

COMMISSION ON STATE MANDATES
NOTICE AND AGENDA¹

State Capitol, Room 126
Sacramento, California

January 29, 2004

9:30 A.M.²

I. CALL TO ORDER AND ROLL CALL

II. ELECTION OF CHAIRPERSON

Item 1 Staff Report

III. APPROVAL OF MINUTES (action)

Item 2 December 2, 2003

IV. 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.*

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

Note: Witnesses will be sworn in en masse before consideration of Items 3-17.

A. APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c).

Item 3 Staff Report. This item is limited to appeals on this month's agenda items.

B. TEST CLAIMS

Item 4 *School Safety Officer Training*, 01-TC-05, amended by 01-TC-10
San Diego Unified School District, Claimant
Business and Professions Code Section 7583.45;
Education Code Sections 35021.5, 38001.5, subdivision (b),
39672 subdivision (a), 72330.2, subdivision (a), and 72330.5, subdivision (b);
Penal Code Sections 830.32, 832.2, and 832.3
As added or amended by Statutes 1998, Chapter 745 (SB 1626)
Statutes 1998, Chapter 746 (SB 1627)

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

² A lunch break may be taken.

- Item 5 *False Reports of Police Misconduct (K-14)*, 02-TC-09
Santa Monica Community College District, Claimant
Penal Code Section 148.6
Statutes 1995, Chapter 590 (AB 1732)
Statutes 1996, Chapter 586 (AB 2637)
Statutes 2000, Chapter 289 (SB 2133)

- Item 6 *Healthy Schools Act of 2000*, 00-TC-04
Alum Rock Union Elementary School District, Claimant
Education Code Sections 17608-17613 and 48980.3
Food and Agricultural Code Sections 13181-13188
Statutes 2000, Chapter 718 (AB 2260)

- Item 7 *Integrated Waste Management*, 00-TC-07
Santa Monica and Lake Tahoe Community College Districts, Co-Claimants
Public Resources Code Sections 40148, 40196.3, and 42920-42928
Public Contract Code Sections 12167 and 12167.1
Statutes 1992, Chapter 1116 (AB 3521)
Statutes 1999, Chapter 764 (AB 75)
Manuals of the California Integrated Waste Management Board

- Item 8 *False Reports of Police Misconduct*, 00-TC-26
County of San Bernardino, Claimant
Penal Code Section 148.6
Statutes 1995, Chapter 590 (AB 1732)
Statutes 1996, Chapter 586 (AB 2637)
Statutes 2000, Chapter 289 (SB 2133)

C. PROPOSED STATEMENTS OF DECISION (Note: Items 9 through 13 will not be voted on unless the staff recommendations for Items 4 through 8 respectively are adopted.)

- Item 9 *School Safety Officer Training*, 01-TC-05, amended by 01-TC-10
San Diego Unified School District, Claimant
See Item 4 Above

- Item 10 *False Reports of Police Misconduct (K-14)*, 02-TC-09
Santa Monica Community College District, Claimant
See Item 5 Above

- Item 11 *Healthy Schools Act of 2000*, 00-TC-04
Alum Rock Union Elementary School District, Claimant
See Item 6 Above

- Item 12 *Integrated Waste Management*, 00-TC-07
Santa Monica and Lake Tahoe Community College Districts, Co-Claimants
See Item 7 Above

- Item 13 *False Reports of Police Misconduct*, 00-TC-26
County of San Bernardino, Claimant
See Item 8 Above

VI. INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8 (action)

A. ADOPTION OF PROPOSED PARAMETERS AND GUIDELINES

- Item 14* *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 2004 RULEMAKING CALENDAR

- Item 15* Staff Report

VII. STAFF REPORTS (info/action)

- Item 16 Chief Legal Counsel's Report
Recent Decisions, Litigation Calendar
- Item 17 Executive Director's Report
Budget, Workload, Legislation, Next Hearing

VIII. PUBLIC COMMENT

IX. 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 02CS00994, in the Superior Court of the State of California, County of Sacramento. CSM Case No. 02-L-01 [*School Bus Safety II*]
2. *San Diego Unified School District v. Commission on State Mandates, et al.*, Case Number S109125, in the Supreme Court of the State of California. CSM Case No. 02-L-02 [*Pupil Expulsions*]
3. *County of San Bernardino v. Commission on State Mandates of the State of California, et al.*, Case Number B163801, in the Appellate Court of the State of California, Second Appellate District. CSM Case No. 02-L-04 [*Property Tax Administration*]
4. *San Diego Unified School District and San Juan Unified School District v. Commission on State Mandates, et al.*, Case Number C044162, in the Appellate Court of the State of California, Third Appellate District. CSM Case No. 02-L-05 [*Physical Performance Tests*]

5. *Palos Verdes Peninsula Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS00897, in the Superior Court of the State of California, County of Sacramento. CSM Case No. 02-L-06. [*Eastview Optional Attendance Area*]
6. *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*]
7. *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*]
8. *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*]
9. *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*]
10. *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*]
11. *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*]
12. *San Diego County v. Commission on State Mandates, et al.*, Case Number S120209, petition for review, in the Supreme Court of the State of California, CSM Case No. 03-L-07 [*San Diego MIA*]
13. *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*]

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).)

B. PERSONNEL

To confer on personnel matters pursuant to Government Code sections 11126, subdivision (a) and 17526. Discussion and action, if appropriate on report from the Personnel Sub-Committee.

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

XI. ADJOURNMENT

For information, contact:

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