

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
SACRAMENTO, CA 95814
PHONE: (916) 323-3562
FAX: (916) 445-0278
E-mail: csminfo@csm.ca.gov



September 8, 2011

TO: ALL INTERESTED PERSONS
FROM: Drew Bohan, Executive Director *DLB*
RE: Notice, New Filings, and Agenda

On Thursday, September 29, 2011, the Commission will conduct its next regular meeting and hearing at 9:30 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, 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.

Agenda Materials. All back-up material and supporting documentation for public meetings are available for public inspection 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 (<http://www.csm.ca.gov/>). After reaching the site's home page, click on the words "Current Hearing" on the left side of the page for the hearing agenda. Generally, the short agenda will be uploaded two weeks prior to the hearing. Items will be uploaded approximately one week before the hearing and may be accessed from the agenda. If an item is postponed prior to the hearing, notice will be posted on the agenda. Following the hearing, Commission actions will be posted on the agenda, and revised items will be posted upon completion.

The approved minutes of previous commission meetings are also on the website in PDF format. To access the minutes, click on the words "Current Hearing" on the left side of the page. The most recent minutes become available following approval by the Commission, generally after the next hearing.

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 [HTTP://WWW.CSM.CA.GOV](http://www.csm.ca.gov) AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE LEFT SIDE OF THE PAGE.

DRAFT NOTICE AND AGENDA¹

Meeting of the Commission on State Mandates

State Capitol
Room 447
Sacramento, California

Thursday, September 29, 2011
9:30 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 July 28, 2011

III. 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 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 DECISION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181(C) (action)

Item 2 Appeal of Executive Director Decisions

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

V. HEARINGS AND DECISIONS ON TEST CLAIMS, PARAMETERS AND GUIDELINES, AND INCORRECT REDUCTION CLAIMS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551, 17557, and 17559) (action)

A. TEST CLAIMS

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

Item 3 *Tuberculosis Control*
03-TC-14

Health and Safety Code Sections 121361, 121362, 121363, 121364, 121365, 121366, 121367, 121368, and 121369, as added or amended by Statutes 1993, Chapter 676 (AB 803); Statutes 1994, Chapter 685 (AB 804); Statutes 1997, Chapters 116 (SB 362) and 294 (SB 391); and Statutes 2002, Chapter 763 (SB 843)

County of Santa Clara, Claimant

Item 4 *Proposed Statement of Decision*
See Item 3 Above

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

Item 5 *Community College Construction*
02-TC-47
Education Code Sections 70902(b)(1), 81663, 81800, 81805, 81807,
81808, 81820, 81821, 81822, 81823, 81836, 81837, 81839
Statutes 1980, Chapter 910 (AB 1171), Statutes 1981, Chapter 470
(AB 1726), Statutes 1981, Chapter 891 (SB 936), Statutes 1988, Chapter
973 (AB 1720), Statutes 1990, Chapter 1372 (SB 1854), Statutes 1991,
Chapter 1038 (SB 9), Statutes 1995, Chapter 758 (AB 446).
California Code of Regulations, Title 5, Sections 57001, 57001.5,
57001.7, 57002, 57010, 57011, 57013, 57014, 57015, 57016, 57033.1,
57050, 57051, 57052, 57053, 57054, 57055, 57060, 57061, 57062,
57063, 57150, 57152, 57154, 57156, 57158
Register 75, No. 40 (Oct. 4, 1975) page 673; Register 77, No. 45
(Nov. 6, 1977) pages 673-674; Register 80, No. 39 (Sept. 27, 1980) page
675-676.1; Register 80, No. 44 (Nov. 1, 1980) pages 676.5-676.6;
Register 81, No. 3 (Jan. 17, 1981) pages 673-676.6; Register 83, No. 18
(April 30, 1983) pages 666.27 – 666.36; Register 91, No. 23
(June 7, 1991) pages 371 – 377; Register 91, No. 43 (Oct. 25, 1991)
pages 371-372; Register 94, No. 38 (Sept. 23, 1994) page 371; Register
95, No. 23 (June 9, 1995) pages 371 – 389
Santa Monica Community College District, Claimant

Item 6 *Proposed Statement of Decision*
See Item 5 Above

B. PARAMETERS AND GUIDELINES AND STATEMENT OF DECISION

Item 7 *Pupil Suspensions II, Expulsions II, Educational Services Plans for
Expelled Pupils*
96-358-03, 03A, 97-TC-09, 98-TC-22, 98-TC-23, 01-TC-18
Education Code Sections 48900.8, 48915, 48915.2, 48916, 48916.1,
48918, 48918.5, 48923, and 48926
As Amended by Statutes 1995, Chapters 972 (SB 966) and 974
(AB 922); Statutes 1996, Chapters 915 (AB 692), 937 (AB 2834), and
1052 (AB 2720); Statutes 1997, Chapter 637 (AB 412); Statutes 1998,
Chapter 489 (SB 1427); Statutes 1999, Chapter 332 (AB 588); Statutes
2000, Chapter 147 (AB 1721); Statutes 2001, Chapter 116 (SB 166)
Consolidated With
PUPIL SUSPENSIONS FROM SCHOOL (CSM-4456)
Education Code Section 48911(b) and (e)
Statutes 1977, Chapter 965 (AB 530); Statutes 1978, Chapter 668
(AB 2191); Statutes 1980, Chapter 73 (SB 1247); Statutes 1983, Chapter
498 (SB 813); Statutes 1985, Chapter 856 (AB 1758); Statutes 1987,
Chapter 134 (AB 439)
PUPIL EXPULSIONS FROM SCHOOL (CSM-4455)
Education Code Sections 48915(a) and (b),
48915.1, 48915.2, 48916, and 48918
Statutes 1975, Chapter 1253 (AB 1770); Statutes 1977, Chapter 965
(AB 530); Statutes 1978, Chapter 668 (AB 2191); Statutes 1982,
Chapter 318 (SB 1385); Statutes 1983, Chapter 498 (SB 813); Statutes

