

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
SACRAMENTO, CA 95814
PHONE: (916) 323-3562
FAX: (916) 445-0278
E-mail: csminfo@csm.ca.gov



April 5, 2013

TO: ALL INTERESTED PERSONS
FROM: Heather Halsey, Executive Director *H.H.*
RE: **Revised Notice and Agenda**

On Friday, April 19, 2013, the Commission will conduct its next regular meeting and hearing. The hearing will be conducted at 10:00 a.m., at the State Capitol, Room 447, Sacramento, California.

Please note the following revisions: Item 6 has been removed from the Proposed Consent Calendar, Item 9 has been added to the Proposed Consent Calendar, and Item 12 Staff Report title has been changed.

Testimony at the Commission Hearings. If you plan to address the Commission on an agenda item, please notify the Commission Office by noon, two days before the hearing. When calling or emailing, identify the item you want to testify on and the entity you represent. The Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda. If you plan to testify and would like Commission members to review any document other than those prepared by Commission staff, please bring 12 double-sided copies of the document or section of the document you would like the members to review.

Agenda Materials. All back-up material and supporting documentation for public meetings are available for public inspection on the Commission's website and at the Commission Office, 980 Ninth Street, Suite 300, Sacramento, California 95814; (916) 323-3562. In addition, a complete copy of the above-described materials will be available for public inspection at the meetings.

Website. Agenda items are available on the Commission's website at www.csm.ca.gov. After reaching the site's home page, click on "Current Hearing" on the left side of the page for the hearing agenda. Generally, the agenda and items will be uploaded two weeks before the meeting and may be accessed from the agenda. If an item is postponed prior to the meeting, notice will be posted on the agenda. Following the meeting, Commission actions will be posted on the Commission's website, and revised items will be posted upon completion.

The approved minutes of Commission meetings since January 2004 are on the website in PDF format. Transcripts of Commission meetings since July 2011 are attached to the minutes. To access these documents, click "Current Hearing" on the left side of the home page.

Special Accommodations. If you need any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five to seven *working* days prior to the meeting.

Enclosures

TO RECEIVE NOTICES AND AGENDAS FOR COMMISSION MEETINGS AND HEARINGS ELECTRONICALLY, SUBSCRIBE BY VISITING THE COMMISSION'S WEBSITE AT WWW.CSM.CA.GOV AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE RIGHT SIDE OF THE PAGE.

REVISED AGENDA¹

Meeting of the Commission on State Mandates

State Capitol

Room 447

Sacramento, California

Friday, April 19, 2013

10:00 a.m.

Reminder: If you plan to testify and would like Commission members to review any document other than those prepared by Commission staff, please bring 12 double-sided copies of the document or section of the document you would like the members to review.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 January 25, 2013

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 each one 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 DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181(c) (action)

Item 2 Appeal of Executive Director Decisions

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

V. HEARINGS AND DECISIONS ON TEST CLAIMS AND PARAMETERS AND GUIDELINES PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551, 17557, and 17559) (action)

A. TEST CLAIM

Item 3 *Teacher Credentialing*, 03-TC-09

Education Code Sections 44225, 44225.7, 44300, 44301, 44326, 44327, 44332, 44830, 44830.3, 44842, 44885.5, 44901, 45037

Statutes 1975, Chapter 228; Statutes 1981, Chapter 1136; Statutes 1982, Chapter 206; Statutes 1982, Chapter 434; Statutes 1982, Chapter 471; Statutes 1982, Chapter 1388; Statutes 1983, Chapter 498; Statutes 1983, Chapter 536; Statutes 1983, Chapter 1038; Statutes 1983, Chapter 1302; Statutes 1984, Chapter 482; Statutes 1985, Chapter 747; Statutes 1986, Chapter 989; Statutes 1987, Chapter 1468; Statutes 1988, Chapter 1355; Statutes 1989, Chapter 375; Statutes 1991, Chapter 590; Statutes 1992, Chapter 1050; Statutes 1993, Chapter 378; Statutes 1994, Chapter 673; Statutes 1994, Chapter 922; Statutes 1996, Chapter 303; Statutes 1996, Chapter 948; Statutes 1997, Chapter 934; Statutes 1998, Chapter 533; Statutes 1998, Chapter 547; Statutes 1999, Chapter 281; Statutes 1999, Chapter 381; Statutes 2001, Chapter 585; Statutes 2002, Chapter 1069; and Statutes 2002, Chapter 1087

¹ This public meeting notice is available on the Commission's website at www.csm.ca.gov.

