State Capitol, Room 447
Sacramento, California
August 1, 2008
9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

    Item 1   June 26, 2008

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 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 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 CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551) (ACTION)

    A.   TEST CLAIMS AND PROPOSED STATEMENTS OF DECISION

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

    Item 3   *Pupil Expulsions II,* 96-358-03, 03A, 03B, 98-TC-22, 01-TC-18
                Education Code Sections 48900, 48900.2, 48900.3, 48900.4, 48915, 48915.1, 48915.2, 48915.7, 48916, 48916.2, 48917 (& former 48907.5), 48918
                (Continued on next page.)

Item 3
(cont.)

Statutes 1975, Chapter 1253 (AB 1770), Statutes 1977, Chapter 965 (AB 530); Statutes 1978, Chapter 668 (AB 2191), Statutes 1979, Chapter 1014 (AB 202), Statutes 1982, Chapter 318 (SB 1385), Statutes 1983, Chapter 498 (SB 813), Statutes 1984, Chapter 23 (AB 1619), Statutes 1984, Chapter 536 (AB 3151), Statutes 1984, Chapter 622 (SB 1685), Statutes 1985, Chapter 318 (AB 343), Statutes 1986, Chapter 1136 (AB 4085), Statutes 1987, Chapter 383 (AB 56), Statutes 1987, Chapter 942 (AB 2590), Statutes 1989, Chapter 1306 (SB 142), Statutes 1990, Chapter 1231 (AB 3794), Statutes 1990, Chapter 1234 (AB 3880), Statutes 1992, Chapter 152 (AB 3362), Statutes 1992, Chapter 909 (SB 1930), Statutes 1993, Chapter 1255 (AB 342), Statutes 1993, Chapter 1256 (SB 1198), Statutes 1993, Chapter 1257 (SB 1130), Statutes 1994, Chapter 146 (AB 3601), Statutes 1994, Chapter 1017 (AB 2752), Statutes 1994, Chapter 1198 (AB 2543), Statutes 1995, Chapter 95 (AB 620), Statutes 1995, Chapter 972 (SB 966), Statutes 1996, Chapter 15 (AB 1489);

First Amendment to add Education Code Sections 48916.1 & 48918.5, and to delete 48916.2 & 48915.7, and to add Statutes 1995, Chapter 974 (AB 922), Statutes 1996, Chapter 915 (AB 692), Statutes 1996, Chapter 937 (AB 2834), Statutes 1996, Chapter 1052 (AB 2720);

Second Amendment to add Education Code Section 48900.7, and to add Statutes 1997, Chapter 405 (AB 307), and Statutes 1997, Chapter 637 (AB 412);

Third Amendment to add Education Code Sections 48918 (as amended), 48919, 48919.5, and to add Statutes 1997, Chapter 417 (AB 259), Statutes 1998, Chapter 489 (SB 1427);

Fourth Amendment to add Education Code Sections 48900, 48900.3, 48915, 48916.1, 48918, 48919, 48923,

Statutes 1998, Chapter 489 (SB 1427); Statutes 1999, Chapter 332 (AB 588), Statutes 1999, Chapter 646 (AB 1600), Statutes 2000, Chapter 147 (AB 1721), Statutes 2001, Chapter 116 (SB 166), Statutes 2001, Chapter 484 (AB 653);

Filed on June 3, 2002

Pupil Suspensions II 96-358-04, 04A, 04B, 98-TC-23, 01-TC-17
Education Code Sections 48900, 48900.2, 48900.3, 48900.4, 48900.5, 48911

Statutes 1977, Chapter 965 (AB 530), Statutes 1978, Chapter 668 (AB 2191), Statutes 1980, Chapter 73 (SB 1247), Statutes 1982, Chapter 318 (SB 1385), Statutes 1983, Chapter 498 (SB 813), Statutes 1983, Chapter 1302 (AB 70), Statutes 1984, Chapter 536 (AB 3151), Statutes 1985, Chapter 318 (AB 343), Statutes 1985, Chapter 856 (AB 1758), Statutes 1985, Chapter 907 (SB 1260), Statutes 1986, Chapter 1136 (AB 4085), Statutes 1987, Chapter 134 (AB 439), Statutes 1987, Chapter 383 (AB 56), Statutes 1989, Chapter 1306 (SB 142), Statutes 1990, Chapter 1234 (AB 3880), Statutes 1992, Chapter 909 (SB 1930), Statutes 1992, Chapter 1360 (AB 2773), Statutes 1994, Chapter 146 (AB 3601), Statutes 1994, Chapter 1017 (AB 2752), Statutes 1994, Chapter 1198 (AB 2543), Statutes 1995, Chapter 972 (SB 966)

