

ITEM 23
EXECUTIVE DIRECTOR'S REPORT

Commission Decision Making Overview, Workload, Legislation, and Next Meeting/Hearing

I. COMMISSION DECISION MAKING - 1999-2000 THROUGH 2004-05¹

	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006 ²
Test Claims Heard & Determined ³	9	24	16	19	22	16	1
Test Claims Reconsidered	NA	NA	NA	NA	NA	6 ⁴	4
Parameters and Guidelines and Amendments Adopted	19 ⁵	16	16	7	20	6	8 ⁶
Statewide Cost Estimates Adopted	8	5	10	10	3	14	1
Incorrect Reduction Claims Heard & Determined	1	14	3	70	10	0	0
Positions	13	17 ⁷	17 ⁸	15 ⁹	9.7	9.7	13.7 ¹⁰

¹ See Exhibit A for detailed list of 2004-2005 actions.

² Includes July 2005 hearing actions.

³ Includes test claims that are withdrawn and dismissed after the staff analysis is issued and the claim is set for hearing.

⁴ Directed by the Legislature.

⁵ Includes six Special Education programs that were consolidated for parameters and guidelines.

⁶ Includes actions to set aside five parameters and guidelines.

⁷ The Chief Legal Counsel position was vacant for six months (January 2, 2001 through June 30, 2001).

⁸ The Chief Legal Counsel position was vacant for four months (July 1, 2001 through October 30, 2001).

⁹ Includes Staff Counsel III position that was authorized in 2002-03 budget but never filled due to hiring freeze and budget reductions.

¹⁰ Includes four new positions authorized in 2005-06 budget.

II. WORKLOAD

A. Pending Caseload

Type of Action	September 15, 2005	July 14, 2005	September 10, 2004
Test Claims to be Heard and Determined	106	104	109
Test Claims to be Reconsidered	0	0	0
Test Claims to be Reconsidered Based on Court Action	1	1	3
Test Claims to be Reconsidered, as Directed by the Legislature	3	6	9
Incorrect Reduction Claims to be Heard and Determined	86	86	79
Proposed Parameters and Guidelines, and Amendments	32	32	29
Parameters and Guidelines to be Amended or Set Aside, as Directed by the Legislature	3	3	1
Statewide Cost Estimates to be Adopted	2	3	11
New Test Claim Filings to be Reviewed	0	0	0
New Incorrect Reduction Claim Filings to be Reviewed	7	0	0
Appeals of Executive Director's Decision	0	0	0
Regulatory Actions Pending	1	2	0

B. Rulemaking

The Commission rulemaking to implement AB 2856 was filed with the Secretary of State and effective on September 6, 2005. Copies of the amendments have been distributed to interested persons. Barclay's will publish the amendments and the Office of Administrative Law will update the text on their website.

C. Pre-Hearing Conference

There will be a pre-hearing conference on all pending parameters and guidelines for the Handicapped and Disabled Students program on September 28, 2005. This conference is being held at the Commission's office.

D. Legislative Contacts

Commission staff briefed Assembly, Senate, Legislative Analyst's and Department of Finance staff on the potential impact of the court decision on the *Graduation Requirements* incorrect reduction claims filed by San Diego Unified School District, et al.

III. PENDING LEGISLATION

A. Reports to the Legislature

AB 1625 (Klehs) would require every written report submitted to the Legislature by any state agency, department, board, or commission include a signed statement by the head of that agency or chair of the board or commission declaring, subject to a misdemeanor penalty, that the contents of the report are accurate to the best of his or her knowledge. This bill only applies to those individuals appointed by the Governor and confirmed by the Senate. For those boards and commissions chaired by a Governor's appointee that is confirmed by the Senate, the executive director of the board or commission shall make the declaration. Status: Pending on the Governor's desk.

B. Reconsideration of *School Accountability Report Card* Decision

SB 512 includes language amendment the 2004 statute directing the Commission on State Mandates to reconsider its decision on the *School Accountability Report Card* test claim. 2005. Status: Pending on the Governor's desk.

IV. Legislative Proposals (Information/Action)

2006 legislative proposals are due to the Governor's Office on November 10, 2006. Following are possible reforms for discussion and possible development:

Incorrect Reduction Claim (IRC) Process

This year, the State Controller's Office is significantly expanding its audit capabilities for mandate reimbursement claims. The process for filing an incorrect reduction claim remains largely unchanged since 1985 and should be reviewed.

