

COMMISSION ON STATE MANDATES
NOTICE AND AGENDA¹

Note Different Location:

**Department of Social Services Building
744 P Street, First Floor, Auditorium
Sacramento, California**

April 26 2006
10:00 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 March 29, 2006

III. PROPOSED CONSENT CALENDAR (action)

Item 2 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.

IV. 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 3 Staff Report (if necessary)

V. RECONSIDERATION OF PRIOR STATEMENTS OF DECISION AND PARAMETERS AND GUIDELINES, AS DIRECTED BY THE LEGISLATURE IN STATUTES 2005, CHAPTER 72 (AB 138) (action)

(Note: Items 5 and 7 will not be voted on unless the staff recommendation for Items 4 and 6 are adopted.)

Item 4 *Mandate Reimbursement Process*, 05-RL-4204-02 (CSM 4204 & 4485) Statutes 1975, Chapter 486 (AB 1375); Statutes 1984, Chapter 1459 (SB 2337)

Item 5 Proposed Statement of Decision
Mandate Reimbursement Process, 05-RL-4204-02 (CSM 4204 & 4485)
See Above

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

- Item 6 *Peace Officer Procedural Bill of Rights*, 05-RL-4499-01, (CSM-4499)
Government Code Sections 3300 through 3310
As Added and Amended by Statutes 1976, Chapter 465 (AB 301); Statutes 1978, Chapters 775 (AB 2916); 1173 (AB 2443); 1174 (AB 2696), and 1178 (SB 1725); Statutes 1979, Chapter 405 (AB 1807); Statutes 1980, Chapter 1367 (AB 2977); Statutes 1982, Chapter 994 (AB 2397); Statutes 1983, Chapter 964 (AB 1216); Statutes 1989, Chapter 1165 (SB 353); and Statutes 1990, Chapter 675 (AB 389)

- Item 7 Proposed Statement of Decision
Peace Officer Procedural Bill of Rights, 05-RL-4499-01; (CSM-4499)
See Above

VI. HEARINGS AND DECISIONS ON TEST CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (Gov. Code, § 17551) (action)

(Note: Items 9 and 11 will not be voted on unless the staff recommendation for Items 8 and 10 are adopted.)

- Item 8 *Charter Schools III*, 99-TC-14
Education Code Sections 41365, 47605, subdivisions (b),(c),(d), (j) and (l), 47604.3, 47607, subdivision (c), 47612.5, 47613 (former § 47613.7), and 47630-47664; Statutes 1996, Chapter 786 (AB 3384), Statutes 1998, Chapter 34 (AB 544), Statutes 1998, Chapter 673 (AB 2417), Statutes 1999, Chapter 162 (SB 434), Statutes 1999, Chapter 736 (SB 267), Statutes 1999, Chapter 78 (AB 1115)
California Department of Education Memo (May 22, 2000)
Western Placer Unified School District and Fenton Avenue Charter School, Claimants

- Item 9 Proposed Statement of Decision
Charter Schools III, 99-TC-14
See Above

- Item 10 *Firearm Hearings for Discharged Inpatients*, 99-TC-11
Welfare and Institutions Code Section 8103,
Subdivisions (f) and (g)
Statutes 1990, Chapters 9 (AB 497) & 177(SB 830); Statutes 1991, Chapter 955 (AB 242); Statutes 1992, Chapter 1326 (AB 3384); Statutes 1993, Chapters 610 (AB 6) & 611 (SB 60); Statutes 1994, Chapter 224 (SB 1436); Statutes 1996, Chapter 1075 (SB 1444); Statutes 1999, Chapter 578 (AB 1587);
Los Angeles County, Claimant

- Item 11 Proposed Statement of Decision
Firearm Hearings for Discharged Inpatients, 99-TC-11
See Above

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

A. ADOPTION OF PROPOSED PARAMETERS AND GUIDELINES

Item 12* *High School Exit Exams*, 00-TC-06
Education Code Sections 60850, 60851, 60853, and 60855
Statutes 1999x, Chapter 1 (SBx1 2); Statutes 2000, Chapter 135 (AB 2539)
Trinity Union High School District, Claimant

B. AMEND PARAMETERS AND GUIDELINES BASED ON STATUTES 2004, CHAPTER 895 (AB 2855), AND REQUEST OF THE STATE CONTROLLER'S OFFICE