1984, Chapter 622 (SB 1685); Statutes 1987, Chapter 942 (AB 2590); Statutes 1990, Chapter 1231 (AB 3794); Statutes 1992, Chapter 152 (AB 3362); Statutes 1993, Chapters 1255 (AB 342), 1256 (SB 1198), and 1257 (SB 1130); Statutes 1994, Chapter 146 (AB 3601)

PUPIL EXPULSION APPEALS (CSM-4463)

Education Code Sections 48919, 48921, 48924

Statutes 1975, Chapter 1253 (AB 1770); Statutes 1977, Chapter 965 (AB 530), Statutes 1978, Chapter 668 (AB 2191); Statutes 1983, Chapter 498 (SB 813)

San Juan Unified School District and Kern County Office of Education,
Claimants

- Item 8 *Peace Officer Procedural Bill of Rights*
09-PGA-05 (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 1726); Statutes of 1979, Chapter 405 (AB 1807); Statutes of 1980, Chapter 1367 (AB 2977); Statutes of 1982, Chapter 994 (AB 2397); Statutes of 1983, Chapter 964 (AB 1216); Statutes of 1989, Chapter 1165 (SB 353); and Statutes of 1990, Chapter 675 (AB 389)

City of Los Angeles, Requestor

C. INCORRECT REDUCTION CLAIM

(Note: Item 10 will not be voted on unless the staff recommendation for Item 9 is adopted.)

- Item 9 *Health Fee Elimination*
09-4206-I-19, 09-4206-I-20, 09-4206-I-23, 09-4206-I-26, 09-4206-I-27,
09-4206-I-28, 09-4206-I-30
Fiscal Years 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007,
2007-2008, 2008-2009
Education Code Section 76355
Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.) (AB 1);
Statutes 1987, Chapter 1118 (AB 2336)

Citrus Community College District, Cerritos Community College
District, Los Rios Community College District, Redwoods Community
College District, Allan Hancock Joint Community College District,
Rancho Santiago Community College District, and Pasadena
Community College District, Claimants

- Item 10 Proposed Statement of Decision
See Item 9 Above

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

A. REQUEST TO REVIEW CLAIMING INSTRUCTIONS

Item 11 *Request to Add Boilerplate Language,*
09-RCI-01

Five Amended Parameters and Guidelines Adopted January 29, 2010
Collective Bargaining, 05-PGA-48
Habitual Truant, 05-PGA-51
Intradistrict Attendance, 05-PGA-53
Juvenile Court Notices, 05-PGA-54
Health Fee Elimination, 05-PGA-69

And

Twelve Amended Parameters and Guidelines Adopted March 26, 2010
Caregiver Affidavits, 05-PGA-46
County Office of Education, Fiscal Accountability, 05-PGA-47
Financial Compliance Audits, 05-PGA-49
Graduation Requirements, 05-PGA-50
Law Enforcement Agency Notices, 05-PGA-55
Physical Education Reports, 05-PGA-60
Physical Performance Tests, 05-PGA-61
Pupil Health Screenings, 05-PGA-63
Pupil Residency Verification and Appeal, 05-PGA-64
Removal of Chemicals, 05-PGA-66
School District Fiscal Accountability Reporting, 05-PGA-67
Law Enforcement Jurisdiction Agreements, 05-PGA-70

And

Three Amended Parameters and Guidelines Adopted May 27, 2010
Notification of Truancy, 05-PGA-56
Notification to Teachers: Pupils Subject to Suspension or Expulsion,
05-PGA-57
Pupil Suspensions, Expulsions, and Expulsion Appeals, 05-PGA-65

Castro Valley Unified School District, Grossmont Union High School District, San Jose Unified School District, San Diego County Office of Education, Gavilan Joint Community College District, San Mateo County Community College District, State Center Community College District, Requestors

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 12 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 13 Legislative Update
- Item 14 Chief Legal Counsel: Recent Decisions, Litigation Calendar
- Item 15 Executive Director: Workload, Budget, 2012 Meeting Calendar, and Next Meeting/Hearing (info/action)

IX. PUBLIC COMMENT

X. 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 v. Commission on State Mandates*, Sacramento, Superior Court Case No. 34-2010-80000529 [Graduation Requirements, Parameters and Guidelines Amendments, Nov. 2008]
2. *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., 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]
3. Cross Petition Filed: *County of San Diego, and Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solano Beach, and Vista v. Commission on State Mandates, State of California Department of Finance, State Water Resources Control Board, and California Regional Water Control Board San Diego Region*, 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]

4. *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Board, Los Angeles Region v. Commission on State Mandates and County of Los Angeles, et. al.*, 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]
5. Cross Petition: *County of Los Angeles and Cities of Bellflower, Carson, Commerce, Covina, Downey and Signal Hill v. Commission on State Mandates, State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, Los Angeles Region*, 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]
6. *California School Board Association (CSBA) v. State of California et. al.*, Alameda County Superior Court Case No. RG11554698 [2010-2011 Budget Trailer Bills, Redetermination Process]

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.

RECONVENE IN PUBLIC SESSION

XI. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

For information, contact:

Drew Bohan, Executive Director
980 Ninth Street, Suite 300
Sacramento, CA 95814

(916) 322-0878
(916) 445-0278 Fax
Email: drew.bohan@csm.ca.gov