



Please copy and distribute to all board members, the superintendent and other appropriate staff.

Topics:

New policy sets direction for after-school programs 1

Attorney General opinion limits “piggybacking” contracts 2

Ethics training is voluntary for board members 3

Checklist helps schools prepare for flu pandemic 3

SBE extends timeline for rural districts to meet definition of HQT 3

What’s new at CSBA 4

- **Wellness survey**
- **Phase-out of GAMUT CD**
- **Curriculum Institute**

Customer satisfaction is our goal

If you have any comments, suggestions or questions about CSBA’s sample policies and regulations or our various policy services, please contact Martin Gonzalez, assistant executive director, Governance and Policy Services, at (800) 266-3382 or mgonzalez@csba.org.

New policy sets direction for after-school programs

With the possibility of increased state funding for before- and after-school programs, districts and county offices of education are encouraged to begin a review of student needs and demand for the program, as well as program goals and requirements, in order to determine whether to submit an application and to prepare accordingly. Adoption of a board policy is one recommended step in the process of planning the district’s program. Districts that already offer before- and/or after-school programs also may wish to develop policy or review existing policy to ensure that key components are in place. CSBA has issued a new sample board policy and administrative regulation (BP/AR 5148.2 - Before/After School Programs) to assist districts with policy development.

Background

In 2002, California voters passed Proposition 49 to greatly expand before- and after-school programs through the existing After School Education and Safety program. The governor has now proposed to allocate \$428 million to this program in 2006-07 (an increase of over \$300 million) and \$510 million in 2007-08, although the extra funding kicks in only if state revenue is at least \$1.5 billion higher than in the prior year budget. The voluntary program provides three-year renewable grants and requires 50 percent local matching funds.

Another source of funding for before- and after-school programs is the federal 21st Century Community Learning Center program designed to provide services for disadvantaged children. In California this program is linked to and aligned with ASES, and most of the programmatic requirements are identical.

Proposed changes

As these programs move ahead, controversy continues to focus on funding issues as well as program evaluation and outcome measures.

On February 16, Senator Torlakson introduced a constitutional amendment that would ask voters to delay the implementation and funding of Proposition 49 until:

- the state can repay money borrowed from schools' Proposition 98 funds, and
- the state eliminates the structural budget deficit.

This proposal was amended into SCA 12, but was not voted on by the Senate in time to make the June ballot. A proposition for the November ballot remains a possibility.

Meanwhile, two bills working their way through the Legislature would make changes in these programs.

SB 638 (Torlakson), as currently written, would revise the funding formula, allow for direct grants rather than reimbursements, ensure funding for all current 21st CCLC recipients as well as current ASES recipients, and decrease the matching fund requirement from 50 percent to 33.3 percent of the grant.

SB 1302 (Ashburn), as introduced, would also revise the funding formula and ensure funding for current 21st CCLC recipients. In addition, as a condition of grant renewal, a program would need to demonstrate improved student achievement in English, language arts, mathematics, and English proficiency, as measured by state tests.

CSBA will continue to monitor related legislation and political actions and keep districts informed through advisories and/or on the district's Web site at www.csba.org.

Recommendations for districts

Districts that are interested in submitting applications to the California Department of Education should begin now to:

Conduct a needs assessment in the district and community to determine the demand for a before- or after-school program and establish priorities. The district should estimate the expected level of participation by students at various sites within the district and community. In addition to considering anticipated student enrollment, the district should consider where programs would have the largest impact on student achievement. State and federal grants give priority to programs that serve disadvantaged students (i.e., in schools eligible for Title I schoolwide programs or schools that serve a high percentage of students from low-income families) and schools identified for program improvement under Title I.

Identify and collaborate with partners. Collaboration among parents, students, and representatives of district schools, governmental agencies such as city and county parks and recreation departments, local law enforcement, community organizations, and the private sector is a condition of receiving ASES funding. It is also desirable in order to provide cost-effective services and avoid duplication of services.

Review legal requirements. Before submitting an application, districts should be thoroughly familiar with program requirements established by law. CSBA's sample policy and regulation reflect the major legal requirements, but districts should review all the applicable statutes and other available resources.

