs associated with former regulation governing approval of new college or educational centers;
- Regulation requiring governing board of community college district to provide and publicize organized and functioning counseling program in each college within district was not limited to counseling services for transfer students;
- Regulation requiring each community college to have “stated objectives for its instructional program and for the functions which it undertakes to perform” involved state-mandated activity;
- Regulations authorizing community college district to enter into contracts with certain third party entities to provide instruction to community college students did not legally compel districts to do so; and
- District was not entitled to subvention for costs associated with regulations and former regulation relevant to provision of community service classes.