California Code of Regulations, Title 5, Sections 80005, 80016, 80020.4.1, 80023.1, 80023.2, 80025, 80025.1, 80025.5, 80026, 80026.1, 80026.5, 80026.6, 80027, 80035, 80035.5, 80036, 80036.1, 80036.3, 80037, 80037.5, 80038, 80040, 80043, 80045, 80047.2, 80047.4, 80048.2, 80048.3, 80048.3.1, 80048.4, 80054, 80055.1, 80055.2, 80058.2, 80070.2, 80070.3, 80070.4, 80070.6, 80071.4, 80413.3, 80435, 80441, 80466, 80556, 80556.1, 80601

Register 75, No. 16 (April 16, 1975); Register 75, No. 25 (June 20, 1975); Register 75, No. 27 (Aug. 2, 1975); Register 76, No. 5 (Feb. 27, 1976); Register 76, No. 21 (June 20, 1976); Register 76, No. 49 (Jan. 2, 1977); Register 77, No. 21 (June 19, 1977); Register 77, No. 51 (Jan. 15, 1978); Register 78, No. 10 (April 7, 1978); Register 78, No. 22 (June 29, 1978); Register 78, No. 48 (Dec. 29, 1978); Register 79, No. 23 (July 5, 1979); Register 80, No. 6 (March 7, 1980); Register 80, No. 32 (Sept. 5, 1980); Register 81, No. 15 (May 6, 2001); Register 81, No. 23 (July 3, 1981); Register 82, No. 41 (Jan. 1, 1983); Register 82, No. 45 (Dec. 2, 1982); Register 82, No. 48 (Nov. 10, 1982); Register 83, No. 12 (March 15, 1983); Register 83, No. 23 (July 3, 1983); Register 83, No. 30 (Aug. 21, 1983); Register 83, No. 31 (Aug. 28, 1983); Register 83, No. 40 (Sept. 27, 1983); Register 84, No. 8 (Mar. 23, 1984); Register 84, No. 40 (Nov. 3, 1984); Register 86, No. 40 (Oct. 31, 1986); Register 86, No. 50 (Jan. 9, 1987); Register 86, No. 52 (Jan. 1, 1987); Register 89, No. 11 (April 9, 1989); Register 89, No. 12 (April 16, 1989); Register 89, No. 46 (Dec. 13, 1989); Register 90, No. 42 (Sept. 4, 1990); Register 92, No. 39 (Sept. 21, 1992); Register 93, No. 25 (July 15, 1993); Register 94, No. 16 (May 20, 1994); Register 94, No. 19 (June 9, 1994); Register 95, No. 9, (Mar. 3, 1995); Register 95, No. 15 (May 10, 1995); Register 95, No. 32 (Sept. 7, 1995); Register 96, No. 26 (July 27, 1996); Register 96, No. 41 (Nov. 10, 1996); Register 97, No. 39 (Oct. 26, 1997); Register 97, No. 51 (Dec. 16, 1997); Register 98, No. 3 (Jan. 13, 1998); Register 98, No. 12 (April 17, 1998); Register 98, No. 28 (July 6, 1998); Register 98, No. 32 (Sept. 5, 1998); Register 98, No. 49 (Dec. 2, 1998); Register 99, No. 11 (April 10, 1999); Register 99, No. 41 (Nov. 7, 1999); Register 99, No. 46 (Nov. 12, 1999); Register 99, No. 51 (Jan. 15, 2000); Register 2000, No. 15 (May 14, 2000); Register 2000, No. 16 (May 21, 2000); Register 2000, No. 22 (June 20, 2000); Register 2001, No. 17 (May 25, 2001); Register 2001, No. 24 (June 15, 2001); Register 2001, No. 47 (Oct. 9, 2001); Register 2002, No. 21 (June 20, 2002); Register 2002, No. 50 (Jan. 8, 2002); Register 2002, No. 52 (Jan. 22, 2003); Register 2003, No. 5 (Mar. 1, 2003).

