

NOTICE AND AGENDA¹

Meeting of the Commission on State Mandates

State Capitol, Room 447
Sacramento, California

Thursday, July 29, 2010
10:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 May 27, 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 2 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 CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551) (action)

Item 3 *Investment Reports*,
02-9635802-I-47
Government Code Section 53646, Subdivisions (a), (b) and (e)
Statutes 1995, Chapter 783 (SB 564) As Amended by Statutes 1996,
Chapters 156 (SB 864) and 749 (SB 109)
(Fiscal Years 1995-1996 through 1998-1999)
City of Tustin, Claimant

Item 4 Proposed Statement of Decision
See Item 3 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A. DISMISSAL OF WITHDRAWN TEST CLAIM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 5* *Open Meetings Act II*, 06-TC-01
Government Code Sections 54954.2 and 54957.1
Statutes 2005, Chapter 72 (AB 138)
City of Newport Beach, Claimant

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

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

A. PROPOSED PARAMETERS AND GUIDELINES

- Item 6* *Student Records*, 02-TC-34
Education Code Sections 49069.3, 49069.5, 49076.5, 76234
Statutes 1989, Chapter 593 (SB 1546); Statutes 1993, Chapter 561
(AB 1531); Statutes 1998, Chapter 311 (SB 933); Statutes 2005,
Chapter 67 (AB 2453);
Riverside Unified School District and Palomar Community College District,
Co-Claimants
- Item 7* *Child Abuse and Neglect Reporting*, 01-TC-21
Penal Code Sections 11165.7, Subdivision (d) and 11174.3, Subdivision (a)
Statutes 1987, Chapters 640 (AB 285) and 1459 (SB 1219), Statutes 1991,
Chapter 132 (AB 1133); Statutes 1992, Chapter 459 (SB 1695); Statutes
1998, Chapter 311 (SB 933); Statutes 2000, Chapters 916 (AB 1241);
Statutes 2001, Chapters 133 (AB 102) and 754 (AB 1697)
San Bernardino Community College District, Claimant

B. PROPOSED AMENDMENTS TO PARAMETERS AND GUIDELINES

- Item 8* *Crime Victim's Rights*, 09-PGA-04 (05-PGA-28, CSM-96-358-01)
Department of Finance, Requestor
Penal Code Section 679.02, Subdivision (a)(12)
Statutes 1995, Chapter 411 (SB 221)
- Item 9* *Consolidated Handicapped and Disabled Students*, 09-PGA-03, (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)
Government Code Sections 7570-7588
Statutes 1984, Chapter 1747 (AB 3632)
Statutes 1985, Chapter 1274 (AB 882)
Statutes 1994, Chapter 1128 (AB 1892)
Statutes 1996, Chapter 654 (AB 2726)
California Code of Regulations, Title 2, Sections 60000-60610
(Emergency Regulations Effective January 1, 1986 [Register 86, No. 1], and
Re-filed June 30, 1986, Designated Effective July 12, 1986 [Register 86, No.
28]; and Emergency Regulations Effective July 1, 1998 [Register 98, No.
26], Final Regulations Effective August 9, 1999 [Register 99, No. 33])
State Controller's Office, Requestor

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 10 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 11 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 12 Legislative Update
- Item 13 Trailer Bill Language and Working Group Proposal: Mandate Redetermination Process
- Item 14 Chief Legal Counsel: Recent Decisions, Litigation Calendar
- Item 15 Executive Director: Workload, Budget, New Practices, and Next Meetings

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]

County of Santa Clara v. Commission on State Mandates, State Controller's Office, et al., Sacramento County Superior Court, Case No. 34-2010-80000592, [Incorrect Reduction Claim, Handicapped and Disabled Students]

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

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@esm.ca.gov