

COMMISSION ON STATE MANDATES

NOTICE AND AGENDA¹

State Capitol, Room 126
Sacramento, California

July 29, 2004

9:30 A.M.²

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 May 27, 2004

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

Item 2 Staff Report on Appeals Related To Current Agenda Items (if necessary)

IV. PROPOSED CONSENT CALENDAR (action)

Note: 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. HEARINGS AND DECISIONS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (action)

A. TEST CLAIMS AND PROPOSED STATEMENTS OF DECISION

(Note: Items 4, 6, 8, and 10 will not be voted on unless the staff recommendations for Items 3, 5, 7, and 9 respectively, are adopted.)

Item 3 *Algebra Instruction*, 00-TC-14
Sweetwater Union High School District, Claimant
Education Code Section 51224.5
Statutes 2000, Chapter 1024 (SB 1354)

Item 4 Proposed Statement of Decision: *Algebra Instruction*, 00-TC-14, as described above in Item 3.

Item 5 *Mandatory On-The-Job Training for Peace Officers Working Alone*
00-TC-19, County of Los Angeles Claimant
02-TC-06, Santa Monica Community College District, Claimant
Commission on Peace Officer Standards and Training (POST) Bulletin: 98-1 and
POST Administrative Manual, Procedure D-13

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

² A lunch break may be taken.

- Item 6 Proposed Statement of Decision: *Mandatory On-The-Job Training for Peace Officers Working Alone*, 00-TC-19 and 02-TC-06, as described above in Item 5
- Item 7 *DNA Database*, 00-TC-27
 County of San Bernardino, Claimant
 Penal Code Section 14250
 Statutes 2000, Chapter 822 (SB 1818)
 -and-
 Amendment to *Postmortem Examinations: Unidentified Bodies*, 02-TC-39
 County of Los Angeles, Claimant
 Penal Code Section 14250
 Statutes 2001, Chapter 467 (SB 297)
- Item 8 Proposed Statement of Decision: *DNA Database*, 00-TC-27, 02-TC-39, as described in Item 7.
- Item 9 *Cancer Presumption (K-14)*; 02-TC-15
 Santa Monica Community College District, Claimant
 Labor Code Section 3212.1
 Statutes 1982, Chapter 1568 (AB 3011)
 Statutes 1984, Chapter 114 (AB 1399)
 Statutes 1988, Chapter 1038 (SB 1145)
 Statutes 1989, Chapter 1171 (SB 89)
 Statutes 1999, Chapter 595 (AB 539)
 Statutes 2000, Chapter 887 (SB 1820)
- Item 10 Proposed Statement of Decision: *Cancer Presumption (K-14)*, 02-TC-15, as described in Item 9.

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

A. ADOPTION OF PROPOSED PARAMETERS AND GUIDELINES

- Item 11* *Postmortem Examinations: Unidentified Bodies, Human Remains*, 00-TC-18
 County of Los Angeles, Claimant
 Government Code Section 27521.1
 Statutes 2000, Chapter 284 (SB 1736)

B. ADOPTION OF PROPOSED STATEWIDE COST ESTIMATES

- Item 12* *Standards-Based Accountability*, 98-TC-10
 San Diego Unified School District, Claimant
 Department of Education Standards-Based Accountability Memoranda,
 Dated June 30, 1997 and April 15, 1998

- Item 13* *School District Reorganization, 98-TC-24*
San Luis Obispo County Office of Education, Claimant
Education Code Sections 35704, 35705.5, and 35707
Statutes 1980, Chapter 1192 (AB 3018)
Statutes 1994, Chapter 1186 (SB 1537)

- Item 14* *Attendance Accounting, 98-TC-26*
Campbell Union High School District, Grant Joint Union High School District,
and San Luis Obispo County Office of Education, Co-claimants
Education Code Sections 2550.3 and 42238.7
Statutes 1997, Chapter 855 (SB 727)
Statutes 1998, Chapter 846 (SB 1468)

- Item 15* *Redevelopment Agencies—Tax Disbursement Reporting, 99-TC-06*
County of Los Angeles, Claimant
Health and Safety Code Section 33672.7
Statutes 1998, Chapter 39 (SB 258)

VII. STAFF REPORTS

- Item 16 Hearing Schedule (info/action)

- Item 17 Chief Legal Counsel’s Report (info)
Recent Decisions, Litigation Calendar

- Item 18 Executive Director’s Report (info/action)
Workload, Budget, Assembly Special Committee on State Mandates,
Legislation, Next Hearing

VIII. PUBLIC COMMENT

IX. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526. (Closed Executive Session may begin at this time or may begin earlier on this day and reconvene at the end of the meeting.)

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. *San Diego Unified School District v. Commission on State Mandates, et al.*, Case Number S109125, in the Supreme Court of the State of California.
CSM Case No. 02-L-02 [*Pupil Expulsions*]

2. *San Diego Unified School District and San Juan Unified School District v. Commission on State Mandates, et al.*, Case Number C044162, in the Appellate Court of the State of California, Third Appellate District. CSM Case No. 02-L-05 [*Physical Performance Tests*]

3. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Case Number 03CS01069 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-01 [*Animal Adoption*]
4. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Case Number 03CS01432 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-02 [*Behavioral Intervention Plans*]
5. *San Diego Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01401 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-03 [*Graduation Requirements IRC*]
6. *Castro Valley Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01568 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-04 [*Graduation Requirements IRC*]
7. *San Jose Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01569 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-05 [*Graduation Requirements IRC*]
8. *Sweetwater Union High School District v. Commission on State Mandates, et al.*, Case Number 03CS01570 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-06 [*Graduation Requirements IRC*]
9. *Clovis Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01702 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-09 [*Graduation Requirements IRC*]
10. *Grossmont Union High School District v. Commission on State Mandates, et al.*, Case Number 04CS00028 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-10 [*Graduation Requirements IRC*]
11. *County of Los Angeles v. Commission on State Mandates, et al.*, Case Number BS087959, in the Superior Court of the State of California, County of Los Angeles. CSM Case No. 03-L-11 [*Animal Adoption*]
12. *County of Los Angeles and Los Angeles County Flood Control District v. State of California, Commission on State Mandates, et al.*, Case Number BS089769, in the Superior Court of the State of California, County of Los Angeles. CSM Case No. 03-L-12 [*Transit Trash Receptacles, et al.*]
13. *City of Artesia, et al. v. State of California, Commission on State Mandates, et al.*, Case Number BS089785, in the Superior Court of the State of California, County of Los Angeles. CSM Case No. 03-L-13 [*Waste Discharge Requirements*]

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. Discussion and action, if appropriate on report from the Personnel Sub-Committee.

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

XI. ADJOURNMENT

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