

COMMISSION ON STATE MANDATES

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May 6, 2011

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

On Thursday, May 26, 2011, the Commission will conduct its next regular meeting and hearing. Please note that the hearing will be conducted at 9:30 a.m., in the offices of Department of Finance, 915 L Street, Redwood Room, 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 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.

Web Site. Agenda items are available on the Commission's Web Site (<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 Web Site in PDF formats. 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.

NEW FILINGS

March 5, 2011 through May 5, 2011

Claim Number	Date Received	Claimant	Description
10-PGA-03	3/7/11	State Controller's Office	Request to Amend Parameters and Guidelines: <i>Pupil Promotion and Retention</i> 98-TC-19 Education Code Sections 37252, 37252.5 (now 37252.2), 48070, and 48070.5; Statutes 1981, Chapter 100; Statutes 1982, Chapter 1388; Statutes 1983, Chapter 498; Statutes 1990, Chapter 1263; Statutes 1998, Chapters 742 and 743
10-TC-08	3/28/11	County of Santa Barbara	Test Claim: <i>Post Election Manual Tally (PEMT)</i> , 10-TC-08 Office of Administrative Law File No. 2008-2009-002E, effective October 20, 2008; California Code of Regulations, Title 2, Division 7, Chapter 3, Post Election Manual Tallies Sections 20120, 20121, 20122, 20123, 20124, 20125, 20126 and 20127
10-TC-09	3/30/11	Santa Clarita Valley Sanitation District of Los Angeles	Test Claim: <i>Upper Santa Clara River Chloride Requirements</i> , 10-TC-09 Los Angeles Regional Water Quality Control Board Resolution No. R4-2008-012, Effective December 11, 2008

NOTICE AND AGENDA¹

Meeting of the Commission on State Mandates

**Location of Meeting: Department of Finance
915 L Street, Redwood Room
Sacramento, California 95814**

Thursday, May 26, 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 March 24, 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, SUBDIVISION (C) (action)

Item 2 Appeal of Executive Director's Decision

(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, 6 and 8 will not be voted on unless the staff recommendation for Items 3, 5 and 7 are adopted.)

Item 3 *Minimum Conditions for State Aid*
02-TC-25 and 02-TC-31
Education Code Sections 66721, 66721.5, 66722, 66722.5, 66731, 66732, 66736, 66737, 66738, 66740, 66741, 66742, 66743, 70901, 70901.5, 70902, 71027, 78015, 78016, 78211.5, 78212, 78213, 78214, 78215, 78216, 87482.6, and 87482.7
Statutes 1975, Chapter 802 (SB 1213); Statutes 1976, Chapters 275 (AB 77), 783 (AB 4044), 1010 (AB 3100), and 1176 (AB 3595)
Statutes 1977, Chapters 36 (AB 447) and 967 (AB 799); Statutes 1979, Chapters 797 (AB 1549) and 977 (SB 15); Statutes 1980, Chapter 910 (AB 1171); Statutes 1981, Chapters 470 (AB 1726) and 891 (SB 936);

Statutes 1982, Chapters 1117 (AB 3133) and 1329 (AB 3424); Statutes

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

1983, Chapters 143 (AB 1949) and 537 (SB 73); Statutes 1984, Chapter 1371 (SB 2252); Statutes 1986, Chapter 1467 (AB 3); Statutes 1988, Chapters 973 (AB 1725) and 1514 (AB 3653); Statutes 1990, Chapters 1372 (SB 1854) and 1667 (SB 1033); Statutes 1991, Chapters 1038 (SB 9), 1188 (SB 121), and 1198 (AB 617); Statutes 1995, Chapters 493 (SB 450) and 758 (AB 446); Statutes 1998, Chapter 365 (AB 2214), 914 (AB 499), and 1023 (AB 2329); Statutes 1999, Chapter 587 (AB 537); Statutes 2000, Chapter 187 (AB 1918); and Statutes 2002, Chapter 1169 (SB 2028)

