

COMMISSION ON STATE MANDATES

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December 17, 2015

TO: ALL INTERESTED PERSONS

FROM: Heather Halsey, Executive Director *H.H.*

RE: Notice and Agenda

On Friday, January 22, 2016, the Commission will conduct its next regular meeting and hearing. The hearing will be conducted at 10:00 a.m., at the State Capitol, Room 447, Sacramento, California.

Testimony at the Commission Hearings. If you plan to address the Commission on an agenda item, please notify the Commission Office **not later than noon on January 15, 2016**. When calling or emailing, identify the item you want to testify on and the entity you represent. The Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda.

If you plan to testify and would like to submit any written document for Commission member review, please note that Commission staff will include written comments submitted at least 15 days in advance of the hearing in the Commissioners' hearing binders. Additionally, staff will transmit written comments submitted between 15 and five days prior to a meeting to the Commission members, if possible. However, comments submitted less than five days prior to a meeting or at the meeting, will not be included in the Commissioners' hearing binders and the commenter shall provide 12 paper copies of the comments at the meeting. (Cal. Code Regs., tit. 2, § 1181.10(b)(1)).

Agenda Materials. All supporting documentation for items on the agenda for the public portion of Commission meetings is available for public inspection on the Commission's website and at the Commission Office, 980 Ninth Street, Suite 300, Sacramento, California 95814; (916) 323-3562. In addition, a complete copy of the above-described materials will be available for public inspection at the meetings.

Website. Agenda items are available on the Commission's website at www.csm.ca.gov. After reaching the site's home page, click on "Meeting Agendas and Minutes" on the left side of the page for the hearing agenda. Generally, the items will be uploaded two weeks before the meeting and may be accessed from the agenda. If an item is postponed prior to the meeting, notice will be posted on a revised agenda. Following the meeting, Commission actions will be posted on the Commission's website and adopted items will be posted upon completion.

The approved minutes of Commission meetings since January 2004 are on the website in PDF format. Transcripts of Commission meetings are attached to the minutes. To access these documents, click "Meeting Agendas and Minutes" on the left side of the home page.

Reasonable Accommodation. Any person requesting accommodations in accordance with the Americans with Disabilities Act, or for language assistance, please contact the Commission office as soon as possible but at least five to seven *working* days prior to the meeting.

Enclosures

TO RECEIVE NOTICES AND AGENDAS FOR COMMISSION MEETINGS AND HEARINGS ELECTRONICALLY, SUBSCRIBE BY VISITING THE COMMISSION'S WEBSITE AT WWW.CSM.CA.GOV AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE RIGHT SIDE OF THE PAGE.

AGENDA¹
Meeting of the Commission on State Mandates

State Capitol, Room 447
Sacramento, California

Friday, January 22, 2016

10:00 a.m.

Reminder: *Commission staff includes written comments submitted at least 15 days in advance of the hearing in the Commissioners' hearing binders. If you plan to testify and would like the Commissioners to review any document not submitted 15 days in advance of the hearing, please bring 12 double-sided copies of the document or section of the document to the hearing.*

I. CALL TO ORDER AND ROLL CALL

II. ELECTION OF OFFICERS (action)

Item 1 Staff Report

III. APPROVAL OF MINUTES (action)

Item 2 December 3, 2015

IV. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA (info)

Please note that the Commission cannot take action on items not on the agenda. However, it can schedule issues raised by the public for consideration at future meetings.

V. 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 each one on the Proposed Consent Calendar that will be presented at the hearing. The Commission will determine which items will remain on the Consent Calendar.

VI. HEARINGS AND DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551, 17557, 17559, and 17570) (action)

A. APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181.1(c) (info/action)

Item 3 Appeal of Executive Director Decisions

Note: This item will only be taken up if an appeal is filed and set for this hearing.

B. TEST CLAIMS

Item 4 *California Assessment of Student Performance and Progress (CAASPP), 14-TC-01*

Education Code Sections 60602, 60602.5, 60603, 60604, 60607, 60610, 60611, 60612, 60640, 60641, 60642.6, 60643, 60643.6, 60648, 60648.5, 60649, 60810, 99300, and 99301; as added or amended by Statutes 2013, Chapter 489 (AB 484); Statutes 2014, Chapter 32 (SB 858); Statutes 2014,

¹ This public meeting notice is available on the Commission's website at www.csm.ca.gov.

