

COMMISSION ON STATE MANDATES

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January 11, 2013

TO: ALL INTERESTED PERSONS

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

RE: Notice and Agenda

On Friday, January 25, 2013, 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.

Please note that Item 4 has been postponed.

Testimony at the Commission Hearings. If you plan to address the Commission on an agenda item, please notify the Commission Office by noon, two days before the hearing. 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 Commission members to review any document other than those prepared by Commission staff, please bring 12 double-sided copies of the document or section of the document you would like the members to review.

Agenda Materials. All back-up material and supporting documentation for public meetings are 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 "Current Hearing" on the left side of the page for the hearing agenda. Generally, the agenda and 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 the agenda. Following the meeting, Commission actions will be posted on the Commission's website, and revised 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 since July 2011 are attached to the minutes. To access these documents, click "Current Hearing" on the left side of the home page.

Special Accommodations. If you need any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office 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.

REVISED AGENDA¹
Meeting of the Commission on State Mandates
State Capitol
Room 447
Sacramento, California
Friday, January 25, 2013
10:00 a.m.

Note: This meeting will convene at 10:00 a.m.

Reminder: If you plan to testify and would like Commission members to review any document other than those prepared by Commission staff, please bring 12 double-sided copies of the document or section of the document you would like the members to review.

I. CALL TO ORDER AND ROLL CALL

II. ELECTION OF OFFICERS (action)

Item 1 Staff Report

III. APPROVAL OF MINUTES (action)

Item 2 December 7, 2012

IV. 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.

V. APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181(c) (action)

Item 3 Appeal of Executive Director Decisions

(Note: This item is limited to appeals regarding this month's agenda items.)

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

A. PARAMETERS AND GUIDELINES AND PARAMETERS AND GUIDELINES AMENDMENTS

Item 4 This item has been postponed to the April hearing.

~~*Minimum Conditions for State Aid, 02 TC 25 and 02 TC 31*~~

~~Education Code Sections 66010.2, 66010.7, 66721.5, 66731, 66732, 66736, 66738, 66740, 66742, 70902, 78015, and 78016~~

~~Statutes 1988, Chapter 973; Statutes 1991, Chapter 1188; Statutes 1998, Chapter 365; and Statutes 2000, Chapter 187~~

~~California Code of Regulations, Title 5, Sections 53203, 53207, 55001, 55002, 55005, 55006, 55150, 55201, 55202, 55750, 55751, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55759, 55760, 55761, 55764, 55800, 55805, 55805.5, 55806, 58102, 58104, and 58106~~

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

~~Register 91, Number 23; Register 93, Number 25; Register 93, Number 42; Register 94, Number 38; Register 98, Number 7; Register 2000, Number 50; Register 2002, Number 8; and Register 2003, Number 18.~~

~~Los Rios Community College District, Santa Monica Community College District, and West Kern Community College District, Co-Claimants~~

Item 5 *Behavioral Intervention Plans (BIPs)*, CSM 4464

Title 5, California Code of Regulations,
Sections 3001 and 3052

(Register 93, No. 17; Register 96, No. 8; Register 96, No. 32.)

Butte County Office of Education, San Diego Unified School District, San Joaquin County Office of Education, Claimants

Item 6* *Uniform Complaint Procedures (K-12)*, 03-TC-02

Education Code Sections 250, 251, 262.3

Statutes 1982, Chapter 1117; Statutes 1988,
Chapter 1514; Statutes 1998, Chapter 914

California Code of Regulations, Title 5, Sections 4611, 4621, 4622, 4631,
and 4632

Register 92, Number 3; Register 93, Number 51

Solana Beach School District, Claimant

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

A. STATEWIDE COST ESTIMATE

Item 7* *Pupil Expulsions II, Pupil Suspensions II, and Educational Services Plan for Expelled Pupils*, 96-358-03 et al.

Education Code Sections 48900.8, 48915, 48915.2, 48916, 48916.1,
48918, 48918.5, 48923, 48926

As Amended by Statutes 1995, Chapters 972 and 974;

Statutes 1996, Chapters 915, 937, and 1052; Statutes 1997, Chapter 637;

Statutes 1998, Chapter 489; Statutes 1999, Chapter 332; Statutes 2000,
Chapter 147; Statutes 2001, Chapter 116

San Juan Unified School District, Kern County Superintendent of Schools,
Claimants

Beginning Fiscal Year 2012-2013 Consolidated with
PUPIL SUSPENSIONS FROM SCHOOL (CSM-4456)

Education Code Section 48911, Subdivisions (b) and (e)

Statutes 1977, Chapter 965; Statutes 1978, Chapter 668; Statutes 1980,
Chapter 73;

Statutes 1983, Chapter 498; Statutes 1985, Chapter 856; Statutes 1987,
Chapter 134

PUPIL EXPULSIONS FROM SCHOOL (CSM-4455)

Education Code Sections 48915, Subdivisions (a) and (b),
48915.1, 48915.2, 48916, and 48918

Statutes 1975, Chapter 1253; Statutes 1977, Chapter 965; Statutes 1978,
Chapter 668; Statutes 1982, Chapter 318; Statutes 1983, Chapter 498;

Statutes 1984, Chapter 622; Statutes 1987, Chapter 942; Statutes 1990, Chapter 1231; Statutes 1992, Chapter 152; Statutes 1993, Chapters 1255, 1256, and 1257; Statutes 1994, Chapter 146
PUPIL EXPULSION APPEALS (CSM-4463)
Education Code Sections 48919, 48921, 48924
Statutes 1975, Chapter 1253; Statutes 1977, Chapter 965; Statutes 1978, Chapter 668;
Statutes 1983, Chapter 498

Item 8* *Voter Identification Procedures*, 03-TC-23

Elections Code Section 14310
Statutes 2000, Chapter 260 (SB 414)
County of San Bernardino, Claimant

B. ADOPTION OF PROPOSED RULEMAKING CALENDAR

Item 9* Proposed Rulemaking Calendar, 2013

VIII. 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 6.5 (info/action)

Item 10 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.

IX. REPORTS (info/action)

Item 11 Chief Legal Counsel: Recent Decisions, Litigation Calendar

Item 12 Executive Director: Workload, Budget, and Tentative Agenda Items for Next Meeting (info)

X. PUBLIC COMMENT

XI. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 AND 11126.2 (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):

1. *State of California, Department of Finance v. Commission on State Mandates*, Sacramento County Superior Court Case No. 34-2010-80000529 [Graduation Requirements, Parameters and Guidelines Amendments, Nov. 2008]
2. *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]

3. *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]
4. *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). 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

XII. REPORT FROM CLOSED EXECUTIVE SESSION

XIII. PERSONNEL (action)

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| Item 13 | Salary Adjustment: Attorney to the Commission/Chief Legal Counsel (CEA IV), pursuant to Government Code Section 17529 |
| Item 14 | Salary Adjustment: Executive Director, pursuant to Government Code Section 17530 |

ADJOURNMENT

Heather Halsey, Executive Director
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For information regarding this agenda, please contact:

Kerry Ortman
(916) 323-3562

NEW FILINGS

November 14, 2012 through December 20, 2012

Date Received	Claimant	Description
11/29/12	County of Santa Clara	Incorrect Reduction Claim: <i>Child Abduction and Recovery</i> , 12-4237-I-03 Fiscal Years: 2003-2004, 2004-2005, 2005-2006, 2006-2007