

**COMMISSION ON STATE MANDATES**

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May 5, 2010

TO: ALL INTERESTED PERSONS  
FROM: Paula Higashi, Executive Director  
RE: Notice, New Filings, and Agenda

**The Commission will hold its next regular meeting and hearing on Thursday, May 27, 2010. The meeting will be convened at 9:30 a.m., at the State Treasurer's Office, 915 Capitol Mall, 5<sup>th</sup> Floor, Room 587, Sacramento, California.**

**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, identify the item and the entity you represent. The Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda.

**Agenda Materials.** All back-up material and supporting documentation for public meetings are available for public inspection 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.

**Web Site.** Agenda items are available on the Commission's Web Site (<http://www.csm.ca.gov/>). After reaching the site's home page, click on the words "Current Hearing" on the left side of the page for the hearing agenda. Generally, the short agenda will be uploaded two weeks prior to the hearing. Items will be uploaded approximately one week before the hearing without exhibits and may be accessed from the agenda. If an item is postponed prior to the hearing, notice will be posted on the agenda. Following the hearing, Commission actions will be posted on the agenda, and revised items will be posted upon completion.

The approved minutes of previous commission meetings are also on the Web Site in PDF formats. To access the minutes, click on the words "Current Hearing" on the left side of the page. The most recent minutes become available following approval by the Commission, generally after the next hearing.

**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.

**Office Closure.** Pursuant to Governor's Executive Order S-13-09 and until further notice, the Commission's offices will be closed and employees will be furloughed on the first, second, and third Fridays of each month. During May and June 2010, the office will be closed on the following furlough days and holidays: May 7, 14, 21, and 28, and June 4, 11, and 18. Please contact Paula Higashi or Nancy Patton at (916) 323-3562 if you have questions.

Enclosures

**TO RECEIVE NOTICES AND AGENDAS FOR COMMISSION MEETINGS AND HEARINGS ELECTRONICALLY, SUBSCRIBE BY VISITING THE COMMISSION'S WEBSITE AT [HTTP://WWW.CSM.CA.GOV](http://www.csm.ca.gov) AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE LEFT SIDE OF THE PAGE.**

# NEW FILINGS

March 5, 2010 through May 4 2010

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<b>Claim Number</b>	<b>Date Received</b>	<b>Claimant</b>	<b>Description</b>
09-4282-I-04	3/16/10	County of Orange	Incorrect Reduction Claim: <i>Handicapped and Disabled Students</i> Fiscal year 2000-2001 \$1,046,844
09-4282-I-05	04/13/10	County of Santa Clara	Incorrect Reduction Claim: <i>Handicapped and Disabled Students</i> Fiscal years 2004-2005; 2005-2006 \$8,606,362

# NOTICE AND AGENDA<sup>1</sup>

Meeting of the Commission on State Mandates

Location of Meeting: State Treasurer's Office  
915 Capitol Mall, 5<sup>th</sup> Floor, Room 587  
Sacramento, California

Thursday, May 27, 2010  
9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 March 26, 2010

Item 2 May 3, 2010

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 3 Appeal of Executive Director's Decision

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

V. HEARING AND DECISION ON INCORRECT REDUCTION CLAIM, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551) (action)

Item 4 *Investment Reports*, 01-9635802-I-01  
Government Code Section 53646, Subdivisions (a), (b) and (e)  
Statutes of 1995, Chapter 783  
As Amended by Statutes of 1996, Chapters 156 and 749  
County of Los Angeles, Claimant

Item 5 Proposed Statement of Decision  
See Item 4 Above

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

A. DISMISSAL OF WITHDRAWN TEST CLAIM

Item 6\* *Clean School Restrooms*, 04-TC-01  
Education Code Sections 17070.755, 17584.3, and 35292.5  
Statutes 2003, Chapter 358 (AB 1124); Statutes 2003, Chapter 909 (SB 892), Office of Public School Construction, State Allocation Board, and State Department of General Services Forms: SAB Forms 40-21, 50-04, 892, 892R  
Los Angeles Unified School District, Claimant