California Code of Regulations, Title 5, Sections 51000, 51002, 51004, 51006, 51008, 51012, 51014, 51016, 51018, 51020, 51021, 51022, 51023, 51023.5, 51023.7, 51024, 51025, 51027, 51100, 51102, 53200, 53202, 53203, 53204, 53207, 53300, 53301, 53302, 53308, 53309, 53310, 53311, 53312, 53314, 54626, 54805, 55000, 55000.5, 55001, 55002, 55002.5, 55004, 55005, 55006, 55100, 55130, 55150, 55160, 55170, 55182, 55200, 55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55401, 55402, 55403, 55404, 55500, 55502, 55510, 55512, 55514, 55516, 55518, 55520, 55521, 55522, 55523, 55524, 55525, 55526, 55530, 55532, 55534, 55600, 55601, 55602, 55602.5, 55603, 55605, 55607, 55620, 55630, 55750, 55751, 55752, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763, 55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806, 55807, 55808, 55809, 55825, 55827, 55828, 55829, 55830, 55831, 58102, 58104, 58106, 58107, 58108, 59404, and 59410

Register 71, Number 27; Register 76, Number 10; Register 77, Number 45; Register 78, Number 51; Register 81, Number 52; Register 82, Number 31; Register 83, Number 18; Register 83, Number 29; Register 83, Number 53; Register 84, Number 26; Register 85, Number 20; Register 88, Number 20; Register 88, Number 42; Register 90, Number 37; Register 90, Number 49; Register 91, Number 23; Register 91, Number 45; Register 91, Number 46; Register 92, Number 4; Register 92, Number 7; Register 92, Number 15; Register 92, Number 17; Register 92, Number 34; Register 93, Number 25; Register 93, Number 42; Register 94, Number 18; Register 94, Number 38; Register 98, Number 7; Register 98, Number 14; Register 2000, Number 26; Register 2000, Number 50; Register 2001, Number 43; Register 2002, Number 8; Register 2002, Number 26; and Register 2003, Number 18. Handbook of Accreditation and Policy Manual, Accrediting Commission for Community and Junior Colleges (Summer 2002); "Program and Course Approval Handbook" Chancellor's Office California Community Colleges (September 2001)

Los Rios Community College District, Santa Monica Community College District, and West Kern Community College District, Co-Claimants

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

- Item 5 *California Public Records Act*
02-TC-10 and 02-TC-51
Government Code Sections 6252, 6253, 6253.1, 6253.5, 6253.9, 6254.3, 6255, and 6259
Statutes 1975, Chapters 678 (SB 736) and 1246 (AB 23); Statutes 1977, Chapter 556 (AB 1710); Statutes 1980, Chapter 535 (AB 2328); Statutes 1982, Chapter 163 (AB 2295); Statutes 1984, Chapters 802 (SB 2222) and 1657 (AB 3100); Statutes 1985, Chapter 1053 (SB 16); Statutes 1990, Chapter 908 (SB 2272); Statutes 1992, Chapters 463 (AB 1040) and 970 (SB 1260); Statutes 1993, Chapter 926 (AB 2205); Statutes 1994, Chapter 923 (SB 1546); Statutes 1998, Chapter 620 (SB 143); Statutes 1999, Chapter 83 (SB 966); Statutes 2000, Chapter 982 (AB 2799); Statutes 2001, Chapter 355 (AB 1014); and Statutes 2002, Chapters 945 (AB 1962) and 1073 (AB 2937)

Riverside Unified School District and Los Angeles County,
Co-Claimants
- Item 6 *Proposed Statement of Decision*
See Item 5 Above
- Item 7 *School Bus Safety III*
03-TC-01
Education Code Sections 39831.5 [Former Section 38048], 38047.5, 38047.6; Vehicle Code Sections 22112, 22454, 27316, 27316.5
Statutes 1999, Chapter 647 (AB 1573); Statutes 1999, Chapter 648 (AB 15); Statutes 2001, Chapter 581 (SB 568); Statutes 2002, Chapter 360 (AB 2681); Statutes 2002, Chapter 397 (SB 1685)