Item 13* *Annual Parent Notification*, 05-PGA-12 (CSM-4461, 4445, 4453, 4462, 4474, 4488, 97-TC-24, 99-TC-09, and 00-TC-12)
Education Code Section 48980
Statutes 1977, Chapter 36 (AB 447); Statutes 1979, Chapter 236 (AB 52);
Statutes 1980, Chapter 975 (AB 2949); Statutes 1985, Chapter 459 (AB 220);
Statutes 1986, Chapter 97 (AB 1689); Statutes 1987, Chapter 1452 (SB 998);
Statutes 1988, Chapter 65 (AB 2507); Statutes 1990, Chapter 10 (AB 149) and
Chapter 403 (AB 3307); Statutes 1992, Chapter 906 (AB 2900); Statutes 1993,
Chapter 1296 (AB 369); Statutes 1997, Chapter 929 (SB 85); Statutes 1998,
Chapter 846 (SB 1468); Statutes 1999-2000, 1st Extraordinary Session, Chapter
1 (SBx 12); Statutes 2000, Chapter 73 (SB 1689); and
Education Code Sections 35291, 48900.1; 58501; and 49063
Statutes 1977, Chapter 965 (AB 530); Statutes 1975, Chapter 448 (SB 445),
Statutes 1981, Chapter 469 (SB 222); Statutes 1986, Chapter 87 (AB 1649);
Statutes 1988, Chapter 1284 (AB 3535); and Statutes 1998, Chapter 1031
(AB 1216)

C. ADOPTION OF COMMISSION ORDER TO INITIATE RULEMAKING

Item 14* Article I Cleanup
Proposed Amendments to California Code of Regulations, Title 2, Chapter 2.5,
Article 1. General, Section 1181.4

VIII. SPECIAL REPORT (info/action)

Item 15 Mandate Reform Project Update

IX. STAFF REPORTS

Item 16 Chief Legal Counsel's Report (info)
Recent Decisions, Litigation Calendar

Item 17 Executive Director's Report (info/action)
Workload, Budget, Legislation, and Next Hearing

X. PUBLIC COMMENT

XI. 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. PERSONNEL

To confer on personnel matters pursuant to Government Code sections 11126, subdivision (a) and 17526.

B. 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. *Eastside Union High School District v. Commission on State Mandates*, Sacramento Superior Court Case No. 05CS01256 CSM Case No. 05-L-03 [Graduation Requirements, IRC]
2. *Woodland Joint Unified School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 05CS01401 CSM 05-L-05 [Graduation Requirements, IRC]
3. *Yuba City Unified School District v. State of California, et al.*, Sacramento Superior Court Case No. 05CS01237, CSM Case No. 05-L-01 [Graduation Requirements IRC]
4. *John Swett Unified School District v. State of California, et al.*, Sacramento Superior Court Case No. 05CS01262, CSM Case No. 05-L-02 [Graduation Requirements, IRC]
5. *West Contra Costa Unified School District, et al. v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 05CS01253 CSM Case No. 05-L-04 [Graduation Requirements, IRC]
[Filed on behalf of 12 school districts: West Contra Costa USD, Anderson Union High School District, Center USD, Lake Tahoe USD, Lincoln USD, Linden USD, Novato USD, Ojai USD, Placer Union High School District, San Juan USD, Stockton USD, Vallejo City USD]
6. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01069, CSM Case No. 03-L-01, consolidated with *County of Los Angeles v. Commission on State Mandates, et al.*, Los Angeles Superior Court Case No. BS087959, transferred to Sacramento Superior Court, Case No. 05CS00865, CSM Case No. 03-L-11 [Animal Adoption]

7. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01432, CSM Case No. 03-L-02 [*Behavioral Intervention Plans*]
8. *CSAC Excess Insurance Authority v. Commission on State Mandates, et al.*, Los Angeles Superior Court Case No. BS092146, CSM Case No. 04-L-01 [*Cancer Presumption for Law Enforcement and Firefighters and Lower Back Injury Presumption for Law Enforcement*], consolidated with *City of Newport Beach v. Commission on State Mandates, et al.*, Los Angeles Superior Court Case No. BS095456, CSM Case No. 04-L-02 [*Skin Cancer Presumption for Lifeguards*]
9. *County of Los Angeles, et al. v. Commission on State Mandates, et al.*, Second District Court of Appeal [Los Angeles] Case Number B183981, CSM Case No. 04-L-03, (Los Angeles Superior Court Nos. BS089769, BS089785) [*Transit Trash Receptacles, et al./Waste Discharge Requirements*]
10. *Southern California Association of Governments, et al. v. Commission on State Mandates*, Sacramento Superior Court Case No. 05CS00956, CSM Case No. 04-L-04 [*Regional Housing Needs Determination-Councils of Government*]

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).)

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

XIII. ADJOURNMENT

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