1. Filing IRCs

Unlike test claims, where one claimant files a test claim for all similar local entities, claimants are required to file individual IRCs for reimbursement claims that are reduced or adjusted by the State Controller for the same reasons.

- Could the IRC process be made more efficient for all parties if the process is modified to allow one claimant to file a "test" IRC when the State Controller reduces numerous reimbursement claims filed by numerous claimants, on the same program, and based on the same rationale?

2. Statute of Limitations for Filing IRCs

The statute of limitations for filing an IRC is three years from the date the State Controller notifies the claimant of an adjustment of a reimbursement claim and one year for test claims.

- Would reducing the statute of limitations to one year shorten the time it takes to adjudicate IRCs and pay claims?

SB 1033 Process – Findings of Significant Financial Distress

This year, the County of Butte applied to the Commission and received a finding of significant financial distress that allowed the County to vote to reduce its general assistance grants.

This is a very complex and expensive process that must be completed in a short time. The Commission spent nearly \$120,000 to complete the application within the 90-day timeline. The Commission made a one year finding of significant financial distress. In reality, the cost savings that could be realized by the county by reducing general assistance benefits is *significantly less* than the cost for the Commission to review the county application, conduct a hearing in the county, and prepare an analysis of the application and a statement of decision..

- Should the SB 1033 process be repealed?

V. NEXT HEARING AGENDA

December 8, 2005

A. Test Claims

1. *Agency Fee Arrangements*, 00-TC-17, Clovis Unified School District, Claimant
2. *Permanent Absentee Voters II*, 03-TC-11, County of Sacramento, Claimant
3. *Local Recreational Area Background Checks*, 01-TC-11, City of Los Angeles, Claimant

B. Proposed Parameters and Guidelines and Proposed Amendments to Parameters and Guidelines

1. *Crime Victims' Domestic Violence Incident Reports*, 99-TC-08, County of Los Angeles, Claimant
2. *Peace Officer Personnel Records and Unfounded Complaints Against Peace Officers; Discovery of Peace Officer Personnel Records*; 00-TC-24, 00-TC-25, 02-TC-07, 02-TC-08, Cities of Hayward and San Mateo, Claimants
3. *Enrollment Fee Collection and Enrollment Fee Waivers*, 99-TC-13, 00-TC-15, Los Rios and Glendale Community College Districts, Claimants
4. *Handicapped and Disabled Students*, 00-PGA-03 and 04, Counties of Stanislaus and Los Angeles, Claimants

C. Parameters and Guidelines Amendments Directed by the Legislature or Amendments to Test Claim Statutes

1. *Animal Adoption*, 98-TC-11
2. Various Mandates Required by AB 2851, 2853, AB 2855, and SB 1102 and 2005 Budget Trailer and Technical Code Clean-up Bills
 - *Pupil Exclusions*, 04-PGA-28 (CSM-4457/4477)
 - *Lis Pendens*, 04-PGA-32 (SB 90-4018)
 - *Comprehensive School Safety Plans and Emergency Procedures*, 04-PGA-24 (CSM 4241, 98-TC-01, 99-TC-10)
 - *Lis Pendens*, 04-PGA-32 (SB 90-4018)
 - *Residential Care Services*, 04-PGA-12 (CSM-4292)
 - *Photographic Record of Evidence* 04-RL-9807-09
 - *Standardized Testing and Reporting*, 04-RL-9923-01
 - *Absentee Ballots: Tabulation by Precinct*, 05-PGA-02 (00-TC-08)

**COMMISSION DECISIONMAKING
 2004-2005**

A. Test Claims Reconsidered (Directed by Legislature) (5)

Approved (1)	Denied (4)
05/26/05 <i>Handicapped & Disabled Students</i>	3/30/05 <i>Regional Housing Needs Determination, Cities and Counties (3 test claims)</i>
	3/30/05 <i>Regional Housing Needs Determination: Councils of Governments (1 test claim)</i>

B. Test Claims Heard & Determined (16)

LOCAL AGENCY (9)