Item 3
(cont.)
First Amendment to add Statutes 1996, Chapter 915 (AB 692)
amending Education Code Section 48900
Second Amendment to add Statutes 1997, Chapters 405 (AB 307) and
637 (AB 412), adding or amending Education Code Sections 48900.7
and 48900
Third Amendment to add Statutes 1997, Chapter 637 (AB 412) adding
Education Code Section 48900.8
Fourth Amendment to add Statutes 1999, Chapter 646 (AB 1600) and
Statutes 2001, Chapter 484 (AB 653), amending Education Code
Sections 48900 and 48900.3

Educational Services Plan for Expelled Pupils (97-TC-09)
Education Code Sections 48915, 48916, 48916.1, 48926
Statutes 1995, Chapter 972 (SB 966), Statutes 1995, Chapter 974
(AB 922), Statutes 1996, Chapter 937 (AB 2834), Statutes 1996,
Chapter 1052 (AB 2720);
First Amendment filed on December 3, 2001 to substitute Claimant

San Juan Unified School District, Claimant

Item 4
Proposed Statement of Decision:
See Item 3 above.

Item 5
Prevailing Wage Rate, 01-TC-28
Labor Code Sections 1720, 1720.2, 1720.3, 1726, 1727, 1733, 1735,
1741, 1742, 1742.1, 1743, 1750, 1770, 1771, 1771.5, 1771.6, 1771.7,
1772, 1773, 1773.1, 1773.2, 1773.3, 1773.5, 1773.6, 1775, 1776,
1777.1, 1777.5, 1777.6, 1777.7, 1812, 1813, 1861
Public Contract Code Section 22002
Statutes 2002, Chapter 868 (AB 1506); Statutes 2001, Chapter 938
(SB 975); Statutes 2001, Chapter 804 (SB 588); Statutes 2000, Chapter
954 (AB 1646);Statutes 2000, Chapter 920 (AB 1883); Statutes 2000,
Chapter 881 (SB 1999);Statutes 2000, Chapter 875 (AB 2481); Statutes
2000, Chapter 135 (AB 2539); Statutes 1999, Chapter 903 (AB 921);
Statutes 1999, Chapter 220 (AB 302); Statutes 1999, Chapter 83
(SB 966); Statutes 1999, Chapter 30 (SB 16); Statutes 1998, Chapter
485
(AB 2803); Statutes 1998, Chapter 443 (AB 1569); Statutes 1997,
Chapter 757 (SB 1328); Statutes 1997, Chapter 17 (SB 947); Statutes
1993, Chapter 589 (AB 2211); Statutes 1992, Chapter 1342 (SB 222);
Statutes 1992, Chapter 913 (AB 1077); Statutes 1989, Chapter 1224
(AB 114); Statutes 1989, Chapter 278 (AB 2483); Statutes 1988,
Chapter 160 (SB 2637); Statutes 1983, Chapter 1054 (AB 1666);
Statutes 1983, Chapter 681 (AB 2037); Statutes 1981, Chapter 449
(AB 1242); Statutes 1980, Chapter 992 (AB 3165); Statutes 1980,
Chapter 962 (BA 2557); Statutes 1979, Chapter 373 (SB 925); Statutes
1978, Chapter 1249 (AB 3174); Statutes 1977, Chapter 423
(SB 406); Statutes1976; Chapter 1179 (AB 3676); Statutes 1976;

Item 5   Chapter 1174 (AB 3365); Statutes 1976, Chapter 861 (SB 1953);
(cont.)   Statutes 1976, Chapter 599 (AB 1125); Statutes 1976, Chapter 538
                (AB 2466); Statutes 1976, Chapter 281 (AB 2363);
                Title 8, California Code of Regulations Sections 16000, 16001-16003,
                16100-16102, 16200-16206, 16300-16304, 16400-16403, 16410-16414,
                16425, 16426-16428, 16429-16432, 16433, 16436-16439, 16500,
                16800-16802, 17201-17212, 17220-17229, 17230-17237, 17240-17253,
                17260-17264
                School Facility Program Substantial Progress and
                Expenditure Audit Guide – May 2003
                (Prepared by the Office of Public School Construction)
                AB 1506 Labor Compliance Program Guidebook – February 2003
                (Prepared by the Division of Labor Standards Enforcement)
                Antioch Unified School District Labor Compliance Program
                January 17, 2003

