

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



October 19, 2009

TO: ALL INTERESTED PERSONS
FROM: Paula Higashi, Executive Director
RE: Notice, New Filings, and Agenda

The Commission will hold its next regular meeting and hearing on Friday, October 30, 2009, in room 447, State Capitol, Sacramento, California. The Commission's Legislative Subcommittee will conduct a meeting on the proposed language regarding reconsideration/amendment of prior decisions at 9:30 a.m. The Commission's regular meeting will be convened at 10:30 a.m.

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 without exhibits 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.

Office Closure. Pursuant to Governor's Executive Order S-13-09 and until further notice, the Commission's offices will be closed and employees will be furloughed on the first, second, and third Fridays of each month. Please contact Paula Higashi or Nancy Patton at (916) 323-3562 if you have questions.

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.

CORRECTED NOTICE AND AGENDA¹

State Capitol
Room 447
Sacramento, California

Friday, October 30, 2009
10:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. INFORMATIONAL HEARING AND STAFF REPORT (action)

Item 1 Bureau of State Audits Report, *State Mandates: Operational and Structural Changes Have Yielded Limited Improvements in Expediting Processes and Controlling Costs and Liabilities*

III. APPROVAL OF MINUTES (action)

Item 2 September 25, 2009

IV. 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.

V. APPEAL OF EXECUTIVE DIRECTOR DECISION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (C). (action)

Item 3 Appeal of Executive Director's Decision

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

VI. HEARINGS AND DECISIONS ON TEST CLAIM AND STATEMENT OF DECISION, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, §§ 17551 & 17559) (action)

A. TEST CLAIMS

Note: Items 4 and 5 are being removed from the calendar at the request of the claimant

~~Item 4 *Crime Statistics Reports (K-14)*, 02-TC-12
Santa Monica Community College District, Claimant
Penal Code Sections 646.91, 12028, 12028.5, 13012, 13014, 13020,
13021, 13023, 13700, 13701, 13702, 13710, and 13730;
Family Code Sections 6240, 6250, and 6250.5;~~

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

Item 4 (Cont.) ~~Statutes 1979, Chapters 255 and 860 (SB 281 and AB 1421); Statutes 1980, Chapter 1340 (SB 1447); Statutes 1982, Chapters 142 and 147 (SB 561 and Senate Resolution 64); Statutes 1984, Chapter 1609 (SB 1472); Statutes 1989, Chapter 1172 (SB 202); Statutes 1992, Chapter 1338 (SB 1184); Statutes 1993, Chapter 1230 (AB 2250); Statutes 1995, Chapters 803 and 965 (AB 488 and SB 132); Statutes 1996, Chapters 872 and 1142 (AB 3472 and SB 1797); Statutes 1998, Chapter 933 (AB 1999); Statutes 1999, Chapters 561, 659, 661, and 662 (AB 59, SB 355, AB 825, and SB 218); Statutes 2000, Chapters 254, 626, and 1001 (SB 2052, AB 715, and SB 1944); Statutes 2001, Chapters 468 and 483 (SB 314 and AB 469); Statutes 2002, Chapter 833 (SB 1807); California Department of Justice, Criminal Statistics Reporting Requirements, March 2000~~

Item 5 *Proposed Statement of Decision*
See Item 4 above

B. DISMISSAL OF PROPOSED AMENDMENT TO PARAMETERS AND GUIDELINES

Item 10* Withdrawal of Proposed Amendment: *Seriously Emotionally Disturbed (SED) Pupils: Out-of-State Mental Health Services, 05-PGA-15*
Los Angeles County, Requestor
Government Code Section 7576
Statutes 1996, Chapter 654

