

COMMISSION ON STATE MANDATES

NOTICE AND AGENDA¹

State Capitol, Room 126
Sacramento, California

January 26, 2006
9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. ELECTION OF OFFICERS

Item 1 Election of Chairperson and Vice Chairperson

III. APPROVAL OF MINUTES (action)

Item 2 December 9, 2005

IV. PROPOSED CONSENT CALENDAR (action)

Item 3 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.

V. 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 4 Staff Report (If necessary)

VI. RECONSIDERATION OF PRIOR STATEMENTS OF DECISION AND PARAMETERS AND GUIDELINES, AS DIRECTED BY THE LEGISLATURE IN STATUTES 2004, CHAPTER 895 (AB 2855) AS AMENDED BY STATUTES 2005, CHAPTER 677 (SB 512) (action)

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

Item 5 *School Accountability Report Cards*, 04-RL-9721-11, 05-RL-9721-03
Education Code Sections 33126, 35256, 35256.1, 35258, 41409, and 41409.3
Statutes 1989, Chapter 1463 (SB 280); Statutes 1992, Chapter 759 (AB 1248);
Statutes 1993, Chapter 1031 (AB 198); Statutes 1994, Chapter 824 (SB 1665);
Statutes 1997, Chapters 912 (AB 572) and 918 (AB 568)
Reconsideration Directed By Statutes 2004, Chapter 895, Section 18
(AB 2855) as amended by Statutes 2005, Chapter 677, Section 53 (SB 512)

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

- Item 6 Proposed Statement of Decision
School Accountability Report Cards, 04-RL-9721-11, 05-RL-9721-03
See Above
- Item 7 Proposed Order to Set Aside Parameters and Guidelines,
School Accountability Report Cards , 97-TC-21
Education Code Sections 33126, 35256, 35256.1, 35258, 41409, 41409.3
Statutes of 1989, Chapter 1463 (SB 280); Statutes of 1992, Chapter 759
(AB 1248); Statutes of 1993, Chapter 1031 (AB 198); Statutes of 1994,
Chapter 824 (SB 1665); Statutes of 1997, Chapters 912 (AB 572) and 918
(AB 568)
As directed by Statutes 2004, Chapter 895, Section 18 (AB 2855) as amended
by Statutes 2005, Chapter 677, Section 53 (SB 512)

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 8* *DNA Database and Amendment to Postmortem Examinations: Unidentified
Bodies*, 00-TC-27 and 02-TC-39
Penal Code Section 14250
Statutes 2000, Chapter 822 (SB 1818); Statutes 2001, Chapter 467 (SB 297)
Counties of San Bernardino and Los Angeles, Claimants
- Item 9* *Enrollment Fee Collection and Enrollment Fee Waivers*, 99-TC-13, 00-TC-15
Los Rios and Glendale Community College Districts, Claimants
Education Code Section 76300;
California Code of Regulations, Title 5, Sections 58500-58508; 58600, 58601,
58610 – 58613, 58620, 58630
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)

B. ADOPTION OF PROPOSED PARAMETERS AND GUIDELINES AND PROPOSED ORDER TO SET ASIDE PARAMETERS AND GUIDELINES BASED ON STATUTES 2004, CHAPTER 493 (SB 1895)

Item 10* PROPOSED PARAMETERS AND GUIDELINES

Reconsideration of Handicapped and Disabled Students (04-RL-4282-10)

Government Code Sections 7570-7588

Statutes 1984, Chapter 1747 (AB 3632); Statutes 1985, Chapter 1274 (AB 882)

California Code of Regulations,² Title 2, Sections 60000-60610 (Emergency Regulations filed December 31, 1985, designated effective January 1, 1986 (Register 86, No. 1) and re-filed June 30, 1986, designated effective July 12, 1986 (Register 86, No. 28))

and

PROPOSED AMENDMENT TO PARAMETERS AND GUIDELINES

Handicapped and Disabled Students (CSM 4282)

Government Code Sections 7570-7588

Statutes 1984, Chapter 1747 (AB 3632); Statutes 1985, Chapter 1274 (AB 882)

California Code of Regulations,³ Title 2, Sections 60000-60610 (Emergency Regulations filed December 31, 1985, designated effective January 1, 1986 (Register 86, No. 1) and re-filed June 30, 1986, designated effective July 12, 1986 (Register 86, No. 28))

