

COMMISSION ON STATE MANDATES

NOTICE AND AGENDA¹

State Capitol, Room 126
Sacramento, California

July 28, 2005
9:30 A.M.²

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

- Item 1 A. May 26, 2005
- B. June 10, 2005

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).

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

- Item 3 Staff Report (if necessary)

V. RECONSIDERATION OF PRIOR STATEMENTS OF DECISION AS DIRECTED BY THE LEGISLATURE IN STATUTES 2004, CHAPTER 316 (AB 2851) AND CHAPTER 895 (AB 2855)

(Note: Items 5, 7, 9, and 11 will not be voted on unless the staff recommendations for Items 4, 6, 8, and 10 respectively, are adopted.)

- Item 4 *Extended Commitment — Youth Authority, 04-RL-9813-07 (98-TC-13)*
Welfare and Institutions Code Sections 1801 and 1801.5
Statutes 1998, Chapter 267 (SB 2187)
Directed by Statutes 2004, Chapter 316, Section 3, Subdivision (b) (AB 2851)

- Item 5 Proposed Statement of Decision
Extended Commitment — Youth Authority, 04-RL-9813-07
See Above

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 *Photographic Record of Evidence*, 04-RL-9807-09 (98-TC-07)
Penal Code Section 1417.3
Statutes 1985, Chapter 875 (AB 556); Statutes 1986, Chapter 734 (AB 2715);
Statutes 1990, Chapter 382 (AB 3408)
Directed by Statutes 2004, Chapter 316, Section 3, Subdivision (d) (AB 2851)
- Item 7 Proposed Statement of Decision
Photographic Record of Evidence, 04-RL-9807-09 (98-TC-07)
See Above
- Item 8 *Standardized Testing and Reporting (STAR)*, 04-RL-9723-01
Education Code Sections 60607, subdivision (a), 60609, 60615, 60630, 60640,
60641, and 60643, as amended by Statutes 1997, Chapter 828 (SB 376);
Title 5, California Code of Regulations, Sections 850-874, 97-TC-23
Directed by Statutes 2004, Chapter 895, Section 19 (AB 2855)
(CONTINUED FROM MAY 26, 2005)
- Item 9 Proposed Statement of Decision
Standardized Testing and Reporting (STAR), 04-RL-9723-01
See Above
(CONTINUED FROM MAY 26, 2005)
- Item 10 *School Accountability Report Cards I*, 04-RL-9721-11
Education Code Sections 33126, 35356, 35256.1, 35258, 41409 and 41409.3,
Statutes 1989, Chapter 1463 (SB 280); Statutes 1992, Chapter 759 (AB 1248);
Statutes 1993, Chapter 1031 (AB 198), Statutes 1994, Chapter 824 (SB 1665);
Statutes 1997, Chapter 918 (AB 568), 97-TC-21
Directed by Statutes 2004, Chapter 895, Section 18 (AB 2855)
(CONTINUED FROM MAY 26, 2005)
- Item 11 Proposed Statement of Decision
School Accountability Report Cards I, 04-RL-9721-11
See Above
(CONTINUED FROM MAY 26, 2005)

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

- Item 12* PROPOSED STATEMENT OF DECISION TO DISMISS TEST CLAIM
Tenure Grievance Arbitration, 98-TC-18
Sierra Joint Community College District
Education Code Sections 87610.1 and 87611
Statutes 1988, Chapter 973 (AB 1725)

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

A. PROPOSED AMENDMENT OF PARAMETERS AND GUIDELINES AS REQUESTED BY CLOVIS UNIFIED SCHOOL DISTRICT

- Item 13* *Consolidation of Employee Benefits Disclosure* 04-PGA-27 (CSM-4502)
Education Code Section 42142, Statutes 1994, Chapter 650 (AB 3141)

-and-

School District Fiscal Reporting, (97-TC-19)
Education Code Sections 42100, 42127, 42127.5, 42127.6, 42128, 42131, and Government Code Section 3540.2; Statutes 1981, Chapter 100 (AB 777); Statutes 1985, Chapter 185 (AB 367); Statutes 1986, Chapter 1150 (AB 2861); Statutes 1987, Chapters 917 (AB 93) and 1452 (SB 998); Statutes 1988, Chapters 1461 (AB 3403) and 1462 (SB 1677); Statutes 1990, Chapter 525 (SB 1909); Statutes 1991, Chapter 1213 (AB 1200); Statutes 1992, Chapter 323 (AB 2506); Statutes 1993, Chapters 923 (AB 2185) and 924 (AB 1708); Statutes 1994, Chapters 650 (AB 3141) and 1002 (AB 3627); Statutes 1995, Chapter 525 (AB 438)