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

A. PARAMETERS AND GUIDELINES

Item 6* *Tuition Fee Waivers, 02-TC-21*
Contra Costa Community College District, Claimant
Education Code Sections 68044, Subdivisions (a), (b), (c), 68051, 68074, 68075.5, 68076, Subdivision (d), 68077, 68078, Subdivision (b), 68082, 68083, 68084, 68121, 68130.5, and 76140
Statutes 1977, Chapter 36 (AB 447); Statutes 1980, Chapter 580 (AB 2567); Statutes 1981, Chapter 102 (AB 251); Statutes 1982, Chapter 1070 (AB 2627); Statutes 1988, Chapter 753 (AB 3958); Statutes 1989, Chapters 424, 900, and 985 (AB 1237, AB 259, and SB 716); Statutes 1990, Chapter 1372 (SB 1854); Statutes 1991, Chapter 455 (AB 1745); Statutes 1993, Chapter 8 (AB 46); Statutes 1995, Chapter 389 (AB 723); Statutes 1997, Chapter 438 (AB 1317); Statutes 1998, Chapter 952 (AB 639); Statutes 2000, Chapters 571 and 949 (AB 1346 and AB 632); Statutes 2001, Chapter 814 (AB 540); and Statutes 2002, Chapter 450 (AB 1746)
California Code of Regulations, Title 5, Sections 54012, Subdivisions (b), (c), (d), 54024, Subdivisions (e), (f); 54030, 54032, Subdivision (a); 54041, 54045, Subdivisions (b), (c); 54045.5, subdivision (b); 54046,

54060, Subdivisions (a), (b) Register 77, No. 45 (Nov. 5, 1977); Register 82, No. 48 (Nov. 27, 1982); Register 83, No. 24 (Jun. 11, 1983) Register 86, No. 10 (Mar. 8, 1986); Register 91, No. 23 (April 5, 1991); Register 92, No. 4 (Jan. 24, 1992); Register 95, No. 19 (May 19, 1995); Register 99, No. 20 (May 14, 1999); Register 02, No. 25 (Jun. 21, 2002)
Revised Guidelines and Information, "Exemption from Nonresident Tuition" Chancellor of the California Community Colleges, May 2002

B. PROPOSED AMENDMENTS TO PARAMETERS AND GUIDELINES

- Item 7* *Update Boilerplate Language: Child Abduction and Recovery*
05-PGA-26
State Controller's Office, Requestor
Family Code Sections 3060 to 3064, 3130 TO 3134.5, 3408, 3411, and 3421; Penal Code Sections 277, 278, and 278.5 ; Welfare And Institutions Code Section 11478.5
Statutes 1976, Chapter 1399; Statutes 1992, Chapter 162 (AB 2650)
Statutes 1996, Chapter 988 (AB 2936)
- Item 8* *Update Boilerplate Language: Sexually Violent Predators*
05-PGA-43
State Controller's Office Requestor
Welfare and Institutions Code Sections 6250 and 6600 through 6608
Statutes 1995, Chapter 762 (SB 1143); Statutes 1995, Chapter 763 (AB 888); Statutes 1996, Chapter 4 (AB 1496)
- Item 9* *Update Boilerplate Language: Domestic Violence Arrest Policies*
05-PGA-29
State Controller's Office, Requestor
Penal Code Section 13701, Subdivision (b)
Statutes 1995, Chapter 246 (AB 2789)

~~C. DISMISSAL OF PROPOSED AMENDMENT TO PARAMETERS AND GUIDELINES~~

- ~~Item 10* *Withdrawal of Proposed Amendment: Seriously Emotionally Disturbed (SED) Pupils: Out of State Mental Health Services, 05-PGA-15*
Los Angeles County, Requestor
Government Code Section 7576
Statutes 1996, Chapter 654~~

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 11 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 12 Legislative Subcommittee Update on Proposed Language Regarding Reconsideration/Amendment of Prior Decisions
- Item 13 Chief Legal Counsel: Recent Decisions, Litigation Calendar
- Item 14 Executive Director: Workload, Budget, Next Meeting and 2010 Meeting Calendar

IX. PUBLIC COMMENT

X. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 (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; Sacramento County Superior Court, Case No. 06CS01335 [AB 138; Open Meetings Act, Brown Act Reform, Mandate Reimbursement Process I and II; and School Accountability Report Cards (SARC) I and II]
3. *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)(1).

- Personnel Subcommittee Report

RECONVENE IN PUBLIC SESSION

XI. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

For information, contact:

Paula Higashi, Executive Director
980 Ninth Street, Suite 300
Sacramento, CA 95814

(916) 323-8210
(916) 445-0278 Fax
Email: paula.higashi@esm.ca.gov