

COMMISSION ON STATE MANDATES

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November 6, 2013

TO: ALL INTERESTED PERSONS

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

RE: Notice and Agenda

On Friday, December 6, 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.

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.

AGENDA¹
Meeting of the Commission on State Mandates
State Capitol
Room 447
Sacramento, California
Friday, December 6, 2013
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. APPROVAL OF MINUTES (action)

Item 1 September 27, 2013

III. 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.

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

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

Item 2 Appeal of Executive Director Decisions

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

B. TEST CLAIM

Item 3 *Standardized Testing and Reporting (STAR) II and III*, 05-TC-02, 05-TC-03, and 08-TC-06

Education Code Sections 60601, 60602, 60603, 60604, 60605, 60605.6, 60606, 60607, 60611, 60615, 60630, 60640, 60641, 60642.5

Statutes 1995, Chapter 975; Statutes 1997, Chapter 828; Statutes 1999, Chapter 735; Statutes 2000, Chapter 576; Statutes 2001, Chapter 20; Statutes 2001, Chapter 722; Statutes 2002, Chapter 1168; Statutes 2003, Chapter 773; Statutes 2004, Chapter 183; Statutes 2004, Chapter 233; Statutes 2005, Chapter 676; Statutes 2007, Chapter 174; Statutes 2007, Chapter 730; Statutes, 2008, Chapter 473, Statutes 2008, Chapter 757

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

California Code of Regulations, Title 5, Sections 850, 851, 852, 853, 855, 857, 858, 859, 861, 862, 863, 864.5, 865, 866, 867, 867.5, and 868

Register 2005, No. 34 (Sept. 21, 2005), Register 2006, No. 45 (Dec. 8, 2006)²

San Diego Unified School District, Grant Joint Union High School District
Twin Rivers Unified School District, Claimants

Item 4 *Medi-Cal Eligibility of Juvenile Offenders*, 08-TC-04

Welfare and Institutions Code section 14029.5

Statutes 2006, Chapter 657

County of Alameda, Claimant

C. MANDATE REDETERMINATION

Item 5 *Sexually Violent Predators (CSM-4509)*, 12-MR-01

Welfare and Institutions Code Sections 6601 through 6605, and 6608

Statutes 1995, Chapter 762; Statutes 1995, Chapter 763;
Statutes 1996, Chapter 4

As Alleged to be Modified by: Proposition 83, General Elections,
November 7, 2006

California Department of Finance, Requestor

Item 6 *Local Recreational Areas: Background Screenings (01-TC-11)*, 12-MR-02

Public Resources Code Section 5164

Statutes 2001, Chapter 777

As Alleged to be Modified by: Statutes 2010, Chapter 719 (SB 856)

California Department of Finance, Requestor

D. PARAMETERS AND GUIDELINES AND PARAMETERS AND GUIDELINES AMENDMENTS

Item 7 *Interagency Child Abuse and Neglect Investigation Reports*, 00-TC-22

Penal Code sections 11165.9, 11166, 11166.2, 11166.9,³ 11168
(formerly 11161.7), 11169, 11170, and 11174.34 (formerly 1166.9)

Statutes 1977, Chapter 958; Statutes 1980, Chapter 1071; Statutes
1981, Chapter 435; Statutes 1982, Chapters 162 and 905; Statutes
1984, Chapters 1423 and 1613; Statutes 1985, Chapter 1598;
Statutes 1986, Chapters 1289 and 1496; Statutes 1987, Chapters
82, 531, and 1459; Statutes 1988, Chapters 269, 1497, and 1580;
Statutes 1989, Chapter 153; Statutes 1990, Chapters 650, 1330,
1363, and 1603; Statutes 1992, Chapters 163, 459, and 1338;
Statutes 1993, Chapters 219 and 510; Statutes 1996, Chapters 1080
and 1081; Statutes 1997, Chapters 842, 843, and 844; Statutes
1999, Chapters 475 and 1012; and Statutes 2000, Chapter 916; and

² Test Claim 08-TC-06 refers to regulations effective February 2007, but there were no test claim regulations effective on that date.

³ Renumbered at Penal Code section 11174.34 (Stats. 2004, ch. 842 (SB 1313)).

executive orders California Code of Regulations, title 11, section 903 (Register 98, Number 29), and “Child Abuse Investigation Report” Form SS 8583 (Rev. 3/91)

County of Los Angeles, Claimant

Item 8 *Peace Officers Procedural Bill of Rights II*, 03-TC-18
Government Code Sections 3304, 3306.5, 3309 and 3312
Statutes 1976, Chapter 465; Statutes 1998, Chapter 786;
Statutes 2000, Chapter 209; and Statutes 2002, Chapter 170
City of Newport Beach, Claimant

Item 9 *Immunization Records - Pertussis*, 11-TC-02
Health and Safety Code Sections 120325 and 120335
Statutes 2010, Chapter 434 (AB 354)
Twin Rivers Unified School District, Claimant

E. INCORRECT REDUCTION CLAIMS

Item 10 *Health Fee Elimination*, 05-4206-I-04 and 05-4206-I-08
Education Code Section 76355
Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.);
Statutes 1987, Chapter 1118
Fiscal Years 1999-2000, 2000-2001, 2001-2002 and 2002-2003
San Mateo Community College District and San Bernardino Community
College, Claimants

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

A. STATEWIDE COST ESTIMATE

Item 11* *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

B. ADOPTION OF COMMISSION ORDER TO INITIATE RULEMAKING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5

Item 12* General Cleanup Provisions
California Code of Regulations, Title 2, Division 2, Chapter 2.5,
Articles 1, 2, 3, 4.5, 5, 6, 6.5, 7, 8, 8.5, and 10,
Sections 1181 through 1189.61 and 1190 through 1190.05

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 6.5 (info/action)

- Item 13 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. REPORTS (info/action)

- Item 14 Legislative Update (info)
- Item 15 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)
- Item 16 Executive Director: Workload and Tentative Agenda Items for Next Meeting (info/action)

IX. 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, 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. *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]
3. *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

X. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

Heather Halsey, Executive Director
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Email: heather.halsey@csm.ca.gov

For information regarding this agenda, please contact:

Kerry Ortman
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NEW FILINGS

September 5, 2013 through November 6, 2013

Date Received	Claimant	Description
9/9/13	County of Los Angeles	Incorrect Reduction Claim: <i>Seriously Emotionally Disturbed (SED) Pupils: Out-of-State Mental Health Services, 13-9705-I-05</i> Fiscal Years: 2005-2006