San Diego Unified School District, Claimant
- Item 8 *Proposed Statement of Decision*
See Item 7 Above

B. PARAMETERS AND GUIDELINES AND STATEMENT OF DECISION

- Item 9* *Mandate Reimbursement II*
05-TC-05
Government Code Section 17553, Subdivision (b)(1)(c) through (G) and (b)(2)
Statutes 2004, Chapter 890 (AB 2856)
California Code of Regulations, Title 2, Sections 1183, Subdivision (d) (Register 2005, No. 36, Effective September 6, 2005)
City of Newport Beach, Claimant
And
Proposed Consolidated Parameters And Guidelines
Mandate Reimbursement I and II
CSM 4204, 4485 and 05-TC-05
Statutes 1975, Chapter 486 (AB 1375); Statutes 1984, Chapter 1459 (SB 2337); Statutes 2006, Chapter 47 (Budget Act of 2006) (AB 1801); Statutes 2007, Chapter 171 (Budget Act of 2007) (SB 77); Statutes 2008, Chapter 268 (Budget Act of 2008) (AB 1781); Statutes 2009, Chapter 1, Third Extraordinary Session (Budget Act of 2009) (SB3X 1)
Government Code Section 17553, Subdivision (b)(1)(c) through (G) and (b)(2) Statutes 2004, Chapter 890 (AB 2856)
California Code of Regulations, Title 2, Sections 1183, Subdivision (d) (Register 2005, No. 36, Effective September 6, 2005)

C. INCORRECT REDUCTION CLAIM

(Note: Item 11 will not be voted on unless the staff recommendation for Item 10 is adopted.)

- Item 10 *Handicapped and Disabled Students*
09-4282-I-05
Fiscal Years 2003-2004, 2004-2005, and 2005-2006
Government Code Sections 7570-7588
Statutes 1984, Chapter 1747 (AB 3632); Statutes 1985, Chapter 1274 (AB. 882); Statutes 1994, Chapter 1128 (AB. 1892); Statutes 1996, Chapter 654 (AB2726)
California Code of Regulations, Title 2, Sections 60000-60610 (Emergency Regulations Effective January 1, 1986 [Register 86, No. 1], and Re-filed June 30, 1986, Designated Effective July 12, 1986 [Register 86, No. 28]; and Emergency Regulations Effective July 1, 1998 [Register 98, No. 26], Final Regulations Effective August 9, 1999 [Register 99, No. 33])
Santa Clara County, Claimant
- Item 11 Proposed Statement of Decision
See Item 10 Above

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

A. PROPOSED STATEWIDE COST ESTIMATES

Item 12* *Prevailing Wage Rate*

01-TC-28

Labor Code Section 1776

Statutes 1978, Chapter 1249 (AB 3174)

California Code of Regulations, Title 8, Sections 16400,

Subdivisions (c), and (d), 16403, Subdivision (a), and 16408,

Subdivision (b)

Grossmont Union High School District, Claimant

Item 13* *Academic Performance Index*

01-TC-22

Education Code Section 52056, Subdivision (c)

Statutes 1999, 1st Extraordinary Session, Chapter 3;

Statutes 2000, Chapter 695 (SB 1552)

San Juan Unified School District, Claimant

Item 14* *Student Records*

02-TC-34

Statutes 1989, Chapter 593 (SB 1546); Statutes 1993, Chapter 561

(AB 1539); Statutes 1998, Chapter 311 (SB 933); Statutes 2000, Chapter 67

(AB 2453)

Riverside Unified School District and Palomar Community College District,
Co-Claimants

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 15 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 16 Legislative Update

Item 17 Chief Legal Counsel: Recent Decisions, Litigation Calendar

Item 18 Executive Director: Workload, Budget, 2011 Meeting Calendar, New Practices, and Next Meetings/Hearings (July 28 and September 29, 2011) (info)

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, subdivision (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*

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 or staff.

RECONVENE IN PUBLIC SESSION

XI. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

For information, contact:

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