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

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

A. PROPOSED PARAMETERS AND GUIDELINES (GOV. CODE, § 17557)

- Item 7\* *Academic Performance Index*, 01-TC-22  
San Juan Unified School District, Claimant  
Education Code Sections 52056, Subdivision (c)  
Statutes 1999-2000, 1<sup>st</sup> Extraordinary Session, Chapter 3; Statutes 2000,  
Chapter 695 (SB 1552)
- Item 8\* *Crime Victims' Domestic Violence Incident Reports II*, 02-TC-18  
Penal Code Sections 13730, Subdivision (c)(3), 12028.5;  
Statutes 2001, Chapter 483 (AB 469); Statutes 2002, Chapter 833 (SB 1807)

B. PROPOSED AMENDMENTS TO PARAMETERS AND GUIDELINES  
STATE CONTROLLER'S OFFICE REQUEST TO UPDATE BOILERPLATE  
LANGUAGE (GOV. CODE, § 17557)

Item 9\* COUNTY PROGRAM

*Seriously Emotionally Disturbed Students*, 05-PGA-42  
Penal Code Section 264.2, Subdivisions (b)(1) and (b)(2)  
Penal Code Section 13701  
Statutes 1991, Chapter 999 (SB 835), Statutes 1992, Chapter 224  
(SB 1960)

Item 10\* SCHOOL PROGRAMS

- A. *Annual Parent Notification*, 05-PGA-45  
Education Code Section 35291  
Education Code Section 48980, Subdivisions (a), (b), (c) (e) (g), (h),  
(i)(j), (l), and (m)  
Education Code Section 48900.1  
Education Code Section 49063, Subdivision (k)  
Education Code Section 58501  
Statutes 1975, Chapter 448 (SB 445), Statutes 1977, Chapter 36  
(AB 447), Statutes 1977, Chapter 965 (AB 530), Statutes 1979, Chapter  
236 (AB 52), Statutes 1980, Chapter 975 (AB 2949), Statutes 1981,  
Chapter 469 (SB 222), Statutes 1985, Chapter 459 (AB 220)  
Statutes 1986, Chapter 87 (AB 1649), Statutes 1986, Chapter 97  
(AB 1689), Statutes 1987, Chapter 1452 (SB 998), Statutes 1988,  
Chapter 65 (AB 2507), Statutes 1988, Chapter 1284 (AB 3535), Statutes  
1990, Chapter 10 (AB 1941), Statutes 1990, Chapter 403 (SB 3307),  
Statutes 1992, Chapter 906 (AB 2900), Statutes 1993, Chapter 1296  
(AB 369), Statutes 1997, Chapter 929 (SB 85), Statutes 1998, Chapter  
846, Section 19 (AB 1468), Statutes 1998, Chapter 1031, Section 1  
(AB 1216), Statutes 1999, Chapter 1X, Section 3, Statutes of 2000,  
Chapter 73, Section 1 (SB 1689)
- B. *Notifications of Truancy*, 05-PGA-55  
Statutes 2007, Chapter 69 (AB 1698)  
Education Code Section 48260.5  
Statutes 1983, Chapter 498 (SB 813), Statutes 1994, Chapter 1023  
(SB 1728), Statutes 1995, Chapter 19 (SB 102)
- C. *Notification to Teachers: Pupils Subject to Suspension or Expulsion*,  
05-PGA-57

Education Code Section 49079  
Statutes 1989, Chapter 1306 (SB 142); Statutes 1993, Chapter 1257 ( )  
*Pupil Suspensions, Expulsions, and Expulsions Appeals*, 05-PGA-65  
Education Code section 48911, subdivisions (b) and (e)  
Chapter 965, Statutes of 1977 (AB 530), Chapter 668, Statutes of 1978  
(AB 2191), Chapter 73, Statutes of 1980 (SB 1247), Chapter 498,  
Statutes of 1983 (SB 813), Chapter 856, Statutes of 1985  
(AB 1758), and Chapter 134, Statutes of 1987 (AB 439)

D. *Pupil Suspensions, Expulsions and Expulsion Appeals*, 05-PGA-65  
Consolidation of:

*Pupil Suspensions from School* – CSM 4456

Education Code Section 48911, Subdivisions (b) and (e)  
Statutes 1977, Chapter 965(AB 530), Statutes 1978, Chapter 668  
(AB 2191), Statutes 1980, Chapter 73 (SB 1247), Statutes 1983, Chapter  
498 (SB 813), Statutes 1985, Chapter 856 (AB 1758), Statutes 1987,  
Chapter 134 (AB 439)