San Diego County Office of Education, Claimant

Item 4 *County Formation Cost Recovery, 06-TC-02*
Government Code Sections 23300-23397
Statutes 1974, Chapter 1392, Sections 2 and 3; Statutes 1975, Chapter 1247;
Statutes 1976, Chapter 1143; Statutes 1977, Chapter 1175; Statutes 1978,
Chapter 465; Statutes 1979, Chapter 370; Statutes 1980, Chapter 676;
Statutes 1981, Chapter 1114; Statutes 1984, Chapter 226; Statutes 1985,
Chapter 702; Statutes 1986, Chapter 248; Statutes 1994, Chapter 923; and
Statutes 2002, Chapter 784; Statutes 2004, Chapter 227
Governor's Press Release, May 10, 2004
Santa Barbara County, Claimant

**B. PARAMETERS AND GUIDELINES AND PARAMETERS AND GUIDELINES
 AMENDMENTS**

Item 5 *California Public Records Act, 02-TC-10 and 02-TC-51*
Government Code Sections 6253, 6253.1, 6253.5, 6253.9, 6254.3,
and 6255
Statutes 1992, Chapter 463 (AB 1040); Statutes 2000, Chapter 982
AB 2799); and Statutes 2001, Chapter 355 (AB 1014)
County of Los Angeles and Riverside Unified School District,
Co-Claimants

Item 6~~++~~ *Behavioral Intervention Plans (BIPs), CSM 4464 - TO ADOPT
STATEMENT OF DECISION AND PARAMETERS AND GUIDELINES
CONFORMING TO THE VOTE TAKEN ON
JANUARY 25, 2013*
California Code of Regulations, Title 5, Sections 3001 and 3052
Register 93, No. 17; Register 96, No. 8; Register 96, No. 32.
Butte County Office of Education, San Diego Unified School District,
San Joaquin County Office of Education, Claimants

Item 7 *Williams Case Implementation I, II, III*
05-TC-04, 07-TC-06, and 08-TC-01
Education Code sections 14501, 33126(b), 35186, 41020, and 42127.6
Statutes 2004, Chapter 900 (SB 550); Statutes 2004, Chapter 902 (AB
3001); Statutes 2004, Chapter 903 (AB 2727); Statutes 2005, Chapter 118
(AB 831); Statutes 2006, Chapter 704 (AB 607);
and Statutes 2007, Chapter 526 (AB 347)
San Diego County Office of Education and Sweetwater Union High
School District, Claimants

Item 8 *Minimum Conditions for State Aid*, 02-TC-25 and 02-TC-31
 Education Code Sections 66010.2, 66010.7 66721.5, 66731, 66732, 66736, 66738, 66740, 66742, 70902, 78015, and 78016
 Statutes 1988, Chapter 973; Statutes 1991, Chapter 1188; Statutes 1998, Chapter 365; and Statutes 2000, Chapter 187
 California Code of Regulations, Title 5, Sections 53203, 53207, 55001, 55002, 55005, 55006, 55150, 55201, 55202, 55750, 55751, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55759, 55760, 55761, 55764, 55800, 55805, 55805.5, 55806, 58102, 58104, and 58106 ;Register 91, Number 23; Register 93, Number 25; Register 93, Number 42; Register 94, Number 38; Register 98, Number 7; Register 2000, Number 50; Register 2002, Number 8; and Register 2003, Number 18.
 Los Rios Community College District, Santa Monica Community College District, and West Kern Community College District, Co-Claimants

Item 9* *Parental Involvement Programs*, 03-TC-16
 Education Code Sections 11504, 49091.10, 51101, 51101.1 Statutes 1990, Chapter 1400; Statutes 1998, Chapter 864; Statutes 1998, Chapter 1031; and Statutes 2002, Chapter 1037
 San Jose Unified School District, Claimant

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

Item 10* *Developer Fees*, 02-TC-42
 Government Code Sections 65970, 65971, 65972, 65973, 65974, 65974.5, 65975, 65976, 65977, 65978, 65979, 65980, 65981
 Statutes 1977, Chapter 955; Statutes 1979, Chapter 282; Statutes 1980, Chapter 1354; Statutes 1981, Chapter 201; Statutes 1982, Chapter 923; Statutes 1983, Chapter 1254; Statutes 1984, Chapter 1062; Statutes 1985, Chapter 1498; Statutes 1986, Chapters 136 and 887; Statutes 1994, Chapter 1228
 Clovis Unified School District, Claimant

