

NOTICE AND AGENDA¹

State Capitol, Room 447
Sacramento, California

Friday, September 26, 2008
9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 August 1, 2008

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. HEARINGS AND DECISIONS ON CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551) (ACTION)

A. TEST CLAIMS AND PROPOSED STATEMENTS OF DECISION

(Note: Items 4 and 6 will not be voted on unless the staff recommendations for Items 3 and 5 are adopted.)

Item 3 *Disabled Student Programs and Services, 02-TC-22*
Education Code Sections 67300, 67301, 67302, 67310, 67311, 67312,
and 84850
Statutes 1977, Chapter 36 (AB 447); Statutes 1978, Chapter 1403
(AB 2670); Statutes 1979, Chapters 282 (AB 8) and 1035 (SB 186);

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

Item 3 (Cont.) *Disabled Student Programs and Services, 02-TC-22 (continued)*
Statutes 1981, Chapter 796 (SB 1053); Statutes 1982, Chapter 251 (AB 1729); Statutes 1983, Chapter 323 (AB 223); Statutes 1985, Chapter 903 (SB 1160); Statutes 1986, Chapter 248 (SB 2451); Statutes 1987, Chapters 829 (AB 746) and 998 (SB 252); Statutes 1990, Chapters 1066 (AB 2625) and 1206 (AB 3929); Statutes 1991, Chapter 626 (AB 1021); Statutes 1992, Chapter 1243 (AB 3090); Statutes 1995, Chapter 758 (AB 446); Statutes 1999, Chapter 379 (AB 422); Statutes 2001, Chapter 745 (SB 1191)
California Code of Regulations, Title 5, Sections 54100, 56000, 56002, 56004, 56005, 56006, 56008, 56010, 56020, 56022, 56026, 56027, 56028, 56029, 56030, 56032, 56034, 56036, 56038, 56040, 56042, 56044, 56046, 56048, 56050, 56052, 56054, 56060, 56062, 56064, 56066, 56068, 56070, 56072, 56074, 56076
(As Added or Amended by Register 76, No. 51, Register 77, Nos. 12 & 45, Register 79, No. 46, Register 83, No. 18, Register 88, No. 16, Register 91, No. 31, Register 92, No. 12, and Register 93, No. 6)
West Kern Community College District, Claimant

Item 4 *Proposed Statement of Decision:*
See Item 3 above.

Item 5 *Surplus Property Advisory Committees, 02-TC-36*
Education Code Sections 17387, 17388, 17389, 17390, 17391
Statutes 1982, Chapter 689 (AB 1775), Statutes 1984, Chapter 584 (AB 2912); Statutes 1986, Chapter 1124 (AB 3263), Statutes 1987, Chapter 655 (AB 2375), Statutes 1996, Chapter 277 (SB 1562)
Clovis Unified School District, Claimant

Item 6 *Proposed Statement of Decision*
See Item 5 above

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

A. PARAMETERS AND GUIDELINES

Item 7* *Reporting Improper Governmental Activities, 02-TC-24*
Education Code Section 87164
Statutes 2001, Chapter 416 (AB 647); Statutes 2002, Chapter 8 (AB 2034)
Santa Monica Community College District, Claimant

B. ON REMAND FROM SACRAMENTO COUNTY SUPERIOR COURT
PURSUANT TO GOVERNMENT CODE SECTION 17559
PROPOSED AMENDMENTS TO PARAMETERS AND GUIDELINES

- Item 8* *Integrated Waste Management Board, 00-TC-07*
Public Resources Code Sections 40148, 40196.3, 42920-42928
Public Contract Code Sections 12167 and 12167.1; Statutes 1999,
Chapter 764 (AB 75) and Statutes 1992, Chapter 1116 (AB 3521)
State Agency Model Integrated Waste Management Plan (February 2000)
Santa Monica and Lake Tahoe Community College Districts,
Co-claimants
As Directed by *Department of Finance and California Integrated Waste
Management Board v. Commission on State Mandates, Santa Monica
Community College District, and Lake Tahoe Community College
District*, Sacramento County Superior Court, Case No. 07CS00355

C. STATEWIDE COST ESTIMATES

- Item 9* *Missing Children Reports, 01-TC-09*
Education Code Sections 38139, Subdivisions (a) and (b) and
49068.6, Subdivisions (b) and (d)
Statutes 1986; Chapter 249 (AB 606), Statutes 1999, Chapter 832
(AB 646)
- Item 10* *Charter Schools III, 99-TC-14*
Education Code Sections 47605, subdivision (b), and 47635
Statutes 1998, Chapter 34 (AB 544); Statutes 1999, Chapter 78 (AJR 19)
California Department of Education Memo (May 22, 2000)
- Item 11* *Pupil Safety Notices, 02-TC-13*
Education Code Sections 32242, 32243, 32245, 46010.1; 48904,
48904.3, 48987
Welfare and Institutions Code Section 18285
Statutes 1983, Chapter 498 (SB 813); Statutes 1984, Chapter 482
(AB 3757); Statutes 1984, Chapter 948 (AB 2549); Statutes 1986,
Chapter 196 (AB 1541); Statutes 1986, Chapter 332 (AB 2824);
Statutes 1992, Chapter 445 (AB 3257); Statutes 1992, Chapter 1317
(AB 1659); Statutes 1993, Chapter 589 (AB 2211); Statutes 1994,
Chapter 1172 (AB 2971); Statutes 1996, Chapter 1023 (SB 1497);
Statutes 2002, Chapter 492 (AB 1859)
California Code of Regulations, Title 5, Section 11523

VII. STAFF REPORTS (info/action)

Item 12 Chief Legal Counsel: Recent Decisions, Litigation Calendar

Item 13 Executive Director: Workload, Budget, and
Next Hearing (November 6, 2008)

VIII. PUBLIC COMMENT

IX. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE
SECTIONS 11126 and 17526 (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):

1. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01432, [Behavioral Intervention Plans]
2. *California School Boards Association, Education Legal Alliance; County of Fresno; City of Newport Beach; Sweetwater Union High School District and County of Los Angeles v. State of California, Commission on State Mandates and Steve Westly, in his capacity as State Controller*, Third District Court of Appeal, Case No. C055700; [AB 138; Open Meetings Act, Brown Act Reform, Mandate Reimbursement Process I and II; and School Accountability Report Cards (SARC) I and II]
3. *Department of Finance v. Commission on State Mandates*, Third District Court of Appeal, Case No. C056833, [Peace Officer Procedural Bill of Rights]
4. *San Diego Unified School District v. Commission on State Mandates and California Department of Finance*, San Diego County Superior Court, Case No. 37-2007-00064077-CU-PT-CTL, [Emergency Procedures: Earthquake Procedures and Disasters]
5. *California School Boards Association, Education Legal Alliance, and Sweetwater Union High School Dist. v. State of California, Commission on State Mandates, and John Chiang, in his capacity as State Controller*, Sacramento County Superior Court, Case No. 07CS01399, [School Accountability Report Cards, SARC]

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.

RECONVENE IN PUBLIC SESSION

X. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

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