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 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12

13 CITY AND COUNTY OF SAN FRANCISCO,  
 14 Plaintiff,  
 15 vs.  
 16 ALEX M. AZAR II, et al.,  
 17 Defendants.

No. C 19-02405 WHA  
*Related to*  
 No. C 19-02769 WHA  
 No. C 19-02916 WHA

**DECLARATION OF FRANCES  
 PARMELEE IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR  
 SUMMARY JUDGMENT AND IN  
 SUPPORT OF THEIR OPPOSITION  
 TO DEFENDANTS' MOTION TO  
 DISMISS OR, IN THE  
 ALTERNATIVE, FOR SUMMARY  
 JUDGMENT**

18 STATE OF CALIFORNIA, by and through  
 ATTORNEY GENERAL XAVIER BECERRA,  
 19 Plaintiff,  
 20 vs.  
 21 ALEX M. AZAR, et al.,  
 22 Defendants.

Date: October 30, 2019  
 Time: 8:00 AM  
 Dept: 12  
 Judge: Hon. William H. Alsup  
 Trial Date: None Set  
 Action Filed: 5/2/2019

23 COUNTY OF SANTA CLARA et al,  
 24 Plaintiffs,  
 25 vs.  
 26 U.S. DEPARTMENT OF HEALTH AND  
 HUMAN SERVICES, et al.,  
 27 Defendants.

1 I, Frances Parmelee, declare:

2 1. I have served as the Assistant Vice Chancellor of College Finance and Facilities  
3 Planning Division with the California Community Colleges (CCC) since September 2016. In this  
4 role, I oversee and support the Budget Unit, Fiscal Services Unit, Fiscal Standards and  
5 Accountability Unit, and Facilities Planning Unit. Prior to joining the Chancellor's Office, I  
6 worked as an auditor, audit supervisor and audit manager with the Department of Finance for  
7 more than two decades. During this time, I led teams on a variety of financial and performance  
8 audits, as well as organization-wide professional development activities. I earned a Bachelor of  
9 Science degree in Business Administration, Accounting and Finance from California State  
10 University, Sacramento and am an active CPA.

11 2. The California Community Colleges (CCC) is the largest system of higher  
12 education in the nation, with 2.1 million students attending 115 colleges. With a wide range of  
13 educational offerings, the colleges provide workforce training, basic courses in English and math,  
14 certificate and degree programs and preparation for transfer to four-year institutions. The  
15 colleges thus play a critical role in the state's public education system.

16 3. I am familiar with the final rule entitled "Protecting Statutory Conscience Rights  
17 in Health Care; Delegations of Authority" (the Rule), published in the Federal Register on May  
18 21, 2019.

19 4. The Rule places at risk federal funds CCC receives from the U.S. Department of  
20 Health and Human Services, the U.S. Department of Education, and the U.S. Department of  
21 Labor, if California is determined to be in violation of the Rule.

22 5. Federal funding comes to CCC from appropriations acts approved by Congress  
23 and signed by the president. The Department of Defense and Labor, Health and Human Services,  
24 and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, Public Law  
25 115-245, which was enacted September 28, 2019, makes appropriations that provide funding to  
26 CCC. In fiscal year 2018-2019, CCC received \$83.4 million which may be at risk.

27 6. The following funding sources are at risk:  
28

1 a. CalWORKs Services. These funds are 0.14% of the overall budget and used  
2 for the purpose of assisting welfare recipient students and those in transition  
3 off of welfare to achieve long-term self-sufficiency through coordinated  
4 student services offered at community colleges including: work study, job  
5 placement, child care, coordination, curriculum development and redesign,  
6 and under certain conditions post-employment skills training, and  
7 instructional services.

8 b. Foster Care Education Program. These funds are 0.11% of the overall budget  
9 and used for provide quality education and support opportunities to caregivers  
10 of children and youth in out-of-home care so that these providers may meet  
11 the educational, emotional, behavioral and developmental needs of children  
12 and youth in the foster care system.

13 c. Vocational Education. These funds are 1.15% of the overall budget and is  
14 aimed at increasing the quality of career technical education statewide.

15 7. In developing its budget, CCC does so in the expectation that it will receive the  
16 federal funds placed at risk under the rule, to which it is entitled under agreements with federal  
17 agencies. Based on this process, districts develop their budgets, provide fiscal guidance to its various  
18 departments, forecast revenues, and develop multi-year projections for its local boards. A sudden  
19 disruption in anticipated federal funds would cause immediate and long-term budgetary and  
20 operational chaos since CCC forecasts and plans out the budget for multiple years.

21 8. Loss of federal funding will have a deleterious impact on CCC. CCC will be  
22 unable to absorb such a large loss of funding without reducing staffing, programs, and services.

23 9. If CCC were to lose federal funding, students who rely on CalWORKS services,  
24 the Foster Care Education Program, and our Vocational Education programs would be impacted  
25 and would be less able to receive a quality education.

26 10. The Rule may also necessitate programmatic changes. For example, some  
27 colleges have a pre-nursing program requirement that states that all incoming nursing students  
28 need to have completed a series of immunizations/vaccinations (including some vaccinations that

1 the Rule appears to call into question, including MMR (Measles, Mumps & Rubella), Polio, and  
2 Varicella (chicken pox). If the community college has a course for pre-med or pre-nursing  
3 students wherein the students would be required to do training on vaccines or some other  
4 “procedure” that he/she finds objectionable, then the college could not require that the student  
5 “assist in the performance” of that procedure. The colleges would need to make changes to their  
6 programs to account for such refusals.

7 I declare under penalty of perjury under the laws of the United States and the State of  
8 California that the foregoing is true and correct to the best of my knowledge.

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10 Executed on Sep 6, 2019 in Sacramento, CA.

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12 Frances Parmelee (Sep 6, 2019)

13 Frances Parmelee  
14 Assistant Vice Chancellor  
15 California Community Colleges  
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