

COMMISSION ON STATE MANDATES

NOTICE AND AGENDA<sup>1</sup>

State Capitol, Room 126  
Sacramento, California

January 27, 2005  
9:30 A.M.<sup>2</sup>

I. CALL TO ORDER, ROLL CALL

II. ELECTION OF OFFICERS (action)

Item 1 Election of Chairperson and Vice Chairperson

III. APPROVAL OF MINUTES (action)

Item 2 December 9, 2004

IV. CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c).

(Note: This item is limited to appeals regarding this month's agenda items.)

Item 3 Staff Report (if necessary)

V. PROPOSED CONSENT CALENDAR (action)

*Note: If there are no objections to any of the following action items designated by an asterisk (\*), the Executive Director will include it on the Proposed Consent Calendar that will be presented at the hearing. The Commission will determine which items will remain on the Consent Calendar.*

VI. HEARINGS AND DECISIONS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (action)

A. TEST CLAIMS AND PROPOSED STATEMENTS OF DECISION

(Note: Item 5 will not be voted on unless the staff recommendation for Item 4 is adopted.)

Item 4 *Missing Children Reports*, 01-TC-09  
San Jose Unified School District, Claimant  
Education Code Sections 38139, 49068.5, 49068.6, 49370  
Statutes 1986, Chapter 249, Section 14 (AB 606); Statutes 1999, Chapter 1013, (SB 570); Statutes 1999, Chapter 832 (AB 646); Statutes 1996, Chapter 277 (SB 1562); and Statutes 1994, Chapter 922 (AB 2587)

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<sup>1</sup>. This public meeting notice is available on the Internet at <http://www.csm.ca.gov>.

<sup>2</sup> A lunch break may be taken.

Item 5 Proposed Statement of Decision: *Missing Children Reports*, 01-TC-09  
See Above

VII. INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8

A. ADOPTION OF PROPOSED STATEWIDE COST ESTIMATES (action)

Item 6\* *Pupil Promotion and Retention*, 98-TC-19  
San Diego Unified School District, Claimant  
Education Code Sections 37252, 37252.5, 48070 and 48070.5  
Statutes 1998, Chapters 742 and 743, et al. (AB 1626 and AB 1639)

Item 7\* *AIDS Prevention Instruction II*, 99-TC-07, 00-TC-01  
Sweetwater Union High School District, Claimant  
Education Code Sections 51201.5, 51229.8, 51553 and 51554  
Statutes 1991, Chapter 818 (AB 11), Statutes 1998, Chapter 403 (SB 1110),  
and Statutes 1999, Chapter 234 (AB 246)

Item 8\* *Teacher Incentive Program*, 99-TC-15  
San Diego Unified School District, Claimant  
Education Code Sections 44395 and 44396  
Statutes 1998, Chapter 331 (AB 858)

B. PROPOSED 2005 RULEMAKING CALENDAR (action)

Item 9 Staff Report

C. ADOPTION OF NEW TEST CLAIM FORM (action)

Item 10 Staff Report

VIII. STAFF REPORTS

Item 11 Chief Legal Counsel's Report (info)  
Recent Decisions, Litigation Calendar

Item 12 Executive Director's Report (info/action)  
Workload, SB 1033, Governor's Proposed 2005-06 Budget, Implementation  
of AB 2856, 2005 Hearing Calendar, and Next Hearing

IX. PUBLIC COMMENT

X. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526. (Closed Executive Session may begin at this time or may begin earlier on this day and reconvene at the end of the meeting.)

A. PENDING LITIGATION

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matters pursuant to Government Code section 11126, subdivision (e)(1):

1. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Case Number 03CS01069 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-01 [*Animal Adoption*]
2. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Case Number 03CS01432 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-02 [*Behavioral Intervention Plans*]
3. *San Diego Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01401 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-03 [*Graduation Requirements IRC*]
4. *Castro Valley Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01568 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-04 [*Graduation Requirements IRC*]
5. *San Jose Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01569 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-05 [*Graduation Requirements IRC*]
6. *Sweetwater Union High School District v. Commission on State Mandates, et al.*, Case Number 03CS01570 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-06 [*Graduation Requirements IRC*]
7. *Clovis Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01702 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-09 [*Graduation Requirements IRC*]
8. *Grossmont Union High School District v. Commission on State Mandates, et al.*, Case Number 04CS00028 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-10 [*Graduation Requirements IRC*]
9. *County of Los Angeles v. Commission on State Mandates, et al.*, Case Number BS087959, in the Superior Court of the State of California, County of Los Angeles. CSM Case No. 03-L-11 [*Animal Adoption*]
10. *County of Los Angeles and Los Angeles County Flood Control District v. State of California, Commission on State Mandates, et al.*, Case Number BS089769, in the Superior Court of the State of California, County of Los Angeles. CSM Case No. 03-L-12 [*Transit Trash Receptacles, et al.*]

11. *City of Artesia, et al. v. State of California, Commission on State Mandates, et al.*, Case Number BS089785, in the Superior Court of the State of California, County of Los Angeles. CSM Case No. 03-L-13 [*Waste Discharge Requirements*]
12. *CSAC Excess Insurance Authority v. Commission on State Mandates, et al.*, Case No. BS092146, in the Superior Court of the State of California, County of Los Angeles, CSM Case No. 04-L-01 [*Cancer Presumption for Law Enforcement and Firefighters*]

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matter pursuant to Government Code section 11126, subdivision (e)(2):

- Based on existing facts and circumstances, there is a specific matter which presents a significant exposure to litigation against the Commission on State Mandates, its members and/or staff (Gov. Code, § 11126, subd. (e)(2)(B)(i).)

XI. REPORT FROM CLOSED EXECUTIVE SESSION, RECONVENE IN PUBLIC SESSION

XII. ADJOURNMENT

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