

COMMISSION ON STATE MANDATES

NOTICE AND AGENDA¹

State Capitol, Room 126
Sacramento, California

May 27, 2004

9:30 A.M.²

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 March 25, 2004

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

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

Item 2 Staff Report (if necessary)

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)

A. TEST CLAIMS AND PROPOSED STATEMENTS OF DECISION

(Note: Items 4, 6, 8 and 10 will not be voted on unless the staff recommendations for Items 3, 5, 7, and 9 respectively, are adopted.)

Item 3 *Distracted Drivers*, 01-TC-12
City of Newport Beach, Claimant
Vehicle Code Section 2407.5
Statutes 2001, Chapter 710 (AB 770)

Item 4 *Proposed Statement of Decision: Distracted Drivers, 01-TC-12, as described above in Item 3.*

Item 5 *Cancer Presumption for Law Enforcement and Firefighters*, 01-TC-19
CSAC-EIA and County of Tehama, Co-Claimants
Labor Code Section 3212.1
Statutes 1999, Chapter 595 (AB 539)
Statutes 2000, Chapter 887 (SB 1820)

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

² A lunch break may be taken.

- Item 6 *Proposed Statement of Decision: Cancer Presumption for Law Enforcement and Firefighters, 01-TC-19, as described above in Item 5.*

- Item 7 *Algebra Instruction, 00-TC-14*
Sweetwater Union High School District, Claimant
Education Code Section 51224.5
Statutes 2000, Chapter 1024 (SB 1354)

- Item 8 *Proposed Statement of Decision: Algebra Instruction, 00-TC-14, as described above in Item 7.*

- Item 9 *The Stull Act, 98-TC-25*
Denair Unified School District, Claimant
Education Code Sections 44660 – 44665 (formerly Ed. Code, §§ 13485 – 13490)
Statutes 1975, Chapter 1216 (SB 777)
Statutes 1983, Chapter 498 (SB 813)
Statutes 1986, Chapter 393 (AB 3878)
Statutes 1995, Chapter 392 (AB 729)
Statutes 1999, Chapter 4 (ABX1 1)

- Item 10 *Proposed Statement of Decision: The Stull Act, 98-TC-25, as described above in Item 9.*

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 11* *Differential Pay and Reemployment, 99-TC-02*
Palmdale School District, Claimant
Education Code Sections 44977 and 44978.1
Statutes 1998, Chapter 30 (SB 1019)

- Item 12* *Law Enforcement Agency Notifications, 01-PGA-11 (CSM-4505)*
Clovis Unified School District, Requestor
Education Code Section 48902, Subdivision (c)
Statutes 1989, Chapter 1117 (SB 1275)

B. ADOPTION OF PROPOSED AMENDMENTS TO PARAMETERS AND GUIDELINES

- Item 13* *Pupil Residence Verification and Appeals, 01-PGA-08 (CSM-96-348-01)*
Clovis Unified School District, Requestor
Education Code Sections 48204.5 and 48204.6
Revenue and Taxation Code Section 97.3
Statutes 1995, Chapter 309 (AB 687)

- Item 14* *School District of Choice: Transfers and Appeals*
Clovis Unified School District, Requestor, 01-PGA-12
State Controller's Office, Requestor, 02-PGA-05
Education Code Sections 48209.1, 48209.7, 48209.10, 48209.13, and 48209.14
Statutes 1993, Chapter 160 (AB 19)
Statutes 1994, Chapter 1262 (AB 2768)

C. ADOPTION OF PROPOSED STATEWIDE COST ESTIMATES

- Item 15* *Immunization Records: Hepatitis B, 98-TC-05*
Los Angeles County Office of Education, Claimant
Education Code Section 48216
Health and Safety Code Sections 120325, 120335, 120340, and 120375
Statutes 1978, Chapter 325 (AB 2260); Statutes 1979, Chapter 435 (AB 805);
Statutes 1982, Chapter 472 (SB 818); Statutes 1991, Chapter 984 (SB 407);
Statutes 1992, Chapter 13 (AB 2798); Statutes 1994, Chapter 1172 (AB 2971)
Statutes 1995, Chapters 219 and 415 (AB 382 and SB 1360)
Statutes 1996, Chapter 1023 (SB 1497)
Statutes 1997, Chapters 855 and 882 (SB 727 and AB 381)
Title 17, California Code of Regulations, Sections 6020, 6035,
6040, 6055, 6065, 6070, and 6075
- Item 16* *Grand Jury Proceedings, 98-TC-27*
Penal Code Sections 914, 933, 933.05, and 938.4
Statutes 1996, Chapter 1170 (SB 11457)
Statutes 1997, Chapter 443 (AB 829)
Statutes 1998, Chapter 230 (AB 1907)

VII. STAFF REPORTS

- Item 17 Conduct of Hearings on County Applications for Findings of Significant
Financial Distress, Welfare. & Institutions Code Section 17000.6 and
Cal. Code Regs., Title 2, Chapter 2.5, Article 6.5 (info/action)
- Item 18 Chief Legal Counsel's Report (info)
Recent Decisions, Litigation Calendar
- Item 19 Executive Director's Report (info/action)
Budget, Workload, Assembly Special Committee on State Mandates,
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. *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*]
2. *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*]
3. *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*]
4. *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*]
5. *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*]
6. *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*]
7. *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*]
8. *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*]
9. *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*]
10. *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*]
11. *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*]

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:

Paula Higashi, Executive Director
980 Ninth Street, Suite 300
Sacramento, CA 95814

(916) 323-8210
(916) 445-0278 Fax
Email: paula.higashi@csm.ca.gov