

COMMISSION ON STATE MANDATES

NOTICE AND AGENDA¹

State Capitol, Room 126
Sacramento, California

December 9, 2005

10:30 A.M.

10:30 A.M. - CLOSED EXECUTIVE SESSION
10:45 A.M. - PUBLIC MEETING AND HEARING

- I. CALL TO ORDER AND ROLL CALL
- II. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526. (Closed Executive Session will begin at this time and will also reconvene at the end of the public meeting.)
 - A. PERSONNEL

To confer on personnel matters pursuant to Government Code sections 11126, subdivision (a) and 17526. Discussion and action, if appropriate, on recommendation of Personnel Sub-Committee on selection and appointment of Chief Legal Counsel. The Commission may conduct interviews.
- III. REPORT FROM CLOSED EXECUTIVE SESSION, RECONVENE IN PUBLIC SESSION
- IV. APPROVAL OF MINUTES (action)
 - Item 1 September 27, 2005
- V. PROPOSED CONSENT CALENDAR (action)
 - Item 2 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.
- VI. 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 3 Staff Report (if necessary)
- VII. HEARINGS AND DECISIONS ON TEST CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (Gov. Code, § 17551) (action)
(Note: Items 5 and 7 will not be voted on unless the staff recommendation for Items 4 and 6 are adopted.)

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

- Item 4 *Local Recreational Areas: Background Screenings*, 01-TC-11
City of Los Angeles, Claimant
Public Resources Code Section 5164, Subdivisions (b) (1) and (2),
Statutes 2001, Chapter 777 (AB 351)

- Item 5 Proposed Statement of Decision
Local Recreational Areas: Background Screenings, 01-TC-11
See Above

- Item 6 *Agency Fee Arrangements*, 00-TC-17, 01-TC-14
Clovis Unified School District, Claimant
Government Code Sections 3543, 3546, and 3546.3
Statutes 1980, Chapter 816 (SB 230); Statutes 2000, Chapter 893 (SB 1960)
Statutes 2001, Chapter 805 (SB 614)

- Item 7 Proposed Statement of Decision
Agency Fee Arrangements, 00-TC-17, 01-TC-14
See Above

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

A. ADOPTION OF PROPOSED PARAMETERS AND GUIDELINES AND AMENDMENTS TO PARAMETERS AND GUIDELINES

- Item 8* *Crime Victim's Domestic Violence Incident Reports*, 99-TC-08
County of Los Angeles, Claimant
Family Code Section 6228
Statutes 1999, Chapter 1022 (AB 403)

- Item 9* *Peace Officer Personnel Records: Unfounded Complaints Against Peace Officers, and Discovery of Peace Officer Personnel Records*, 00-TC-24 and 00-TC-25
Cities of Hayward and San Mateo, Claimants
Education Code Section 1043, Subdivision (a); Penal Code Sections 832.5, Subdivisions (b) and (c), and 832.7, Subdivisions (b) and (e)
Statutes 1978, Chapter 630 (SB 1436); Statutes 1994, Chapter 741 (SB 2058)

- Item 10* *Enrollment Fee Collection and Enrollment Fee Waivers*, 99-TC-13, 00-TC-15
[TENTATIVE]
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)

Item 11* *Handicapped and Disabled Students II*, 02-TC-40, 02-TC-49
Counties of Los Angeles and Stanislaus Counties, Claimants
Government Code Sections 7572.55 and 7576
California Code of Regulations, Title 2, Sections 60000 et seq.
(Emergency Regulations Effective July 1, 1998 [Register 98, No. 26],
Final Regulations Effective August 9, 1999 [Register 99, No. 33])
Statutes 1994, Chapter 1128 (AB 1892), Statutes 1996, Chapter 654 (AB 2726)

B. SET ASIDE OR AMEND PARAMETERS AND GUIDELINES BASED ON
STATUTES 2004, CHAPTER 316 (AB 2851)

Item 12* *Photographic Record of Evidence*, 04-PGA-09 (04-RL-9807-09)
Penal Code Section 1417.3
Statutes 1985, Chapter 875 (AB 556); Statutes 1986, Chapter 734 (AB 2715);
and Statutes 1990, Chapter 382 (AB 3408)

Item 13* *Residential Care Services*, 04-PGA-12 (CSM-4292)
Welfare and Institutions Code Sections 4075, 4076, and 5705.6
Statutes 1985, Chapter 1352 (SB 155); Title 9, California Code of Regulations,
Section 549, DMH Letters No. 85-40, 86-14, 86-26, 86-30, 87

C. SET ASIDE OR AMEND PARAMETERS AND GUIDELINES BASED ON STATUTES 2004, CHAPTER 895 (AB 2855) AND STATUTES 2005, CHAPTER 677 (SB 512)