                Clovis Unified School District, Claimant

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

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

     A.   PARAMETERS AND GUIDELINES

           Item 7*   *Pupil Discipline Records,* 00-TC-10
                        Education Code Sections 48201 and 49079
                        Statutes 2000, Chapter 345(AB 29)
                        Sweetwater Union High School District, Claimant
                        Consolidated with
                        Notification to Teachers: Pupils Subject to Suspension or Expulsion II,
                        00-TC-11
                        Education Code Sections 48201 and 49079
                        Statutes 2000, Chapter 345 (AB 29)
                        Carpinteria Unified School District and Sweetwater Union and Grant
                        Joint Union High School District, Co-Claimants

           Item 8*   *California Fire Incident Reporting System (CFIRS),*
                        CSM-4419/00-TC-02
                        The New California Fire Incident Reporting System Manual – Version
                        1.0/July 1990
                        San Ramon Valley Fire Protection District and City of Newport Beach,
                        Claimants

Item 9*   *In-Home Supportive Services II,* 00-TC-23
           Welfare and Institutions Code Sections 12301.3, 12301.4 and 12302.25
           Statutes 1999, Chapter 90; Statutes 2000, Chapter 445
           County of San Bernardino, Claimant

Item 10*   *Fifteen-Day Close of Voter Registration,* 01-TC-15,
           Elections Code Sections 13303
           Statutes 2000, Chapter 899;
           County of Orange, Claimant

B.   MEETING AND HEARING CALENDARS

Item 11   Adoption of Revised Meeting and Hearing Calendars

VII.   STAFF REPORTS (info/action)

Item 12   Chief Legal Counsel: Recent Decisions, Litigation Calendar

Item 13   Executive Director: Workload, Budget, and
           Next Hearing (September 26, 2008)

VIII.   PUBLIC COMMENT

IX.   CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE
       SECTIONS 11126 and 17526 (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, et al.,* Sacramento Superior Court Case No. 03CS01432,
      [Behavioral Intervention Plans]

2.   *California School Boards Association, Education Legal Alliance; County of
      Fresno; City of Newport Beach; Sweetwater Union High School District
      and County of Los Angeles v. State of California, Commission on State
      Mandates and Steve Westly, in his capacity as State Controller,* Third
      District Court of Appeal, Case No. C055700; [AB 138; Open Meetings Act,
      Brown Act Reform, Mandate Reimbursement Process I and II; and School
      Accountability Report Cards (SARC) I and II]

3.   *Department of Finance v. Commission on State Mandates,* Third District
      Court of Appeal, Case No. C056833, [Peace Officer Procedural Bill of
      Rights]

4.   *Department of Finance and California Integrated Waste Management Board v. Commission on State Mandates, Santa Monica Community College District, and Lake Tahoe Community College District*, Sacramento County Superior Court, Case No. 07CS00355, [Integrated Waste Management]

5.   *San Diego Unified School District v. Commission on State Mandates and California Department of Finance*, San Diego County Superior Court, Case No. 37-2007-00064077-CU-PT-CTL, [Emergency Procedures: Earthquake Procedures and Disasters]

6.   *California School Boards Association, Education Legal Alliance, and Sweetwater Union High School Dist. v. State of California, Commission on State Mandates, and John Chiang, in his capacity as State Controller*, Sacramento County Superior Court, Case No. 07CS01399, [School Accountability Report Cards, SARC]

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).)

B.   PERSONNEL

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

RECONVENE IN PUBLIC SESSION

X.   REPORT FROM CLOSED EXECUTIVE SESSION

PERSONNEL (action)

Item 14   Proposed Revisions to Executive Director Duty Statement and Adjustment to Salary/Classification pursuant to Government Code Section 17530

ADJOURNMENT

For information, contact:

Paula Higashi, Executive Director   (916) 323-8210
980 Ninth Street, Suite 300   (916) 445-0278 Fax
Sacramento, CA 95814   Email: paula.higashi@csm.ca.gov