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 11 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. REPORTS (info/action)

- Item 12 ~~Assistant Executive Director:~~ Legislative Update (info)
- Item 13 Chief Legal Counsel: Recent Decisions, Litigation Calendar (info)
- Item 14 Executive Director: Workload, Budget, and Tentative Agenda Items for Next Meeting (info)

IX. PUBLIC COMMENT

X. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 AND 11126.2 (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(e)(1):

1. *State of California, Department of Finance v. Commission on State Mandates*, Sacramento County Superior Court Case No. 34-2010-80000529 [Graduation Requirements, Parameters and Guidelines Amendments, Nov. 2008]
2. *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Board, San Diego Region v. Commission on State Mandates and County of San Diego, et al.* (petition and cross-petition), Third District Court of Appeal, Case No. C070357 (Sacramento County Superior Court Case No. 34-2010-80000604) [*Discharge of Stormwater Runoff, Order No. R9-207-000, 07-TC-09 California Regional Water Control Board, San Diego Region Order No. R9-2007-001, NPDES No. CAS0108758, Parts D.1.d.(7)-(8), D.1.g., D.3.a.(3), D.3.a.(5), D.5, E.2.f, E.2.g,F.1, F.2, F.3, I.1, I.2, I.5, J.3.a.(3)(c) iv-vii & x-xv, and L*]
3. *California School Board Association (CSBA) v. State of California et al.*, Alameda County Superior Court Case No. RG11554698 [2010-2011 Budget Trailer Bills, Mandates Process for K-12 Schools, Redetermination Process]
4. *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, Los Angeles Region v. Commission on State Mandates and County of Los Angeles, et al* (petition and cross-petition). Second District Court of Appeal, Case No. B237153 (Los Angeles County Superior Court, Case No. BS130730) [*Municipal Storm Water and Urban Runoff Discharges, 03-TC-04, 03-TC-19, 03-TC-20, and 03-TC-21, Los Angeles Regional Quality Control Board Order No. 01-182, Permit CAS004001, Parts 4C2a., 4C2b, 4E & 4Fc3*]

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(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 or staff.

B. PERSONNEL

To confer on personnel matters pursuant to Government Code section 11126(a).

RECONVENE IN PUBLIC SESSION

XI. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

Heather Halsey, Executive Director
980 Ninth Street, Suite 300
Sacramento, CA 95814
Email: heather.halsey@esm.ca.gov

For information regarding this agenda, please contact:

Kerry Ortman
(916) 323-3562

NEW FILINGS

December 21, 2012 through March 22, 2013

Date Received	Claimant	Description
1/15/13	Department of Finance	<p>Mandate Redetermination Request: <i>Sexually Violent Predators</i>, 12-MR-01 (CSM-4509) Welfare and Institutions Code Sections 6601 through 6608 Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4</p>
2/28/13	Richvale Irrigation District and Biggs-West Gridley Water District	<p>Test Claim: <i>Agricultural Water Measurement</i>, 12-TC-01 California Code of Regulations, Title 23, Division 2, Chapter 5.1, Article 2, commencing with Section 597; Register 2012, No. 28. Consolidated with: <i>Water Conservation Act of 2009</i>, 10-TC-12 Water Conservation Act of 2009, S.B. x7-7, (Amend and repeal Section 10631.5 of, to add Part 2.55 [commencing with section 10608] to Division 6 of, and to repeal and add Part 2.8[commencing with section 10800] of division 6 of the Water Code) Designated: <i>Water Conservation</i>, 10-TC-12 and 12-TC-01</p>
3/8/13	County of Orange	<p>Incorrect Reduction Claim: <i>Handicapped and Disabled Students (04-RL-4282-10); Handicapped and Disabled Students II (02-TC-40/02-TC-49); and Seriously Emotionally Disturbed (SED) Pupils: Out-of-State Mental Health Services (97-TC-05)</i>, 12-9705-I-03 Government Code Sections 7570 et seq. (AB 3632) Fiscal Years: 2006-2007, 2007-2008, and 2008-2009</p>
3/15/13	Department of Finance	<p>Request to Amend Parameters and Guidelines: <i>Filipino Employee Survey</i>, 12-PGA-02 (CSM-2142) Government Code Section 50087 Statutes 1978, Chapter 845 as repealed by Statutes 2012, Chapter 32 (SB 1006)</p>