

NOTICE AND AGENDA¹

State Capitol, Room 126
Sacramento, California

December 6, 2007

9:30 A.M. - CLOSED EXECUTIVE SESSION
10:00 A.M. – PUBLIC MEETING AND HEARING

- I. CALL TO ORDER AND ROLL CALL
- II. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526 (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, subdivision (e)(1):

1. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01432, [Behavioral Intervention Plans]
2. *County of San Bernardino v. Commission on State Mandates, et al.*, Los Angeles County Superior Court, Case No. BS106052; San Bernardino County Superior Court, Case No. SCVSS 138622 [Standardized Emergency Management Systems (SEMs)]
3. *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, Third District Court of Appeal, Case No. C055700; [AB 138; Open Meetings Act, Brown Act Reform, Mandate Reimbursement Process I and II; and School Accountability Report Cards (SARC) I and II]*
4. *Department of Finance v. Commission on State Mandates*, Sacramento County Superior Court, Case No. 07CS00079, [Peace Officer Procedural Bill of Rights]
5. *Department of Finance and California Integrated Waste Management Board v. Commission on State Mandates, Santa Monica Community College District, and Lake Tahoe Community College District*, Sacramento County Superior Court, Case No. 07CS00355, [Integrated Waste Management]
6. *San Diego Unified School District v. Commission on State Mandates and California Department of Finance*, San Diego County Superior Court, Case No. 37-2007-00064077-CU-PT-CTL, [Emergency Procedures: Earthquake Procedures and Disasters]

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

7. *California School Boards Association, Education Legal Alliance, and Sweetwater Union High School Dist. v. State of California, Commission on State Mandates, and John Chiang, in his capacity as State Controller*, Sacramento County Superior Court, Case No. 07CS01399, [School Accountability Report Cards, SARC]

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

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

III. RECONVENE IN PUBLIC SESSION – 10:00 A.M.

CALL TO ORDER

REPORT FROM CLOSED EXECUTIVE SESSION

IV. PERSONNEL (action)

Salary Adjustment: Attorney to the Commission/Chief Legal Counsel (CEA IV), pursuant to Government Code Section 17529

V. APPROVAL OF MINUTES (action)

Item 1 September 27, 2007

VI. 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 2 Staff Report (if necessary)

VII. 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 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.

VIII. HEARINGS AND DECISIONS ON CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551) (ACTION)

A. TEST CLAIMS

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

- Item 3 *Interagency Child Abuse and Neglect (ICAN) Investigation Reports, 00-TC-22*
Penal Code Sections 11165.1, 11165.2, 11165.3, 11165.4, 11165.5, 11165.6, 11165.7, 11165.9, 11165.12, 11166, 11166.2, 11166.9, 11168 (Including Former Penal Code Section 11161.7), 11169, and 11170; Statutes 1977, Chapter 958 (AB 1058); Statutes 1980, Chapter 1071 (SB781); Statutes 1981, Chapter 435(AB 518); Statutes 1982, Chapters 162 (AB 2303) and 905 (SB 1848); Statutes 1984, Chapters 1423 (SB 1899) and 1613 (AB 2709); Statutes 1985, Chapter 1598 (AB 505); Statutes 1986, Chapters 1289 (AB 1981) and 1496 (AB 3608); Statutes 1987, Chapters 82 (AB 3608), 531 (AB 1632) and 1459 (SB 1219); Statutes 1988, Chapters 269 (AB 3022), 1497 (SB 2457) and 1580 (AB 4585); Statutes 1989, Chapter 153 (AB 627); Statutes 1990, Chapters 650 (SB 2423), 1330 (SB 2788), 1363 (AB 3532) and 1603 (SB 2669); Statutes 1991, Chapter 132 (AB 1133); Statutes 1992, Chapters 163 (AB 2641), 459 (SB 1695) and 1338 (SB 1184); Statutes 1993, Chapters 219 (AB 1500), 346 (AB 331) and 510 (SB 665); Statutes 1996, Chapters 1080 (AB 295) and 1081 (AB 3354); Statutes 1997, Chapters 842 (SB 644), 843 (AB 753)and 844 (AB 1065); Statutes 1999, Chapters 475 (SB 654) and 1012 (SB 525); Statutes 2000, Chapters 287 (SB 1955)and 916 (AB 1241)
California Code of Regulations, Title 11, Sections 901, 902, and 903;
Department of Justice Forms SS 8572 and SS 8583
County of Los Angeles, Claimant
- Item 4 Proposed Statement of Decision
Interagency Child Abuse and Neglect (ICAN) Investigation Reports, 00-TC-22
See Above
- Item 5 *Child Abuse and Neglect Reporting; 01-TC-21*
Penal Code Sections 273a, 11164, 11165, 11165.1, 11165.2, 11165.3, 11165.4, 11165.5, 11165.6, 11165.7, 11165.9, 11165.14, 11166, 11166.5, 11168, 11174.3, Including Former Penal Code Sections 11161.5, 11161.6, 11161.7
Statutes 1975, Chapter 226 (AB 1063); Statutes 1976, Chapters 242 (AB 2641) and 1139 (SB 42); Statutes 1977, Chapter 958 (AB 1058); Statutes 1978, Chapter 136 (AB 2238); Statutes 1979, Chapter 373 (SB 925); Statutes 1980, Chapters 855 (AB 2497), 1071 (SB 781)and 1117 (SB 1877); Statutes 1981, Chapters 29 (SB 322) and 435 (AB 518); Statutes 1982, Chapter 905 (SB 1848); Statutes 1984, Chapters 1170