Approved (6)	Denied (3)
9/30/04 <i>DNA Database (00-TC-27)</i> <i>Amendment to Postmortem Examinations (02-TC-39)</i>	7/29/04 <i>Mandatory On-The-Job Training for Peace Officers Working Alone (00-TC-19)</i>
12/9/04 <i>Domestic Violence Arrests and Victim Assistance (98-TC-14 + Amendment)</i>	12/9/04 <i>Lower Back Injury Presumption for Law Enforcement (01-TC-25)</i>
5/25/05 <i>Handicapped & Disabled Students II (02-TC-40 and 02-TC-49)</i>	12/9/04 <i>Skin Cancer Presumption for Lifeguards (01-TC-27)</i>

SCHOOL DISTRICT (7)

Approved (1)	Denied or Dismissed (6)
1/27/05 <i>Missing Children Reports (01-TC-09)</i>	7/29/04 <i>Cancer Presumption (02-TC-15)</i>

	7/29/04 <i>Algebra Instruction (00-TC-14)</i>
	7/29/04 <i>Mandatory On-The-Job Training for Peace Officers Working Alone (02-TC-06)</i>
	9/30/04 <i>California English Language Development Test (00-TC-16)</i>
	9/30/04 <i>Acquisition of Agricultural Land for a School Site (98-TC-04)</i>
	12/9/04 <i>Lifeguard Skin Cancer Presumption (K-14) (02-TC-16)</i>

**C. Court Orders: Modification and Set Aside of Statements of Decision
and Limited Remand (8)**

3/30/05 <i>School Bus Safety II (Special Education)</i>
05/26/05 <i>Pupil Expulsions From School</i> <i>Graduation Requirements</i> Incorrect Reduction Claim: San Diego USD <i>Graduation Requirements</i> Incorrect Reduction Claim: San Jose USD <i>Graduation Requirements</i> Incorrect Reduction Claim: Sweetwater UHSD <i>Graduation Requirements</i> Incorrect Reduction Claim: Grossmont UHSD <i>Graduation Requirements</i> Incorrect Reduction Claim: Clovis USD <i>Graduation Requirements</i> Incorrect Reduction Claim: Castro Valley USD

D. Parameters And Guidelines Adopted (3)

Local Agency (1)	School District (1)
7/29/04 <i>Postmortem Examinations: Unidentified Bodies, Human Remains (00-TC-18)</i>	3/30/05 <i>Integrated Waste Management 00-TC-07</i>
3/30/05 <i>False Reports of Police Misconduct (00-TC-26)</i>	

E. Amendments to Parameters & Guidelines Adopted (2)

12/9/04 <i>Mandate Reimbursement Process (4485)</i>
12/9/04 <i>Pupil Health Screenings (01-PGA-09)</i>

F. Statewide Cost Estimates Adopted and Reported to the Legislature (10)

Local Agency (3)	School District (8)
9/30/04 <i>Absentee Ballots: Tabulation by Precinct (00-TC-08)</i>	7/29/04 <i>Standards-Based Accountability (98-TC-10)</i>
12/9/04 <i>Administrative License Suspension Per Se (98-TC-16)</i>	7/29/04 <i>School District Reorganization (98-TC-24)</i>
7/29/04 <i>Redevelopment Agencies –Tax Disbursement Reporting (99-TC-06)</i>	7/29/04 <i>Attendance Accounting (98-TC-26)</i>
	9/30/2004 <i>Charter Schools II (99-TC-03)</i>

	9/30/04 <i>Sexual Assault Response Procedures (99-TC-12)</i>
	9/30/2004 <i>Criminal Background Checks II (00-TC-05)</i>
	12/9/04 <i>Comprehensive School Safety Plans (98-TC-01, 99-TC-10)</i>
	1/26/05 <i>Pupil Promotion and Retention (98-TC-19)</i>
	1/26/05 <i>AIDs Prevention Instruction (99-TC-07 and 00-TC-01)</i>
	1/26/05 <i>Teacher Incentive Program (99-TC-15)</i>
	3/30/05 <i>Differential Pay and Reemployment (99-TC-02)</i>

F. Incorrect Reduction Claims Determined

Local Agency Claims (0)	School District Claims (0)
-------------------------	----------------------------

G. Appeals of Executive Director Decisions (1)

5/26/05 Association of Bay Area Governments
--

H. Requests for Reconsideration of Decision (1)

6/10/05 Southern California Association of Governments, et al (Denial of <i>Regional Housing Needs Determination</i> on Reconsideration Directed by the Legislature)
