

**ITEM 19**  
**EXECUTIVE DIRECTOR'S REPORT**  
**Workload, Budget, New Practices,**  
**and Next Hearings Agendas**

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**I. WORKLOAD**

**A. PENDING COMMISSION CASELOAD (Info)**

Type of Action	As of March 10, 2011
Test Claims <sup>1</sup> to be Heard and Determined	53
Test Claims to be Reconsidered	0
Test Claims to be Reconsidered or Reinstated Based on Court Action	0
Incorrect Reduction Claims to be Heard and Determined	163
Incorrect Reduction Claims to be Reconsidered Based on Court Action	0
Reasonable Reimbursement Methodologies/Statewide Cost Estimates	0
Proposed Parameters and Guidelines	11
Proposed Parameters and Guidelines Amendments	8
Requests to Review Claiming Instructions	1
Parameters and Guidelines to be Amended, Set Aside, or Reinstated, as Directed by the Legislature or Court Action	0
Statewide Cost Estimates to be Adopted	11
Revised Statewide Cost Estimates to be Adopted Following Amendment to Parameters and Guidelines Based on Court Action	1
New Test Claim Filings to be Reviewed	0
New Incorrect Reduction Claim Filings to be Reviewed	0
Appeals of Executive Director's Decision	0
Regulatory Actions Pending	2

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<sup>1</sup> This includes 32 test claims filed by school districts and 21 filed by local agencies.

**B. PENDING REQUESTS TO JOINTLY DEVELOP LEGISLATIVELY DETERMINED MANDATES**

Type of Action	
Notice of Intent to Pursue Legislatively Determined Mandates	3

**C. APPLICATIONS FOR FINDINGS OF SIGNIFICANT FINANCIAL DISTRESS**

Type of Action	
Applications for Findings of Significant Financial Distress Pending	0

**II. BUDGET**

On January 10, 2011, Governor Brown and the Director of Finance issued the proposed 2011-2012 budget. There are no significant changes in the Commission on State Mandates’ budget (\$1,452,000). Following is information on mandate reimbursement.

The Administration proposes:

**A. Education**

- To defer funding on 28 K-14 education mandates, and suspend 16 K-12 mandated programs for 2011-2012.
- To defer funding on 15 community college education mandates, and suspend six community college mandated programs for 2011-2012. Five of the six suspended programs would be suspended until June 30, 2013.

**B. Local Agencies**

- To appropriate \$118,032,000 to fund 16 local agency mandates, and to suspend 60 local agency mandates.
- To make a one-time reduction of \$94 million by deferring the 2011-2012 payment of mandate obligation for costs incurred prior to 2004-05, which are statutorily required to be completely paid by 2020-2021.

The proposed budget states that this will result in a decrease of \$227.8 million in 2011-2012.

*Significant Differences from 2010-2011 Budget.* The mandated mental health services for special education students (including students placed in out-of-state residential facilities) are commonly referred to as AB 3632 services. In 2011-12, the AB 3632 mandate will be funded with Proposition 63 funds (for General Fund savings of \$98.6 million) within the Department of Mental Health budget.

On March 3, 2011, the Budget Conference Committee approved the Governor’s proposal for funding and suspending K-12 and community college mandates. The committee approved the Governor’s proposal to suspend election-related mandates, and rejected the Governor’s proposal to suspend funding for the Open Meetings Act.

**III. NEW PRACTICES**

**A. E-FILING DOCUMENTS WITH THE COMMISSION**

*E-Filing.* Commission staff introduced the new electronic filing or “E-Filing” system in January 2011. All parties may now submit and receive documents electronically. Commission staff continue to work with stakeholders to resolve minor issues but, to date, the E-Filing system has been a success.

*Pending Claims and Commission Decisions on the Website.* Commission staff continue to add additional pending claims and Commission decisions to the website. All Commission decisions should be available on the website by June 2011. All pending claims should be available on the website by September 2011.

## **B. BACKLOG REDUCTION PLAN**

In its September 15, 2010 Report to the Director of the Department of Finance, the Commission stated that it would prepare a plan to reduce and ultimately eliminate the backlog of IRCs. Because the Commission has limited staff resources, if staff shifts its efforts from test claims to IRCs, the time it will take to reduce the test claim backlog will increase, and vice versa. Accordingly, Commission staff proposes to assemble a plan that focuses on both IRCs and test claims to comprehensively address the backlog.

