

NOTICE AND AGENDA¹

State Capitol, Room 447
Sacramento, California

Friday, March 27, 2009
9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 January 30, 2009

III. PROPOSED CONSENT CALENDAR (action)

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.

IV. APPEAL OF EXECUTIVE DIRECTOR DECISION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (C). (action)

Item 2 Appeal of Executive Director's Decision

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

V. HEARINGS AND DECISIONS ON TEST CLAIM AND STATEMENT OF DECISION, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551) (action)

(Note: Items 4, 6, and 8 will not be voted on unless the staff recommendation for Items 3, 5, and 7 are adopted.)

Item 3 *Tuition Fee Waivers*, 02-TC-21
Contra Costa Community College District, Claimant
Education Code Sections 68044, 68051, 68074, 68075, 68075.5, 68076, 68077, 68078, 68082, 68083, 68084, 68121, 68130.5, 76140
Statutes 1975, Chapter 78 (SB 82); Statutes 1976, Chapter 990 (AB 4289); Statutes 1977, Chapters 36 and 242 (AB 447 and AB 645); Statutes 1979, Chapter 797 (AB 1549); Statutes 1980, Chapters 580 and 789 (AB 2567 and AB 2825); Statutes 1981, Chapter 102 (AB 251); Statutes 1982, Chapter 1070 (AB 2627); Statutes 1983, Chapter 317 (SB 646); Statutes 1988, Chapter 753 (AB 3958); Statutes 1989, Chapters 424, 900, and 985 (AB 1237, AB 259, and SB 716); Statutes 1990, Chapter 1372 (SB 1854); Statutes 1991, Chapter 455 (AB 1745);

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

- Item 3 (Cont.) Statutes 1992, Chapters 170 and 1236 (AB 3058 and SB 2000); Statutes 1993, Chapter 8 (AB 46); Statutes 1995, Chapters 389 and 758 (AB 723 and AB 446); Statutes 1997, Chapter 438 (AB 1317); Statutes 1998, Chapter 952 (AB 639); Statutes 2000, Chapters 571 and 949 (AB 1346 and AB 632); Statutes 2001, Chapter 814 (AB 540); and Statutes 2002, Chapter 450 (AB 1746)
California Code of Regulations, Title 5, Sections 54002, 54010, 54012, 54020, 54022, 54024, 54030, 54032, 54041, 54042, 54045, 54045.5, 54046, 54050, 54060, 54070
Register 77, No. 45 (Nov. 5, 1977); Register 82, No. 48 (Nov. 27, 1982); Register 83, No. 24 (Jun. 11, 1983) Register 86, No. 10 (Mar. 8, 1986); Register 91, No. 23 (April 5, 1991); Register 92, No. 4 (Jan. 24, 1992); Register 92, No. 12 (Mar. 27, 1992); Register 92, No. 18 (Feb. 18, 1992); Register 95, No. 19 (May 19, 1995); Register 99, No. 20 (May 14, 1999); Register 02, No. 25 (Jun. 21, 2002)
Revised Guidelines and Information, "Exemption from Nonresident Tuition" Chancellor of the California Community Colleges, May 2002
- Item 4 *Proposed Statement of Decision*
See Item 3 above
- Item 5 *Cal Grants, 02-TC-28,*
Long Beach Community College District, Claimant
Education Code Sections 69432.8, 69432.9, 69433, 69433.5, 69433.6, 69433.7, 69434, 69434.5, 69435, 69435.3, 69436, 69436.5, 69437, 69437.3, 69437.6, 69439, 69440, and 69514.5
Statutes 2000, Chapter 403 (SB 1644); Statutes 2001, Chapters 8 (SB 176) and 159 (SB 662)
California Code of Regulations, Title 5, Sections 30002, 30007, 30023, 30026, 30027 and 30032
- Item 6 *Proposed Statement of Decision*
See Item 5 above
- Item 7 *Identity Theft, 03-TC-08*
City of Newport Beach, Claimant
Penal Code Section 530.6, subdivision (a)
Statutes 2000, Chapter 956 (AB 1897)
- Item 8 *Proposed Statement of Decision*
See Item 7 above

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

A. REVIEW OF OFFICE OF STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Item 9 *Graduation Requirements*, 08-RCI-01
(4181A, 05-PGA-05, 06-PGA-04, 06-PGA-05)
Education Code Section 51225.3
Statutes 1983, Chapter 498
Castro Valley Unified, Fullerton Joint Union High, Grossmont Union High, San Jose Unified and Sweetwater Union High School Districts,
Requestors

