

COMMISSION ON STATE MANDATES
NOTICE AND AGENDA¹

State Capitol, Room 126
Sacramento, California

May 25, 2006
9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 April 26, 2006

III. PROPOSED CONSENT CALENDAR (action)

Item 2 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 DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c). (action)

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

Item 3 Staff Report (if necessary)

V. RECONSIDERATION OF PRIOR STATEMENT OF DECISION, AS DIRECTED BY THE LEGISLATURE IN STATUTES 2005, CHAPTER 72 (AB 138) (action)

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

Item 4 *Mandate Reimbursement Process*, 05-RL-4204-02 (CSM 4204 & 4485)
Statutes 1975, Chapter 486 (AB 1375)
Statutes 1984, Chapter 1459 (SB 2337)

Item 5 Proposed Statement of Decision
Mandate Reimbursement Process, 05-RL-4204-02 (CSM 4204 & 4485)
See Above

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

VI. HEARINGS AND DECISIONS ON TEST CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (Gov. Code, § 17551) (action)

(Note: Items 7, 9, and 11 will not be voted on unless the staff recommendation for Items 6, 8, and 10 are adopted.)

- Item 6 *Charter School Collective Bargaining, 99-TC-05*
Education Code Sections 47605, Subdivision (b)(5)(O) and 47611.5, Government Code Section 3540, et seq., Statutes 1999, Chapter 828 (AB 631)
Western Placer Unified School District, Claimant

- Item 7 Proposed Statement of Decision
Charter School Collective Bargaining, 99-TC-05
See Above

- Item 8 *Charter Schools III, 99-TC-14*
Education Code Sections 41365, 47605, Subdivisions (b),(c),(d), (j) and (l), 47604.3, 47607, Subdivision (c), 47612.5, 47613 (former § 47613.7), and 47630-47664; Statutes 1996, Chapter 786 (AB 3384), Statutes 1998, Chapter 34 (AB 544), Statutes 1998, Chapter 673 (AB 2417), Statutes 1999, Chapter 162 (SB 434), Statutes 1999, Chapter 736 (SB 267), Statutes 1999, Chapter 78 (AB 1115)
California Department of Education Memo (May 22, 2000)
Western Placer Unified School District and Fenton Avenue Charter School, Claimants

- Item 9 Proposed Statement of Decision
Charter Schools III, 99-TC-14
See Above

- Item 10 *Binding Arbitration, 01-TC-07*
Code of Civil Procedure, Sections 1281.1, 1299, 1299.2, 1299.3 1299.4, 1299.5, 1299.6, 1299.7, 1299.8, and 1299.9
Statutes 2000, Chapter 906 (SB 402)
City of Palos Verdes Estates, Claimant

- Item 11 Proposed Statement of Decision
Binding Arbitration, 01-TC-07
See Above

VII. STAFF REPORTS

- Item 12 Mandate Reform Update
- Item 13 Chief Legal Counsel's Report (info)
Recent Decisions, Litigation Calendar
- Item 14 Executive Director's Report (info/action)
Workload, Budget, Legislation, and 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. PERSONNEL

To confer on personnel matters pursuant to Government Code sections 11126, subdivision (a) and 17526.

B. 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. *Eastside Union High School District v. Commission on State Mandates*, Sacramento Superior Court Case No. 05CS01256 CSM Case No. 05-L-03 [Graduation Requirements, IRC]
2. *Woodland Joint Unified School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 05CS01401 CSM 05-L-05 [Graduation Requirements, IRC]
3. *Yuba City Unified School District v. State of California, et al.*, Sacramento Superior Court Case No. 05CS01237, CSM Case No. 05-L-01 [Graduation Requirements IRC]
4. *John Swett Unified School District v. State of California, et al.*, Sacramento Superior Court Case No. 05CS01262, CSM Case No. 05-L-02 [Graduation Requirements, IRC]
5. *West Contra Costa Unified School District, et al. v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 05CS01253 CSM Case No. 05-L-04 [Graduation Requirements, IRC]
[Filed on behalf of 12 school districts: West Contra Costa USD, Anderson Union High School District, Center USD, Lake Tahoe USD, Lincoln USD, Linden USD, Novato USD, Ojai USD, Placer Union High School District, San Juan USD, Stockton USD, Vallejo City USD]
6. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01069, CSM Case No. 03-L-01, consolidated with *County of Los Angeles v. Commission on State Mandates, et al.*,

Los Angeles Superior Court Case No. BS087959, transferred to Sacramento Superior Court, Case No. 05CS00865, CSM Case No. 03-L-11 [*Animal Adoption*]

7. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01432, CSM Case No. 03-L-02 [*Behavioral Intervention Plans*]
8. *CSAC Excess Insurance Authority v. Commission on State Mandates, et al.*, Second District Court of Appeal, Case Number B188169, on appeal from Los Angeles Superior Court Case No. BS092146, CSM Case No. 04-L-01 [*Cancer Presumption for Law Enforcement and Firefighters and Lower Back Injury Presumption for Law Enforcement*], consolidated with *City of Newport Beach v. Commission on State Mandates, et al.*, Los Angeles Superior Court Case No. BS095456, CSM Case No. 04-L-02 [*Skin Cancer Presumption for Lifeguards*]
9. *County of Los Angeles, et al. v. Commission on State Mandates, et al.*, Second District Court of Appeal [Los Angeles] Case Number B183981, CSM Case No. 04-L-03, (Los Angeles Superior Court Nos. BS089769, BS089785) [*Transit Trash Receptacles, et al./Waste Discharge Requirements*]

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).)

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

XI. ADJOURNMENT

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