Chapter 327 (AB 1599); California Code of Regulations, Title 5, Sections 850-864 as added or amended by Register 2014, Nos. 30 and 35

Plumas County Office of Education, Plumas Unified School District, Porterville Unified School District, Santa Ana Unified School District, and Vallejo City Unified School District, Claimants

AND

California Assessment of Student Performance and Progress (CAASPP), 14-TC-04

California Code of Regulations, Title 5, Sections 850-864; as added or amended by Register 2014, No. 6

Plumas County Office of Education, Plumas Unified School District, Porterville Unified School District, and Santa Ana Unified School District, Claimants

C. MANDATE REDETERMINATIONS

Item 5 *Immunization Records: Hepatitis B (98-TC-05)*, 14-MR-04

Education Code Section 48216 and Health and Safety Code Sections 120325, 120335, 120340, and 120375; as amended by Statutes 1978, Chapter 325; Statutes 1979, Chapter 435; Statutes 1982, Chapter 472; Statutes 1991, Chapter 984; Statutes 1992, Chapter 1300; Statutes 1994, Chapter 1172; Statutes 1995, Chapters 291 and 415; Statutes 1996, Chapter 1023; and Statutes 1997, Chapters 885 and 882

California Code of Regulations, Title 17, Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075; as amended by Register 90, No. 35; Register 80, Nos. 16, 34, 40; Register 86, No. 6; Register 96, No. 13; Register 97, Nos. 21, 37, and 39

As Alleged to be Modified by Statutes 2010, Chapter 434 (AB 354)

Department of Finance, Requester

FIRST HEARING: ADEQUATE SHOWING

Item 6 *Community College Construction (02-TC-47)*, 14-MR-03

Education Code Sections 81820 and 81821(a), (b), (e), and (f)

Statutes 1980, Chapter 910; Statutes 1981, Chapter 470; Statutes 1981, Chapter 891; Statutes 1995, Chapter 758

As Alleged to be Modified by Statutes 2014, Chapter 34 (SB 860)

Department of Finance, Requester

SECOND HEARING: NEW TEST CLAIM DECISION

- Item 7 *Behavioral Intervention Plans (CSM-4464)*, 14-MR-05
California Code of Regulations, Title 5, Sections 3001 and 3052; as added or amended by Register 93, No. 17; Register 96, No. 8; Register 96, No. 32
As Alleged to be Modified by Statutes 2013, Chapter 48 (AB 86)
Department of Finance, Requester
SECOND HEARING: NEW TEST CLAIM DECISION

D. PARAMETERS AND GUIDELINES AND PARAMETERS AND GUIDELINES AMENDMENTS

- Item 8 *Training for School Employee Mandated Reporters*, 14-TC-02
Education Code Section 44691(b) and (c); and Penal Code Section 11165.7(d); as added or amended by Statutes 2014, Chapter 797 (AB 1432)
Lake Elsinore Unified School District, Claimant
- Item 9 [TENTATIVE] *Community College Construction*, 02-TC-47 (14-MR-03)
Education Code Sections 81820, 81821(a), (b), (e), and (f);
Statutes 1980, Chapter 910; Statutes 1981, Chapter 470;
Statutes 1981, Chapter 891; Statutes 1995, Chapter 758
As Alleged to be Modified by Statutes 2014, Chapter 34 (SB 860)
Department of Finance, Requester
- Item 10 [TENTATIVE] *Behavioral Intervention Plans*, CSM-4464 (14-MR-05)
California Code of Regulations, Title 5, Sections 3001 and 3052;
Register 93, No. 17; Register 96, No. 8; Register 96, No. 32
As Alleged to be Modified by Statutes 2013, Chapter 48 (AB 86)
Department of Finance, Requester

E. INCORRECT REDUCTION CLAIMS

- Item 11 *Notification of Truancy*, 13-904133-I-13
Education Code Section 48260.5; Statutes 1983, Chapter 498
Fiscal Years 2007-2008, 2008-2009, and 2009-2010
Riverside Unified School District, Claimant

VII. 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 2 (info/action)

- Item 12 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.

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

A. STATEWIDE COST ESTIMATES

- Item 13* *Sheriff Court-Security Services, 09-TC-02*
Government Code Section 69926(b)
Statutes 2009-2010 (4th Ex. Sess.), Chapter 22 (SB 13)
County of Los Angeles, Claimant

B. ADOPTION OF PROPOSED RULEMAKING CALENDAR

- Item 14* Proposed Rulemaking Calendar, 2016

IX. REPORTS (info)

- Item 15 Legislative Update (info)

Note: This item will only be taken up if legislation relating to mandates is introduced.

- Item 16 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)

- Item 17 Executive Director: Workload Update and Tentative Agenda Items for the March and May 2016 Meetings (info)

X. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 AND 11126.2 (info/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(e)(1):

Trial Courts:

1. *California School Board Association (CSBA) v. State of California et al.*
Alameda County Superior Court, Case No. RG11554698
[2010-2011 Budget Trailer Bills, Mandates Process for K-12 Schools, Redetermination Process]
2. *Paradise Irrigation District, et al. v. Commission on State Mandates, Department of Finance, and Department of Water Resources*
Sacramento County Superior Court, Case No. 34-2015-80002016
[*Water Conservation* (10-TC-12/12-TC-01, adopted December 5, 2014), Water Code Division 6, Part 2.55 [sections 10608-10608.64] and Part 2.8 [sections 10800-10853] as added by Statutes 2009-2010, 7th Extraordinary Session, Chapter 4 California Code of Regulations, Title 23, Division 2, Chapter 5.1, Article 2, Sections 597-597.4; Register 2012, No. 28.]