(AB 2702), 1391 (SB 1124), 1423 (SB 1899), 1613 (AB 2709), and 1718 (AB 2710); Statutes 1985, Chapters 189 (AB 701), 464 (SB 254), 1068 (AB 366), 1420 (AB 442), 1528 (SB 1306), 1572 (SB 1358) and 1598 (AB 505); Statutes 1986, Chapters 248 (SB 2451) and 1289 (AB 1981); Statutes 1987, Chapters 640 (AB 285), 1020 (SB 691), 1418 (AB 1359), 1444 (SB 646) and 1459 (SB 1219); Statutes 1988, Chapters 39 (AB 1241), 269 (AB 3022) and 1580 (AB 4585); Statutes 1990, Chapters 931 (AB 3521) and 1603 (SB 2669); Statutes 1991, Chapters 132 (AB 1133) and 1102 (AB 2232); Statutes 1992, Chapter 459 (SB 1695); Statutes 1993, Chapters 346 (AB 331), 510 (SB 665) and 1253 (AB 897); Statutes 1994, Chapter 1263 (AB 1328); Statutes 1996, Chapters 1080 (AB 295), 1081 (AB 3354) and 1090 (AB 3215); Statutes 1997, Chapters 83 (AB 327) and 134 (AB 273); Statutes 1998, Chapter 311 (SB 933); Statutes 2000, Chapters 287 (SB 1955) and 916 (AB 1241); Statutes 2001, Chapters 133 (AB 102) and 754 (AB 1697)
San Bernardino Community College District, Claimant

Item 6 Proposed Statement of Decision
Child Abuse and Neglect Reporting; 01-TC-21
See Above

Item 7 *Academic Performance Index*, 01-TC-22 - POSTPONED
~~Education Code Sections 44650-44654, 52050-52055.51, 52056-52057, 52058~~
~~California Code of Regulations, Title 5, Sections 1031-1039~~
~~Statutes 1999-2000x1 Chapter 3 (SB x11); Statutes 1999, Chapter 52 (AB 1114); Statutes 2000, Chapters 71 (SB 1667), 190 (AB 2162) and 695 (SB 1552); Statutes 2001, Chapters 159 (SB 662), 745 (SB 1991), 749 (AB 961), and 887 (SB 1295)~~
San Juan Unified School District, Claimant

Item 8 Proposed Statement of Decision - POSTPONED
Academic Performance Index, 01-TC-22
See Above

Item 9 *Prevailing Wages*, 03-TC-13
Labor Code Sections 1720, 1720.3, 1720.4, 1726, 1727, 1735, 1742, 1770, 1771, 1771.5, 1771.6, and 1773.5
Statutes 1976, Ch. 1084 (SB 2010); Statutes 1976, Ch. 1174 (AB 3365); Statutes 1980, Ch. 992 (AB 3165); Statutes 1983, Ch. 142 (AB 1390); Statutes 1983, Ch. 143 (AB 1949); Statutes 1989, Ch. 278 (AB 2483); Statutes 1989, Ch. 1224 (AB 114); Statutes 1992, Ch. 913 (AB 1077); Statutes 1992, Ch. 1342 (SB 222); Statutes 1999, Ch. 83 (SB 966); Statutes 1999, Ch. 220 (AB 302); Statutes 2000, Ch. 881 (SB 1999); Statutes 2000, Ch. 954 (AB 1646); Statutes 2001, Ch. 938 (SB 975); Statutes 2002, Ch. 1048 (SB 972)
Title 8, California Code of Regulations, Sections 16000-16802
(Register 56, No. 8; Register 72, No. 13; Register 72, No. 23; Register

