

NOTICE AND AGENDA¹

State Capitol, Room 126
Sacramento, California

Thursday, November 6, 2008
9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 September 26, 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. INFORMATIONAL HEARING ON PROPOSED AMENDMENTS TO PARAMETERS AND GUIDELINES PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8 (action)

Item 3 *Graduation Requirements*

4181A, 05-PGA-05, 06-PGA-04, 06-PGA-05

Education Code Section 51225.3

Statutes 1983, Chapter 498 (SB 813)

San Diego Unified School District, Castro Valley Unified School District, Clovis Unified School District, San Jose Unified School District, Fullerton Joint Union High School District, Grossmont Union High School District, Sweetwater Union High School District, Mountain View-Los Altos Hill High School District, and State Controller's Office,
Requestors

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

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

(Note: Item 5 will not be voted on unless the staff recommendation for Items 4 is adopted.)

Item 4 *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 5 *Proposed Statement of Decision*
See Item 4 above

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

Item 6* *Post Conviction: DNA Court Proceedings, 00-TC-21, 01-TC-08*
Penal Code Sections 1405 and 1417.9
Statutes 2000, Chapter 821 (SB 1342); Statutes 2001, Chapter 943
(SB 83)
County of Los Angeles, Claimant

VIII. STAFF REPORTS (info/action)

Item 7 Chief Legal Counsel: Recent Decisions, Litigation Calendar

Item 8 Executive Director: Workload, Budget, and
Next Hearing (December 5, 2008)

IX. PUBLIC COMMENT

X. 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. *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

XI. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

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