- Item 14* *Pupil Suspension: Parent Classroom Visits*, 04-PGA-17 (CSM-4474)
Education Code Section 48900.1
Statutes 1988, Chapter 1284; Statutes 1989, Chapter 213
-and-
Annual Parent Notification, 05-PGA-12 (CSM-4461, 4445, 4453, 4462, 4474, 4488, 97-TC-24, 99-TC-09, and 00-TC-12)
Education Code Section 48980
Statutes 1977, Chapter 36 (AB 447); Statutes 1979, Chapter 236 (AB 52);
Statutes 1980, Chapter 975 (AB 2949); Statutes 1985, Chapter 459 (AB 220);
Statutes 1986, Chapter 97 (AB 1689); Statutes 1987, Chapter 1452 (SB 998);
Statutes 1988, Chapter 65 (AB 2507); Statutes 1990, Chapter 10 (AB 149) and
Chapter 403 (AB 3307); Statutes 1992, Chapter 906 (AB 2900); Statutes 1993,
Chapter 1296 (AB 369); Statutes 1997, Chapter 929 (SB 85); Statutes 1998,
Chapter 846 (SB 1468); Statutes 1999-2000, 1st Extraordinary Session, Chapter
1 (SBx 12); Statutes 2000, Chapter 73 (SB 1689); and
Education Code Sections 35291, 48900.1; 58501; and 49063
Statutes 1977, Chapter 965 (AB 530); Statutes 1975, Chapter 448 (SB 445),
Statutes 1981, Chapter 469 (SB 222); Statutes 1986, Chapter 87 (AB 1649);
Statutes 1988, Chapter 1284 (AB 3535); and Statutes 1998, Chapter 1031
(AB 1216)
- Item 15* *Pupil Classroom Suspensions: Counseling*, 04-PGA-23 (CSM-4458)
Education Code Sections 48900.1 and 48910
Statutes 1977, Chapter 965 (AB 530), Statutes 1983, Chapter 498 (SB 813),
Statutes 1988, Chapter 1284 (AB 3535)
- Item 16* *School Crimes Reporting, Statistics and Validation and School Crimes Reporting II*, 05-PGA-11 (97-TC-03)
Penal Code Sections 628.2 and 628.6
Statutes 1984, Chapter 1607 (AB 2483); Statutes 1988, Chapter 78 (AB 2583)
Statutes 1989, Chapter 1457 (SB 271); Statutes 1992, Chapter 759 (AB 1248)
Statutes 1995, Chapter 410 (SB 882)
California Department of Education's
"Standard School Crime Reporting Forms" and
Title 5, California Code of Regulations sections 700-704
California Department of Education Guidelines for School Crimes Reporting
- Item 17* *Caregiver Affidavits*, 04-PGA-26 (CSM-4497)
Education Code Section 48204, Subdivision (d)
Family Code Sections 6550 and 6552
Statutes of 1994, Chapter 98 (SB 592)
- Item 18* *Pupil Exclusions*, 04-PGA-28 (CSM-4457 & 4477)
Education Code Sections 48213 and 48214

Statutes 1978, Chapter 668 (AB 2191)

Item 19* *Graduation Requirements*, 04-PGA-30, (CSM-4435)
Education Code Section 51225.3
Statutes 1983, Chapter 498 (SB 813)

Item 20* *National Norm-Referenced Achievement Test*, 05-PGA-03 (04-RL-9723-01)
(formerly *Standardized Testing and Reporting (STAR)*)
Education Code Sections 60607, subdivision (a), 60609, 60615, 60630,
60640, and 60641
Statutes 1997, Chapter 828 (SB 376)
California Code of Regulations, Title 5, Sections 850-870

D. SET ASIDE OR AMEND PARAMETERS AND GUIDELINES BASED ON
STATUTES 2005, CHAPTER 72 (AB 138)

Item 21* *Presidential Primaries 2000*, 05-PGA-02 (99-TC-04)
Elections Code Sections 15151 and 15375
Statutes 1999, Chapter 18 (SB 100)

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

Item 22* *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)

IX. STAFF REPORTS

Item 23 Acting Chief Legal Counsel's Report (info)
Recent Decisions, Litigation Calendar

Item 24 Executive Director's Report (info/action)
Workload, Staffing, Legislation, and Mandate Reform

X. PUBLIC COMMENT

XI. 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.)

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):

New Cases

1. *Eastside Unified High School District v. Commission on State Mandates*, Sacramento Superior Court Case No. 05CS01256
CSM Case No. 05-L-03 [*Graduation Requirements, IRC*]
2. *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*]

Other Cases

3. *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*]
4. *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*]
5. *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]
6. *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*]
7. *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*]
8. *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*]
9. *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*]
10. *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*]

11. *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*]
12. *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*]
13. *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*]
14. *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*]
15. *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*]
16. *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).)

XII. REPORT FROM CLOSED EXECUTIVE SESSION, RECONVENE IN PUBLIC SESSION

XIII. ADJOURNMENT

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