Courts of Appeal:

1. *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Board, San Diego Region v. Commission on*

State Mandates and County of San Diego, et al. (petition and cross-petition)
Third District Court of Appeal, Case No. C070357
Sacramento County Superior Court Case No. 34-2010-80000604
[*Discharge of Stormwater Runoff*, Order No. R9-207-000 (07-TC-09), California
Regional Water Control Board, San Diego Region Order No. R9-2007-001, NPDES
No. CAS0108758, Parts D.1.d.(7)-(8), D.1.g., D.3.a.(3), D.3.a.(5), D.5, E.2.f,
E.2.g,F.1, F.2, F.3, I.1, I.2, I.5, J.3.a.(3)(c) iv-vii & x-xv, and L]

2. *Counties of San Diego, Los Angeles, San Bernardino, Orange, and Sacramento v. Commission on State Mandates, et al.*
Fourth District Court of Appeal, Division One, Case No. D068657
San Diego County Superior Court, Case No. 37-2014-00005050-CU-WM-CTL
[Mandate Redetermination, *Sexually Violent Predators*, (12-MR-01, CSM-4509);
Welfare and Institutions Code Sections 6601, 6602, 6603, 6604, 6605, and 6608;
Statutes 1995, Chapter 762 (SB 1143); Statutes 1995, Chapter 763 (AB 888); Statutes
1996, Chapter 4 (AB 1496) As modified by Proposition 83, General Election,
November 7, 2006]
3. *Coast Community College District, et al. v. Commission on State Mandates*,
Third District Court of Appeal, Case No. C080349
Sacramento County Superior Court, Case No. 34-2014-80001842
[*Minimum Conditions for State Aid*, 02-TC-25/02-TC-31
(Education Code Sections 66721, 66721.5, 66722, 66722.5, 66731, 66732, 66736,
66737, 66738, 66740, 66741, 66742, 66743, 70901, 70901.5, 70902, 71027, 78015,
78016, 78211.5, 78212, 78213, 78214, 78215, 78216, 87482.6, and 87482.7; Statutes
1975, Chapter 802; Statutes 1976, Chapters 275, 783, 1010, and 1176; Statutes 1977,
Chapters 36 and 967; Statutes 1979, Chapters 797 and 977; Statutes 1980, Chapter
910; Statutes 1981, Chapters 470 and 891; Statutes 1982, Chapters 1117 and 1329;
Statutes 1983, Chapters 143 and 537; Statutes 1984, Chapter 1371; Statutes 1986,
Chapter 1467; Statutes 1988, Chapters 973 and 1514; Statutes 1990, Chapters 1372
and 1667; Statutes 1991, Chapters 1038, 1188, and 1198; Statutes 1995, Chapters 493
and 758; Statutes 1998, Chapter 365, 914, and 1023; Statutes 1999, Chapter 587;
Statutes 2000, Chapter 187; and Statutes 2002, Chapter 1169; California Code of
Regulations, Title 5, Sections 51000, 51002, 51004, 51006, 51008, 51012, 51014,
51016, 51018, 51020, 51021, 51022, 51023, 51023.5, 51023.7, 51024, 51025, 51027,
51100, 51102, 53200, 53202, 53203, 53204, 53207, 53300, 53301, 53302, 53308,
53309, 53310, 53311, 53312, 53314, 54626, 54805, 55000, 55000.5, 55001, 55002,
55002.5, 55004, 55005, 55006, 55100, 55130, 55150, 55160, 55170, 55182, 55200,
55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55300,
55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55401, 55402, 55403, 55404,
55500, 55502, 55510, 55512, 55514, 55516, 55518, 55520, 55521, 55522, 55523,
55524, 55525, 55526, 55530, 55532, 55534, 55600, 55601, 55602, 55602.5, 55603,
55605, 55607, 55620, 55630, 55750, 55751, 55752, 55753, 55753.5, 55753.7, 55754,
55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763,
55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806, 55807, 55808, 55809,
55825, 55827, 55828, 55829, 55830, 55831, 58102, 58104, 58106, 58107, 58108,
59404, and 59410; Handbook of Accreditation and Policy Manual, Accrediting
Commission for Community and Junior Colleges (Summer 2002); and “Program and
Course Approval Handbook” Chancellor’s Office California Community Colleges
(September 2001).]

California Supreme Court:

1. *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, Los Angeles Region v. Commission on State Mandates and County of Los Angeles, et al*
(petition and cross-petition)
California Supreme Court, Case No. S214855
Second District Court of Appeal, Case No. B237153
Los Angeles County Superior Court, Case No. BS130730
[*Municipal Storm Water and Urban Runoff Discharges*, 03-TC-04, 03-TC-19, 03-TC-20, and 03-TC-21, Los Angeles Regional Quality Control Board Order No. 01-182, Permit CAS004001, Parts 4C2a., 4C2b, 4E & 4Fc3]

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(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 or staff.

B. PERSONNEL

To confer on personnel matters pursuant to Government Code section 11126(a).

RECONVENE IN PUBLIC SESSION

XI. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

Heather Halsey, Executive Director
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Sacramento, CA 95814

Email: heather.halsey@csm.ca.gov

For information regarding this agenda, please contact:

Heidi Palchik
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NEW FILINGS

November 4, 2015 through December 16, 2015

There were no new filings for this period.