B. PROPOSED AMENDMENT OF PARAMETERS AND GUIDELINES BASED ON STATUTES 2004, CHAPTER 895 (AB 2855, SECTION 6)

- Item 14* *Employee Benefits Disclosure* 04-PGA-25 (CSM-4502)
Education Code Sections 42140 and 42142
Statutes 1994, Chapter 650 (AB 3141)
Statutes 1995, Chapter 525 (AB 438)
Statutes 1996, Chapter 1158 (AB 2964)

C. SET ASIDE PARAMETERS AND GUIDELINES BASED ON STATUTES 2004, CHAPTER 316, (AB 2851, SECTIONS 2 AND 4) AND REQUEST OF THE STATE CONTROLLER'S OFFICE

Item 15* *Mineral Resource Policies*, 04-PGA-11 (4155)
Public Resources Code Section 2762
Statutes 1975, Chapter 1131 (SB 1128)

Item 16* *Democratic Presidential Delegates*, 04-PGA-10 (4130 and 4131)
Elections Code Sections 6305, subdivision (d) and 6329.2
Statutes 1982, Chapter 1603 (AB 1935)
Statutes 1983, Chapter 1166 (AB 277)

Item 17* *Annual Short Doyle Audits*, 04-PGA-13 (4238)
Welfare and Institutions Code Section 5712.1, 5712.01
Statutes, 1984, Chapter 1327 (AB 2381)
Statutes 1985, Chapter 1232 (AB 1856)

Item 18* *Short-Doyle Case Management*, 04-PGA-14 (4246)
Welfare and Institutions Code Sections 5675, 5677, 5678
Statutes 1979, Chapter 875 (AB 1656)
Statutes 1984, Chapter 1327 (AB 2381)
Statutes 1985, Chapter 757 (AB 1214)
DMH Letters 85-23 and 86-06

D. AMEND PARAMETERS AND GUIDELINES BASED ON STATUTES 2004, CHAPTER 206 (AB 2854, SECTIONS 1 & 2) AND REQUEST OF THE STATE CONTROLLER'S OFFICE

Item 19* *Local Elections: Consolidation*, 04-PGA-21 (CSM-4311)
Statutes 1981, Chapter 1013 (SB 230), Statutes 1982, Chapter 218 (AB 2367),
Statutes 1985, Chapter 896 (SB 572), Statutes 1986, Chapter 188 (AB 2737) and
Chapter 667 (AB 2605), Statutes 1987, Chapters 2 (AB 155), 84 (AB 428), and
1083 (SB 415)

E. SET ASIDE PARAMETERS AND GUIDELINES BASED ON STATUTES 2004, CHAPTER 895 (AB 2855, SECTIONS 2) AND REQUEST OF THE STATE CONTROLLER'S OFFICE

Item 20* *American Government Course Document Requirements*, 04-PGA-29,
(97-TC-02 (a.k.a. 97-258-01))
Education Code Section 51230,
Statutes 1996, Chapter 778 (AB 3086)

F. ADOPTION OF PROPOSED STATEWIDE COST ESTIMATES (action)

- Item 21* *Postmortem Examinations: Unidentified Bodies, Human Remains*, 00-TC-18
County of Los Angeles, Claimant
Government Code Section 27521.1
Statutes 2000, Chapter 284 (SB 1736)

G. PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS,
TITLE 2, DIVISION 2, CHAPTER 2.5 (action)

- Item 22* Adoption of Proposed Regulatory Action: Implementation of AB 2856
Amendments to California Code of Regulations, Title 2, Division 2, Chapter
2.5, Article 1 – General, Article 3 – Test Claims, Article 4 – Mandates
Recognized by the Legislature, Article 7 – Hearings, Article 8.5 – Forms

VIII. STAFF REPORTS

- Item 23 Chief Legal Counsel’s Report (info)
Recent Decisions, Litigation Calendar

- Item 24 Executive Director’s Report (info/action)
New Budget, Workload, Legislation
Hearing Calendar – 2006 (action)

IX. PUBLIC COMMENT

X. 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. *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*]
2. *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*]

3. *San Diego Unified School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01401, CSM Case No. 03-L-03 [*Graduation Requirements IRC*]
4. *Castro Valley Unified School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01568, CSM Case No. 03-L-04 [*Graduation Requirements IRC*]
5. *San Jose Unified School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01569, CSM Case No. 03-L-05 [*Graduation Requirements IRC*]
6. *Sweetwater Union High School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01570, CSM Case No. 03-L-06 [*Graduation Requirements IRC*]
7. *Clovis Unified School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01702, CSM Case No. 03-L-09 [*Graduation Requirements IRC*]
8. *Grossmont Union High School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 04CS00028, CSM Case No. 03-L-10 [*Graduation Requirements IRC*]
9. *CSAC Excess Insurance Authority v. Commission on State Mandates, et al.*, 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*]
10. *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*]
11. *Southern California Association of Governments, et al. v. Commission on State Mandates*, Sacramento Superior Court Case No. 05CS00956, CSM Case No. 04-L-04 [*Regional Housing Needs Determination-Councils of Government*]

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.

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

XII. ADJOURNMENT

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