C. AMEND PARAMETERS AND GUIDLEINES BASED ON STATUTES 2004, CHAPTER 313(AB 2224)

Item 11* *Animal Adoption*, 04-PGA-01 and 04-PGA-02 (98-TC-11)

State Controller's Office, Requestor

Civil Code Sections 1834, 1846; Food and Agriculture Code Sections 31108, 31752, 31752.5, 31753, 32001, and 32003

Statutes 1998, Chapter 752 (SB 1785)

D. AMEND PARAMETERS AND GUIDELINES BASED ON STATUTES 2004, CHAPTER 895 (AB 2855) AND/OR STATUTES 2005, CHAPTER 677 (SB 512) AND REQUEST OF THE STATE CONTROLLER'S OFFICE

Item 12* *Physically Handicapped Voter Accessibility*, 05-PGA-14 (4363)

Statutes 1979, Chapter 494 (AB 745)

² When the test claim was originally filed, the California Code of Regulations was known as the California Administrative Code.

³ When the test claim was originally filed, the California Code of Regulations was known as the California Administrative Code.

Item 13* *Emergency Procedures, Earthquake Procedures, and Disasters and Comprehensive School Safety*, 04-PGA-24 (CSM-4241, 98-TC-01, 99-TC-10) Education Code Sections 35294.1, 35294.2, 35294.6, and 35294.8, 35295, 35296, 35297, 40041.5 and 40042, Statutes 1984, Chapter 1659 (AB 2786), Statutes 1997, Chapter 736 (SB 187), Statutes 1999, Chapter 996 (SB 408)

E. ADOPTION OF PROPOSED STATEWIDE COST ESTIMATES (action)

Item 14* *False Reports of Police Misconduct*, 00-TC-26
County of San Bernardino, Claimant
Penal Code Section 148.6, Subdivisions (a)(2) and (a)(3)
Statutes 1995, Chapter 590 (AB 1732)
Statutes 2000, Chapter 289 (SB 2133)

VIII. STAFF REPORTS (action/info)

Item 15* Adoption of 2006 Rulemaking Calendar (action)

Item 16 Staff Proposal for Conducting Mandate Reform Discussions (discussion and action)

Item 17 Chief Legal Counsel's Report (info)
Recent Decisions, Litigation Calendar

Item 18 Executive Director's Report (info/action)
Workload, Budget and Staffing, Legislation

IX. PUBLIC COMMENT

X. 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. *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*]
2. *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*]

3. *Eastside Unified High School District v. Commission on State Mandates, et al.*
Sacramento Superior Court Case No. 05CS01256
CSM Case No. 05-L-03 [Graduation Requirements, IRC]
4. *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]
5. *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]
6. *California Department of Finance, et al. v. CSAC Excess Insurance Authority, et al.*, Second District Court of Appeal Case No. B188169,
CSM Case No. 05-L-06 [CSAC-EIA Presumptions]
7. *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]
8. *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]
9. *San Diego Unified School District v. Commission on State Mandates, et al.*,
Sacramento Superior Court Case No. 03CS01401,
CSM Case No. 03-L-03 [Graduation Requirements IRC]
10. *Castro Valley Unified School District v. Commission on State Mandates, et al.*,
Sacramento Superior Court Case No. 03CS01568,
CSM Case No. 03-L-04 [Graduation Requirements IRC]
11. *San Jose Unified School District v. Commission on State Mandates, et al.*,
Sacramento Superior Court Case No. 03CS01569,
CSM Case No. 03-L-05 [Graduation Requirements IRC]
12. *Sweetwater Union High School District v. Commission on State Mandates, et al.*,
Sacramento Superior Court Case No. 03CS01570,
CSM Case No. 03-L-06 [Graduation Requirements IRC]
13. *Clovis Unified School District v. Commission on State Mandates, et al.*,
Sacramento Superior Court Case No. 03CS01702,
CSM Case No. 03-L-09 [Graduation Requirements IRC]

14. *Grossmont Union High School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 04CS00028, CSM Case No. 03-L-10 [*Graduation Requirements IRC*]
15. *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*]
16. *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*]
17. *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).)

- XI. REPORT FROM CLOSED EXECUTIVE SESSION, RECONVENE IN PUBLIC SESSION
- XII. ADJOURNMENT

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