

COMMISSION ON STATE MANDATES

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August 9, 2012

TO: ALL INTERESTED PERSONS
FROM: Heather Halsey, Executive Director *H.H.*
RE: Notice and Agenda

On Friday, September 28, 2012, the Commission will conduct its next regular meeting and hearing. The hearing will be conducted 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 or emailing, 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. 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.

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 at www.csm.ca.gov. After reaching the site's home page, click on "Current Hearing" on the left side of the page for the hearing agenda. Generally, the agenda and items will be uploaded two weeks before the meeting and may be accessed from the agenda. If an item is postponed prior to the meeting, notice will be posted on the agenda. Following the meeting, Commission actions will be posted on the Commission's website, and revised items will be posted upon completion.

The approved minutes of Commission meetings since January 2004 are on the website in PDF format. Transcripts of Commission meetings since July 2011 are attached to the minutes. To access these documents, click "Current Hearing" on the left side of the home page.

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 WWW.CSM.CA.GOV AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE RIGHT SIDE OF THE PAGE.

NEW FILINGS

June 22, 2012 through August 9, 2012

There were no new filings for this period.

AGENDA¹
Meeting of the Commission on State Mandates
State Capitol
Room 447
Sacramento, California
Friday, September 28, 2012
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.

Please note: July hearing items are designated by a dagger (†) and are rescheduled to this September 28, 2012 Commission meeting.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1† May 25, 2012

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 one 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(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 AND PARAMETERS AND GUIDELINES PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551, 17557, and 17559) (action)

A. TEST CLAIMS

Item 3† *Reserve Peace Officer Training, 03-TC-15*

Penal Code Sections 830.6 and 832.6 as added or amended by Statutes 1977, Chapter 987; Statutes 1979, Chapter 987; Statutes 1980, Chapters 1301 and 1340; Statutes 1982, Chapter 79; Statutes 1983, Chapter 446; Statutes 1984, Chapter 761; Statutes 1986, Chapter 160; Statutes 1988, Chapter 1482; Statutes 1989, Chapters 594 and 1165; Statutes 1990, Chapter 1695; Statutes 1991, Chapter 509; Statutes 1993, Chapters 169 and 718; Statutes 1994, Chapters 117 and 676; Statutes 1993-94 Extra Session, Chapter 26; Statutes 1995, Chapter 54; Statutes 1996, Chapter 1142; Statutes 1997, Chapter 127; Statutes 1998, Chapter 190; Statutes 1999, Chapter 111; Statutes 2000, Chapter 287; and Statutes 2001, Chapter 473

Post Administrative Manual, Section B (January 2003 Version)

City of Kingsburg, Claimant

¹ This public meeting notice is available on the Commission's website at www.csm.ca.gov.

- Item 4 *Uniform Complaint Procedures (K-12), 03-TC-02*
 Education Code Sections 200, 220, 231.5, 250, 251, 253, 260, 261, 262.3, and 262.4
 Government Code Sections 11135, 11136, 11137, 11138, and 11139
 Statutes 1977, Chapter 972; Statutes 1982, Chapter 1117;
 Statutes 1988, Chapters 1514; Statutes 1990, Chapter 1372; Statutes 1992, Chapter 417; Statutes 1992, Chapter 906; Statutes 1992, Chapter 913; Statutes 1993, Chapter 1123; Statutes 1994, Chapter 146; Statutes 1998, Chapter 914; Statutes 1999, Chapter 587; Statutes 1999, Chapter 591; Statutes 2001, Chapter 708; Statutes 2002, Chapter 300; and Statutes 2002, Chapter 1102
 California Code of Regulations, Title 5, Sections 4600, 4610, 4611, 4620, 4621, 4622, 4630, 4631, 4632, 4640, 4650, 4651, 4652, 4660, 4661, 4662, 4663, 4664, 4665, and 4670
 Register 92, Number 3; Register 92; Number 18; and Register 93, Number 51
 Solana Beach School District, Claimant
- Item 5 *Pupil Health: Oral Health Assessment, 07-TC-03*
 Education Code Section 49452.8
 Statutes 2006, Chapter 413 (AB 1433)
 San Diego Unified School District, Claimant
- Item 6 *Instructional Materials Funding Requirements, 03-TC-07*
 Education Code Sections 60000, 60002, 60045, 60048, 60119, 60200, 60242, 60242.5, 60248, 60252, 60421, 60422, 60423, 60424, 60501, 60510.5, 60521
 Statutes 1976, Chapter 817, Statutes 1977, Chapter 36, Statutes 1979, Chapter 282, Statutes 1982, Chapter 1503, Statutes 1983, Chapter 498, Statutes 1985, Chapter 1440, Statutes 1985, Chapter 1470, Statutes 1985, Chapter 1546, Statutes 1985, Chapter 1597, Statutes 1986, Chapter 211, Statutes 1987, Chapter 1452, Statutes 1989, Chapter 1181, Statutes 1991, Chapter 353, Statutes 1991, Chapter 529, Statutes 1991, Chapter 1028, Statutes 1993, Chapter 56, Statutes 1994, Chapter 927, Statutes 1995, Chapter 325, Statutes 1995, Chapter 413, Statutes 1995, Chapter 534, Statutes 1995, Chapter 764, Statutes 1996, Chapter 124, Statutes 1997, Chapter 251, Statutes 1999, Chapter 276, Statutes 1999, Chapter 646, Statutes 2000, Chapter 461, Statutes 2002, Chapter 802, Statutes 2003, Chapter 4
 California Code of Regulations, Title 5, Sections 9505, 9530, 9531, 9532 and 9535
 Register 77, No. 39 (Sept. 23, 1977), Register 83, No 25 (June 17, 1983), Register 95, No. 3, (Dec. 30, 1994), Register 97, No. 31 (July 31, 1997), Register 2003, No. 3 (Jan. 16, 2003)
Standards for Evaluating Instructional Materials for Social Content (2000 ed.)
 Castro Valley Unified School District, Claimant

