

**ITEM 18**  
**EXECUTIVE DIRECTOR'S REPORT**  
**Workload, Implementation of Legislation, Next Hearing**

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**I. WORKLOAD**

A. Pending Caseload

Type of Action	November 18, 2004	September 10, 2004	November 4, 2003
Test Claims to be Heard and Determined	106	109	133
Test Claims to be Reconsidered	0	0	0
Test Claims to be Reconsidered Based on Court Action	3	3	Not previously reported
Test Claims to be Reconsidered, as Directed by the Legislature	11	9	Not previously reported
Incorrect Reduction Claims to be Heard and Determined	80	79	77
Proposed Parameters and Guidelines, and Amendments	31	28	34
Parameters and Guidelines to be Reconsidered, as Directed by the Legislature	1	1	Not previously reported
Statewide Cost Estimates to be Adopted	7	11	9
New Test Claim Filings to be Reviewed	0	0	0
Appeals of Executive Director's Decision	0	0	0
Regulatory Actions Pending	0	0	1

B. Meetings Attended

1. **Legislative Analyst (LAO).** LAO staff convened a meeting of Department of Finance (DOF), State Controller's Office, and Commission (CSM) staff to review development of 2004-2005 budget act appropriations and suspensions for mandated programs. CSM briefed the agencies on pending statewide cost estimates and issues related to implementation of new legislation.
2. **Education Management Group.** The Executive Director met with representatives of county superintendents of schools and school districts to review new legislation, education mandates, pending test claims, and recent court decisions.

3. **SB 1895 and the California Mental Health Directors' Association.** The Executive Director and Senior Commission Counsel met with county mental health directors, claimants' representatives, and staff representing Senator John Burton, Department of Education, Department of Mental Health, CSAC-SB 90 Group, and other interested persons to discuss SB 1895 and the Commission's proposed schedule for reconsideration of the Handicapped and Disabled Students program.
4. **Department of Finance Meeting on Implementation of SB 1895 Allocations.** The Executive Director attended a meeting convened by DOF to finalize allocations to county mental health programs. This meeting was attended by many of the same persons who attending the meeting convened by the mental health directors association and SCO staff.

C. Implementation of New Legislation

All of the legislative reconsiderations of prior Commission decisions have been assigned and scheduled. Notices of *Reconsideration of Handicapped and Disabled Students and Regional Housing Needs Determination* are now posted on the CSM website. Procedures and a schedule have been developed for e-mail notifications and regular postings of filings. See previous item for detailed report on implementation of AB 2856.

D. Report to the Legislature

On October 5, 2004, the CSM Report to the Legislature on Approved Mandates was filed. The report has been distributed and is posted on the website.

E. Final Report to the State Auditor

On October 12, 2004, the CSM submitted its Final Report to the State Auditor on its report titled, *State Mandates: The High Level of Questionable Costs Claimed Highlights the Need for Structural Reforms of the Process*. See Attachment.

## II. BUDGET

A. Commission Budget – 2005-2006

1. Test Claim Backlog. The Commission's budget is inadequate to address the backlog of 106 pending test claims; to comply with statutory timelines for test claim determinations; to reconsider prior decisions; and to implement mandate reform legislation. We estimate that with current staffing, the caseload backlog will not be completed for six years.
2. Budget Change Proposal. Commission staff prepared a Budget Change Proposal (BCP) to address the backlog and new workload within the prescribed statutory timelines. The Governor's Proposed Budget will be released in January 2005.

## III. NEXT HEARING AGENDA – January 27, 2005

The tentative agenda is subject to change based on requests for extensions of time to file comments on draft staff analyses, hearing postponements, pre-hearing conferences, Commission staff's legislative and litigation workload, and receipt of claiming data from the State Controller's Office or cost data from claimants.

A. Test Claims/Proposed Statements of Decision

1. *Missing Children Report*, 01-TC-09, San Jose Unified School District, Claimant
2. *Post Conviction: DNA Court Proceedings*, 00-TC-21, and Amendment, 02-TC-08, County of Los Angeles, Claimant

B. Proposed Parameters and Guidelines and Amendments

1. *Crime Victims' Domestic Violence Incident Reports*, 99-TC-08, County of Los Angeles, Claimant
2. *Peace Officer Personnel Records; Unfounded Complaints Against Peace Officers; Discovery of Peace Officer Personnel Records*; 00-TC-24, 00-TC-25, 02-TC-07, 02-TC-08, Cities of Hayward and San Mateo, Claimants
3. *False Reports of Police Misconduct*, 00-TC-26, County of San Bernardino, Claimant
4. *Animal Adoption*, 98-TC-11, Legislature, Requestor

C. Proposed Statewide Cost Estimates

1. *AIDS Prevention Instruction II*, 99-TC-07 and Amendment, 00-TC-01, Sweetwater Union High School District
2. *Teacher Incentive Program*, 99-TC-15, San Diego Unified School District, Claimant

D. Implementation of AB 2856

Adoption of New Test Claim Form