## **IV. TENTATIVE AGENDA ITEMS**

*The tentative agenda items are subject to change based on Commission staff's actual authorized work days, workload, litigation, requests for extensions of time to file comments on draft staff analyses, hearing postponements, pre-hearing conferences, and the complexity of the statutes and executive orders that are pled.*

### **A. TEST CLAIMS (11)**

1. *Employment of College Faculty and Instructors, 02-TC-27*  
Santa Monica Community College District, Claimant (May/July)
2. Consolidated: *Notice to Students and Minimum Conditions for State Aid, 02-TC-25 and 02-TC-31*  
Los Rios and Santa Monica Community College Districts, Claimants (May /July)
3. *California Public Records Act, 02-TC-10 and 02-TC-51*  
County of Los Angeles and Riverside Unified School District, Claimants (May/July)
4. *School Bus Safety III, 03-TC-01*  
San Diego Unified School District, Claimant (May/July)
5. *Tuberculosis Control, 03-TC-14*  
County of Santa Clara, Claimant (May/July)
6. *Community College Construction, 02-TC-47*  
Santa Monica Community College District, Claimant (July/September)
7. *Developer Fees, 02-TC-42*  
Clovis Unified School District, Claimant (July/September)
8. *Reserve Peace Officer Training, 03-TC-15*  
City of Kingsburg, Claimant (July/September)
9. *California English language Development Test 2, 03-TC-06*  
Castro Valley Unified School District, Claimant (July/September)

### **B. INCORRECT REDUCTION CLAIMS (9)**

1. *Handicapped and Disabled Students, 09-4282-I-05*  
County of Santa Clara, Claimant (May)
2. *Emergency Procedures, 01-4241-I-03*  
San Diego Unified School District, Claimant (July/September)

3. Consolidated: *Health Fee Elimination*, 09-4206-I-19, 20, 23, 26, 27, 28, 30  
Citrus, Cerritos, Los Rios, Redwood, Allan Hancock Joint, and Rancho  
Santiago Community College Districts, Claimants (July/September)

**C. PARAMETERS AND GUIDELINES (7)**

1. *Expulsions II* (96-358-03, 03A, 03B, 98-TC-22., 01-TC-18),  
*Pupil Suspensions II* (98-TC-23) and *Educational Services Plan*  
(97-TC-09), San Juan Unified School District, Claimant (May/July)
2. *Mandate Reimbursement Process II*, 05-TC-05  
City of Newport Beach, Claimant (May/July)
3. *Domestic Violence Background Checks*, 01-TC-29  
County of Alameda, Claimant (July/September)
4. *Identity Theft*, 03-TC-08  
City of Newport Beach, Claimant (July/September)
5. *Modified Primary Election*, 01-TC-13  
County of Orange, Claimant (July/September)
6. *Permanent Absent Voter II*, 03-TC-11  
County of Sacramento, Claimant (July/September)
7. *Voter Identification Procedures*, 03-TC-23  
County of San Bernardino, Claimant (July/September)

**D. REQUESTS TO AMEND PARAMETERS AND GUIDELINES (3)**

1. *Habitual Truants*, 09-PGA-01, 01-PGA-06  
Clovis Unified School District, Requestor (May/July)
2. *Mandate Reimbursement Process I and II*, 09-PGA-02  
San Jose Unified School District, Claimant (May/July)
3. *Enrollment Fee Collection and Waivers*, 08-PGA-02  
Los Rios, Cerritos, Citrus, El Camino, Gavilan, Kern, Long Beach,  
Mt. San Jacinto, Palomar, Pasadena Area, San Bernardino, Santa Monica,  
State Center, Sierra Joint, Victor Valley, West Kern, and Yosemite  
Community College Districts, Claimants  
(July/September)

**E. STATEWIDE COST ESTIMATES (8)**

1. *Prevailing Wage Rates*, 01-TC-28  
Grossmont Union High School District, Claimant (May/July)
2. *Academic Performance Index*, 01-TC-22  
San Juan Unified School District, Claimant (May/July)
3. *Student Records*, 02-TC-34  
Riverside Unified School District and Palomar Community College  
District, Claimants (May/July)
4. *Child Abuse and Neglect Reporting*, 01-TC-21  
San Bernardino Community College District, Claimant (May/July)
5. *Integrated Waste Management (Post-Litigation)*, 05-PGA-16 (00-TC-07)  
Santa Monica and Lake Tahoe Community College Districts,  
Claimants (May/July)

6. *Tuition Fee Waivers*, 02-TC-21  
Contra Costa Community College District, Claimant (July/September)
7. *Crime Victims' Domestic Violence Incident Reports II*, 02-TC-18  
County of Los Angeles, Claimant (July/September)
8. *Crime Statistic Reports for Department of Justice*,  
02-TC-04, 02-TC-11, 07-TC-10  
City of Newport Beach and County of Sacramento, Claimants  
(July/September)