

COMMISSION ON STATE MANDATES
PROPOSED NOTICE AND AGENDA¹

State Capitol, Room 126
Sacramento, California

January 25, 2007
9:30 A.M.

- I. CALL TO ORDER AND ROLL CALL
- II. ELECTION OF OFFICERS
 - Item 1 Staff Report
- III. APPROVAL OF MINUTES (action)
 - Item 2 December 4, 2006
- IV. PROPOSED CONSENT CALENDAR (action)
 - Item 3 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.
- V. APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c). (action)
(Note: This item is limited to appeals regarding this month's agenda items.)
 - Item 4 Staff Report (if necessary)
- VI. HEARINGS AND DECISIONS ON CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (Gov. Code, §§ 17551 and 17559) (action)
(Note: Items 6, 8, and 10 will not be voted on unless the staff recommendations for Items 5, 7, and 9 are adopted.)
 - A. REQUEST FOR RECONSIDERATION OF PRIOR FINAL DECISION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1188.4
 - Item 5 *Binding Arbitration*, 01-TC-07
Code of Civil Procedure, Sections 1281.1, 1299, 1299.2, 1299.3, 1299.4, 1299.5, 1299.6, 1299.7, 1299.8, and 1299.9
Statutes 2000, Chapter 906 (SB 402)
City of Palos Verdes Estates, Claimant
Chair, Commission on State Mandates, Requestor
 - Item 6 Proposed Statement Of Decision
Binding Arbitration, 01-TC-07
See Above

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

B. TEST CLAIMS

- Item 7 *Training Requirements for Instructors and Academy Staff*, 02-TC-03
California Code of Regulations, Title 11, Sections 1001, 1052, 1053,
1055, 1070, 1071, and 1082 (Register 2001, No. 29)
County of Sacramento, Claimant
- Item 8 Proposed Statement of Decision
Training Requirements for Instructors and Academy Staff, 02-TC-03
See Above
- Item 9 *Pupil Discipline Records*, 00-TC-10
Education Code Sections 48201, 48900.8, and 49079
Statutes 1997, Chapter 637 (AB 412), Statutes 2000, Chapter 345
(AB 29), Sweetwater Union High School District, Claimant
Consolidated with
Notification to Teachers: Pupils Subject to Suspension or Expulsion II,
00-TC-11
Education Code Sections 48201 and 49079; Statutes 2000, Chapter 345
(AB 29), Carpinteria Unified School District and Sweetwater Union and
Grant Joint Union High School District, Co-Claimants
- Item 10 Proposed Statement of Decision
Pupil Discipline Records, 00-TC-10 and *Notification to Teachers: Pupils
Subject to Suspension or Expulsion II*, 00-TC-11
See Above

C. DISMISSAL OF WITHDRAWN TEST CLAIM

- Item 11* Proposed Statement of Decision
Test Claim Dismissal: *De-Certification of Punch-Card Voting Systems*
02-TC-20
Secretary of State's September 18, 2001 Order, As Amended
December 17, 2001 and May 23, 2002
County of Los Angeles, Claimant

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

A. ADOPTION OF PROPOSED PARAMETERS AND GUIDELINES AMENDMENTS

- Item 12 Requests to Amend Parameters and Guidelines (TENTATIVE)
Handicapped and Disabled Students, 00-PGA-03/04 (CSM 4282)
Government Code Sections 7570-7588
Statutes 1984, Chapter 1747 (AB 3632)
Statutes 1985, Chapter 1274 (AB 882)
California Code of Regulations, Title 2, Sections 60000-60610
(Emergency Regulations filed December 31, 1985, designated effective January 1, 1986 (Register 86, No. 1) and re-filed June 30, 1986, designated effective July 12, 1986 (Register 86, No. 28))
Counties of Los Angeles and Stanislaus, Requestors
(Continued from December 4, 2006 Hearing)

B. ADOPTION OF PROPOSED STATEWIDE COST ESTIMATE

- Item 13* *DNA Database* (00-TC-27) and Amendment to
Postmortem Examinations: Unidentified Bodies (02-TC-39)
Penal Code Section 14250
Statutes 2000, Chapter 822 and Statutes 2001, Chapter 467
County of San Bernardino and County of Los Angeles, Claimants

C. ADOPTION OF PROPOSED RULEMAKING CALENDAR

- Item 14* Proposed Rulemaking Calendar, 2007

VIII. STAFF REPORTS

- Item 15 Chief Legal Counsel's Report (info)
Recent Decisions, Litigation Calendar

- Item 16 Executive Director's Report (info/action)
Workload, Budget, Legislation, and Next Hearing

IX. PUBLIC COMMENT

X. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526 (action).

A. PERSONNEL

Report from Personnel Subcommittee and to confer on personnel matters pursuant to Government Code sections 11126, subdivision (a) and 17526.

B. 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. 03CS01069, CSM Case No. 03-L-01, consolidated with *County of Los Angeles v. Commission on State Mandates, et al.*, Los Angeles Superior Court Case No. BS087959, transferred to Sacramento Superior Court, Case No. 05CS00865, CSM Case No. 03-L-11 [*Animal Adoption*]
2. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01432, CSM Case No. 03-L-02 [*Behavioral Intervention Plans*]
3. *CSAC Excess Insurance Authority v. Commission on State Mandates, et al.*, Second District Court of Appeal, Case Number B188169, on appeal from Los Angeles Superior Court Case No. BS092146, CSM Case No. 04-L-01 [*Cancer Presumption for Law Enforcement and Firefighters and Lower Back Injury Presumption for Law Enforcement*], consolidated with *City of Newport Beach v. Commission on State Mandates, et al.*, Los Angeles Superior Court Case No. BS095456, CSM Case No. 04-L-02 [*Skin Cancer Presumption for Lifeguards*]
4. *County of Los Angeles, et al. v. Commission on State Mandates, et al.*, Second District Court of Appeal [Los Angeles] Case Number B183981, CSM Case No. 04-L-03, (Los Angeles Superior Court Nos. BS089769, BS089785) [*Transit Trash Receptacles, et al./Waste Discharge Requirements*]
5. *County of San Bernardino v. Commission on State Mandates, et al.*, San Bernardino County Superior Court, Case No. SCVSS 138622 [*Standardized Emergency Management Systems (SEMs)*]
6. *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. Stat of California, Commission on State Mandates and Steve Westly, in his capacity as State Controller*, Sacramento County Superior Court, Case No. 06CS01335; [AB 138; *Open Meetings Act, Brown Act Reform, Mandate Reimbursement Process I and II; and School Accountability Report Cards (SARC) I and II*]

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).)

XI. REPORT FROM CLOSED EXECUTIVE SESSION, RECONVENE IN PUBLIC SESSION

XII. ADJOURNMENT

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