

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

The entire text of the Initial Statement of Reasons is incorporated herein by reference with the addition of the following:

Non-substantive changes were made in subdivision (d) of Section 551.19. The word “Notwithstanding” was stricken and replaced with “Except as provided in”. Subdivision “(b)” was added to the reference of Government Code section 11440.30. The non-substantive changes were necessary due to statutory changes in Government Code section 11440.30 effective January 1, 2022. Keeping “Notwithstanding” in the regulation could imply that a virtual hearing may be allowed despite a party objection, which is contrary to Section 11440.30.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

In the Initial Statement of Reasons, the Board relied on the following documents in drafting and proposing the adoption of the proposed regulation:

- (1) Policy and Procedure Committee Memorandum dated February 3, 2025, pertaining to the consideration of proposed regulatory amendments to Section 551.19 (Motions; Forms, Briefing, and Hearings) of Title 13 of the California Code of Regulations.

LOCAL MANDATE DETERMINATION

The proposed regulation does not impose any mandate on local agencies or school districts.

SUMMARY AND RESPONSE TO COMMENTS

The text was made available to the public from May 30, 2025, through July 14, 2025. The Board did not receive any comments on the text prior to the close of the comment period.

ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS

No alternatives were proposed to the Board that would lessen any adverse economic impact on small business.

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ALTERNATIVES DETERMINATION

The Board has determined that no alternative it considered or that was otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The amendments adopted by the Board with the non-substantive changes noted above are the only regulatory provisions identified by the Board that accomplish the goal of clarifying that motion hearings with live witness testimony can be held in-person or via other electronic means while complying with Government Code section 11440.30. No other alternative has been proposed or otherwise brought to the Board's attention.