B. PARAMETERS AND GUIDELINES AMENDMENTS

Item 10 *Pesticide Use Reports*, 06-PGA-02
Department of Pesticide Regulation, Requestor
Food and Agricultural Code Section 12979
Statutes 1989, Chapter 1200 (AB 2161)
California Code of Regulations, Title 3, Sections 6000, 6393(c), 6562,
6568, 6619, 6622, 6623, 6624, 6626, 6627, 6627.1, 6628

C. STATEWIDE COST ESTIMATES

Item 11* *Pupil Expulsions from School: Additional Hearing Costs for Mandated Recommendations of Expulsion for Specified Offenses*
05-PGA-04, (CSM-4455)
San Diego Unified School District, Test Claimant
Education Code Section 48915, subdivisions (a) and (b)
Statutes 1993, Chapters 1255 and 1256
Education Code Section 48918
Statutes 1975, Chapter 1253; Statutes 1977, Chapter 965; Statutes 1978,
Chapter 668; Statutes 1983, Chapters 498 and 1302; Statutes 1985,
Chapter 856; Statutes 1987, Chapter 134; Statutes 1990, Chapter 1231;
and Statutes 1994, Chapter 146

Item 12* *National Norm-Referenced Achievement Tests (Formerly STAR)*
05-PGA-03 (04-RL-9723-01)
Education Code Sections 60607, subdivision (a), 60609, 60615, 60630,
60640, 60641, and 60643, as added or amended by Statutes 1997,
Chapter 828;
California Code of Regulations, Title 5, Sections 850-904
(Excluding Cal. Code Regs., tit. 5, §§ 853.5, 864.5, 867.5, 894 & 898)

Item 13* *Mentally Disordered Offenders: Treatment as a Condition of Parole*, 00-TC-28
County of San Bernardino, Claimant
Penal Code Section 2966
Statutes 1985, Chapter 1419 (SB 1296); Statutes 1986, Chapter 858 (SB 1845); Statutes 1987, Chapter 687 (SB 425); Statutes 1988, Chapter 658 (SB 538); Statutes 1989, Chapter 228(SB 1625); Statutes 1994, Chapter 706 (1918)

Item 14* *Racial Profiling: Law Enforcement Training*, 01-TC-01
County of Sacramento, Claimant
Penal Code Section 13519.4
Statutes 2000, Chapter 624 (SB 1608)

Item 15* *Domestic Violence Arrests and Victim Assistance*, 98-TC-14
County of Los Angeles, Claimant
Penal Code Sections 264.2 and 13701
Statutes 1998, Chapters 698 and 702 (AB 1201 and AB 2177)

D. ADOPTION OF COMMISSION ORDER TO INITIATE CORRECTION OF CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 9, CONFLICT OF INTEREST CODE, Section 1189.10, Appendix.

Item 16* Authorize Executive Director to Initiate Correction Pursuant to Government Code Section 87302.

VII. HEARINGS ON COUNTY APPLICATIONS FOR FINDINGS OF SIGNIFICANT FINANCIAL DISTRESS PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 17000.6 AND CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 6.5. (info/action)

Item 17 Assignment of County Application to Commission, a Hearing Panel of One or More Members of the Commission, or to a Hearing Officer

Note: This item will only be taken up if an application is filed.

VIII. STAFF REPORTS (info/action)

Item 18 Report on 2009 Legislation

Item 19 Chief Legal Counsel: Recent Decisions, Litigation Calendar

Item 20 Executive Director: Workload, Budget, and Next Hearing (May 29, 2009)

IX. PUBLIC COMMENT

X. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526 (action).

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.*, Sacramento Superior Court Case No. 03CS01432, [Behavioral Intervention Plans]
2. *California School Boards Association, Education Legal Alliance; County of Fresno; City of Newport Beach; Sweetwater Union High School District and County of Los Angeles v. State of California, Commission on State Mandates and Steve Westly, in his capacity as State Controller*, Third District Court of Appeal, Case No. C055700; [AB 138; Open Meetings Act, Brown Act Reform, Mandate Reimbursement Process I and II; and School Accountability Report Cards (SARC) I and II]
3. *Department of Finance v. Commission on State Mandates*, Third District Court of Appeal, Case No. C056833, [Peace Officer Procedural Bill of Rights]
4. *California School Boards Association, Education Legal Alliance, and Sweetwater Union High School Dist. v. State of California, Commission on State Mandates, and John Chiang, in his capacity as State Controller*, Sacramento County Superior Court, Case No. 07CS01399, [School Accountability Report Cards, SARC]

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.

RECONVENE IN PUBLIC SESSION

XI. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

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