*Pupil Expulsions from School* -CSM-4455

Education Code Sections 48915, Subdivisions (a) and (b),  
48915.1, 48915.2, 48916 and 48918  
Statutes 1975, Chapter 1253, Statutes 1977, Chapter 965 (AB 530),  
Statutes 1978, Chapter 668 (AB 2191), Statutes 1982, Chapter 318 (SB  
1385), Statutes 1983, Chapter 498 (SB 813), Statutes 1984, Chapter 622  
(SB 1685), Statutes 1987, Chapter 942 (AB 2590), Statutes 1990,  
Chapter 1231 (AB 3794), Statutes 1992, Chapter 152 (AB 3362),  
Statutes 1993, Chapters 1255 (AB 342) , 1256 (SB 1198), 1257 Statutes  
1994, Chapter 146 (SB 1130),

And,

*Pupil Expulsion Appeals* - CSM-4463

Education Code Sections 48919, 48921-48924  
Statutes 1975, Chapter 1253 (AB 1770), Statutes 1977, Chapter 965  
(AB 530), Statutes 1978, Chapter 668 (AB 2191), Statutes 1983,  
Chapter 498 (SB 813)

C. DISMISSAL OF WITHDRAWN REQUESTS TO AMEND PARAMETERS  
AND GUIDELINES (GOV. CODE, § 17557)

Item 11\* *Interdistrict Transfer Requests: Parent's Employment*,  
01-PGA-10 (CSM 4445)  
Clovis Unified School District, Requestor  
Education Code Sections 48204(f) and 48980(e)  
Statutes 1986, Chapter 172 (AB 2071), Statutes 1990, Chapter 10  
(AB149), Statutes 1992, Chapter 507 (SB 1438)

Item 12\* *Caregiver Affidavits to Establish Residence for School Attendance*,  
01-PGA-03 (CSM-4497)  
Clovis Unified School District, Requestor  
Education Code Section 428204, Subdivision (a)  
Family Code Sections 6550 and 6552  
Statutes 1994, Chapter 98 (AB 1328)

D. JOINT REQUEST TO EXTEND TERM OF REASONABLE  
REIMBURSEMENT METHODOLOGY (GOV. CODE § 17557.2,  
Subds. (f) and (g))

- Item 13\* *Firearm Hearings for Discharged Inpatients*, 07-RRM-01 (99-TC-11)  
Welfare and Institutions Code Section 8103, Subdivisions (f) and (g)  
Statutes 1999, Chapter 578 (AB 1587)  
County of Los Angeles and Department of Finance, Requestors

E. ADOPTION OF COMMISSION ORDER TO INITIATE RULEMAKING  
PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2,  
ARTICLE 8, SECTION 1189.2

- Item 14\* General Cleanup Provisions  
Proposed Amendments to California Code of Regulations, Title 2, Chapter 2.5,  
Articles 1 through 3 and Articles 5 through 8, Sections 1181 – 1183.32, and  
1185 – 1189.5

VIII. 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 15 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.*

IX. REPORTS (info/action)

- Item 16\* Adoption of Strategic Plan
- Item 17 Update on Implementation of Recommendations from Bureau of State  
Audits October 15, 2009 Report 2009-501  
*State Mandates: Operational and Structural Changes Have Yielded  
Limited Improvements in Expediting Processes and Controlling Costs  
and Liabilities*
- Item 18 Legislative Update
- Item 19 Working Group Proposal: Mandate Redetermination Process
- Item 20 Chief Legal Counsel: Recent Decisions, Litigation Calendar
- Item 21 Executive Director: Workload, Budget, New Practices, 2010 Meeting  
Calendar, and Next Meeting, and Scheduling Claims

X. PUBLIC COMMENT

XI. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE  
SECTIONS 11126 (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):

*State of California, Department of Finance v. Commission on State  
Mandates, et al.*, Sacramento Superior Court Case No. 03CS01432,  
[Behavioral Intervention Plans]

*State of California, Department of Finance v. Commission on State  
Mandates*, Sacramento, Superior Court Case No. 34-2010-80000529  
[Graduation Requirements, Parameters and Guidelines Amendments, Nov.  
2008]

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 section 11126, subdivision (a)(1).

**XII. RECONVENE IN PUBLIC SESSION**

**XIII. REPORT FROM CLOSED EXECUTIVE SESSION**

**ADJOURNMENT**

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