77, No. 02; Register 78, No. 06; Register 79, No. 19; Register 80, No. 06; Register 82, No. 51; Register 86, No. 07; Register 88, No. 35; Register 90, No. 14; Register 90, No. 42; Register 91, No. 12; Register 92, No. 13; Register 96, No. 52; Register 99, No. 08; Register 99, No. 25; Register 99, No. 41; Register 00, No. 03; Register 00, No. 18)
City of Newport Beach, Claimant

Item 10 Proposed Statement of Decision
Prevailing Wages, 03-TC-13
See Above

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

A. PARAMETERS AND GUIDELINES

Item 11* *Mentally Disordered Offenders: Treatment as a Condition of Parole* - 00-TC-28, 05-TC-06
Penal Code Section 2966
Statutes 1985, Chapter 1419(SB 1296); Statutes 1986, Chapter 858 (SB 1845); Statutes 1987, Chapter 687 (SB 425); Statutes 1988, Chapter 658 (SB 538); Statutes 1989, Chapter 228 (SB 1625); Statutes 1994, Chapter 706 (SB 1918)
County of San Bernardino, Claimant

Item 12* *In Home Supportive Services II*, 00-TC-23
Welfare and Institutions Code Section 12301.3, 12301.4, and 12301.25
Statutes 1999, Chapters 90 (AB 1682); Statutes 2000, Chapter 445 (SB 288)
County of San Bernardino, Claimant

Item 13* *Pupil Safety Notices* (02-TC-13)
Education Code Sections 32242, 32243, 32245, 46010.1; 48904, 48904.3, 48987; As Added and Amended by Statutes 1983, Chapter 498 (SB 813); Statutes 1984, Chapter 482 (AB 3757); Statutes 1984, Chapter 948 (AB 2549); Statutes 1986, Chapter 196 (AB 1541); Statutes 1986, Chapter 332 (AB 2824); Statutes 1992, Chapter 445 (AB 3257); Statutes 1992, Chapter 1317 (AB 1659); Statutes 1993, Chapter 589 (AB 2211); Statutes 1994, Chapter 1172 (AB 2971); Statutes 1996, Chapter 1023 (SB 1497); Statutes 2002, Chapter 492 (AB 1859)
California Code of Regulations, Title 5, Section 11523
San Jose Unified School District, Claimant

Item 14* *Local Recreational Areas: Background Screenings*, 01-TC-11
Public Resources Code, Section 5164; Subdivision (b)(1) and (b)(2).
Statutes 2001, Chapter 777 (AB 351)
City of Los Angeles - Department of Recreation and Parks, Claimant

B. ADOPTION OF STATEWIDE COST ESTIMATE

Item 15* *Enrollment Fee Collection and Waivers*, 99-TC-13 and 00-TC-15
Education Code Section 76300, Subdivisions (a), (b), (g), (h)
Statutes 1984xx, Chapter 1 (AB 1xx); Statutes 1984, Chapters 274
(AB 207) and 1401 (AB 3776); Statutes 1985, Chapters 920 (AB 602)
and 1454 (AB 2262); Statutes 1986, Chapters 46 (AB 2352) and 394
(SB 993); Statutes 1987, Chapter 1118 (AB 2336); Statutes 1989,
Chapter 136 (SB 653); Statutes 1991, Chapter 114 (SB 381); Statutes
1992, Chapter 703 (SB 766); Statutes 1993, Chapters 8 (AB 46), 66
(SB 399), 67 (SB 1012), and 1124 (AB 1561); Statutes 1994, Chapters
153 (AB 2480) and 422(AB 2589); Statutes 1995, Chapter 308 (AB
825); Statutes 1996, Chapter 63 (AB 3031); and Statutes 1999, Chapter
72
(AB 1118)
California Code of Regulations, Title 5, Sections 58501-58503, 58611-
58613, 58620, and 58630, Subdivision(b)
Los Rios and Glendale Community College Districts, Claimants

C. ADOPTION OF COMMISSION ORDER TO INITIATE RULEMAKING (action)

Item 16* Implementation of AB 1222 (Stats. 2007, ch. 329)
Proposed Amendments to California Code of Regulations, Title 2, Chapter
2.5, Article 1. General, Article 3. Test Claims, Article 7. Hearings

X. STAFF REPORTS (info/action)

Item 17 Chief Legal Counsel
Recent Decisions, Litigation Calendar

Item 18 Executive Director
Workload, Reports to the Legislature, and 2008 Hearings

XI. PUBLIC COMMENT

ADJOURNMENT

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