B. PARAMETERS AND GUIDELINES AND PARAMETERS AND GUIDELINES AMENDMENTS

Item 7† *Discrimination Complaint Procedures*, 02-TC-46 (and a portion of 02-TC-25 and 02-TC-31)

Education Code Sections 66010.2, 66010.7, and 87102 as added or amended by Statutes 1988, Chapter 973 and Statutes 1991, Chapter 1198 California Code of Regulations, Title 5, Sections 53003, 53004, 53006, 53020, 53021, 53022, 53023, 53024, 53025, 53026, and 53034 Register 92, Number 17; Register 96, Number 23; and Register 2002, Number 35

(Consolidated With)

Government Code Section 11135 as added or amended by Statutes 1992, Chapter 913; Statutes 1994, Chapter 146; Statutes 2001, Chapter 708; Statutes 2002, Chapter 1102

California Code of Regulations, Title 5, Sections 59320, 59322, 59324, 59326, 59327, 59328, 59330, 59332, 59334, 59336, 59338, 59340, and 59342 as added or amended by Register 81, Number 16; Register 92, Number 17; Register 96, Number 23; Register 2001, Number 6; Register 2002, Number 13; and Register 2002, Number 35

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

Item 8*† *Local Agency Ethics (AB 1234)*, 07-TC-04

Government Code Sections 53232.2(b), 53232.3(a), (b), 53235(a), and 53235.2(a) as added by Statutes 2005, Chapter 700

City of Newport Beach, Claimant

Item 9*† *Charter Schools IV*, 03-TC-03

Education Code Sections 1628, 42100(a), 47605, 47605.6 as added or amended by Statutes 2002, Chapter 1058

San Diego Unified School District, Claimant

Item 10 *Public Contracts (K-14)*, 02-TC-35 (Tentative)

Public Contract Code Sections 3300, 7104, 20103.5, 20104, 20104.2, 20104.50, and 22300

Statutes 1985, Chapter 1073; Statutes 1988, Chapter 1408; Statutes 1989, Chapter 330; Statutes 1990, Chapter 1414; Statutes 1992, Chapter. 799; and Statutes 1994, Chapter 726.

Business and Professions Code Section 7028.15

Statutes 1990, Chapter 321

California Code of Regulations, Title 5, Sections 59504, 59505, 59506, and 59509

Register 1994, Number 6

Clovis Unified School District and Santa Monica Community College District, Co-Claimants

Item 11*† *Handicapped and Disabled Students*, 11-PGA-06

Government Code Sections 7570-7588 as added or amended by Statutes 1984, Chapter 1747 (AB 3632) ; Statutes 1985, Chapter 1274 (AB 882) ; Statutes 1994, Chapter 1128 (AB 1892); Statutes 1996, Chapter 654 (AB 2726)

California Code of Regulations, Title 2, Sections 60000-60610 as added or amended by (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])

Department of Finance, Requestor

Item 12* *Interdistrict Attendance Permits*, 10-PGA-01

Education Code Sections 44601, 44601.5, and 48204 (f) renumbered to 48204 (b)

Statutes 1986, Chapter 172; Statutes 1986, Chapter 742; Statutes 1989, Chapter 853; Statutes 1990, Chapter 10; Statutes 1992, Chapter 120; Statutes 1994, Chapter 1262; Statutes 1997, Chapter 299; Statutes 1997, Chapter 417; Statutes 2003, Chapter 529

State Controller's Office, Requestor

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

A. STATEWIDE COST ESTIMATE

Item 13*† *Modified Primary Election*, 01-TC-13

Elections Code Sections 2151 and 13102(b) as added or amended by Statutes 2000, Chapter 898 (SB 28)

County of San Bernardino, Claimant

Item 14*† *Domestic Violence Background Checks*, 01-TC-29

Penal Code Section 273.75(a) and (c) as added or amended by Statutes 2001, Chapter 713 (AB 1129)

County of Alameda, Claimant

Item 15*† *Identity Theft*, 03-TC-08

Penal Code Section 530.6(a) as added or amended by Statutes 2000, Chapter 956

City of Newport Beach, Claimant

Item 16* *Permanent Absentee Voter II*, 03-TC-11

Elections Code Sections 3201 and 3203(b)(2) Statutes 2001, Chapter 922; Statutes 2002, Chapter 664; Statutes 2003, Chapter 347

County of Sacramento, Claimant

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 17 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 18 Legislative Update
- Item 19 Chief Legal Counsel: Recent Decisions, Litigation Calendar
- Item 20 Executive Director: Budget, Workload, 2013 Meeting Calendar, and Tentative Agenda Items for Next Meeting (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 County 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.* (petition and cross-petition), Third District Court of Appeal, Case No. C070357 (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. *California School Board Association (CSBA) v. State of California et al.*, Alameda County Superior Court Case No. RG11554698 [2010-2011 Budget Trailer Bills, Mandates Process for K-12 Schools, Redetermination Process]

4. *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, Los Angeles Region v. Commission on State Mandates and County of Los Angeles, et al* (petition and cross-petition).
Second District Court of Appeal, Case No. B237153 (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]

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.

B. PERSONNEL

To confer on personnel matters pursuant to Government Code section 11126(a).

RECONVENE IN PUBLIC SESSION

XI. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

Heather Halsey, Executive Director
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For information regarding this agenda, please contact:

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