Identify sources of local matching funds. Matching funds may come from the district, governmental agencies, community organizations, or the private sector. The match may include cash or in-kind resources, except that facilities, space usage, and state categorical funds for remedial education activities cannot be used to fulfill the match requirement.

Develop policy governing the district's programs. CSBA's sample policy and regulation may serve as a starting point for districts to tailor policies to their unique needs. Policies and regulations might address program goals and components, priorities among schools and/or students, community partnerships, facilities, whether or not to charge fees, hours of operation, transportation if necessary, staffing, admissions, communication strategies, data sharing, and program evaluation and accountability.

Attorney General opinion limits "piggybacking" contracts

On January 24, the Attorney General issued an opinion which concluded that a district may not contract for the acquisition and installation of factory-built modular building components (e.g., walls, roofs) for installation on a permanent foundation without going through a competitive bid process to determine the lowest responsible bidder.

Under the Public Contract Code, a competitive bidding process is required for construction of local projects in excess of \$15,000. Public projects include construction, reconstruction, erection, alteration, renovation, improvement, demolition and repair work. Contracts must also be competitively bid if they involve the acquisition of "personal property" in an amount that exceeds the bid limit specified in law (currently \$62,400).

However, an exception exists in Public Contract Code 20118 which allows districts to acquire materials, supplies, equipment and other personal property without advertising for bids by piggybacking on an existing order placed by another agency and abiding by the same terms and conditions as the other agency's bid. The Attorney General opined that modular components become permanent buildings and thus are not "other personal property" within the meaning of the piggybacking exception.

The Attorney General's analysis noted that the proce-

dures to be followed in acquiring and placing portable or relocatable single-classroom buildings were beyond the scope of this opinion. Thus, the question remains whether such acquisitions fall within the piggyback exception.

CSBA's sample administrative regulation AR 3311 - Bids has been reissued to reflect this opinion. It notes that Attorney General opinions are not binding but are often given deference by the court. Also, the State Allocation Board has declared that state funding will not be provided to pay for contracts that do not comply with this opinion. Districts are encouraged to consult legal counsel before using the piggybacking process for portables and relocatables.

Ethics training is voluntary for board members

Last fall the governor signed AB 1234 which imposes ethics training on cities, counties and special districts. The law requires local agency officials who receive compensation (i.e., a stipend) or reimbursement for expenses to receive two hours of training in general ethics principles and ethics laws every two years.

Because the legislation specifically defines "local agency" as a city, county, or special district, it is the opinion of CSBA that this law does not apply to school districts or county offices of education.

However, nothing in the law prohibits school and county board members from voluntarily receiving ethics training. At this time CSBA is not offering ethics training, but a new Title 2 regulation, Section 18371 (added by Register 2006, No. 8), lists core content topics to be addressed in ethics training. CSBA also encourages board members to review the online ethics training course which appears on the attorney general's Web site at www.ag.ca.gov/ethics. Additional information is available on the Web sites of the Fair Political Practices Commission (www.fppc.ca.gov) and the Institute for Local Self Government (www.cacities.org/index.jsp?zone=ilsg).

Checklist helps schools prepare for flu pandemic

Recognizing that local educational agencies play an integral role in protecting the health and safety of staff, students and families, the U.S. Department of Health and Human Services and the Centers for Disease Control and Prevention have developed a checklist to help districts develop plans to prepare for and respond to an influenza pandemic.

A flu pandemic (i.e., a global outbreak) occurs when a new influenza virus emerges for which people have little or no immunity and for which there is no vaccine. Recent concerns about the threat of a highly pathogenic avian flu virus have raised the awareness of health professionals, schools and others about the need to coordinate efforts and to link strategies with existing crisis plans.

The checklist includes activities related to planning and coordination, continuity of student learning and core operations, infection control policies and procedures, and communications planning.

Federal agencies, with assistance of a working group that includes staff from the National School Boards Association, will continue to develop additional tools for districts.

The checklist can be found at www.pandemicflu.gov/plan/schoolchecklist.html.

SBE extends timeline for rural districts to meet definition of HQT

At its March meeting, the State Board of Education approved a new Title 5 regulation (Section 6113) which extends the timeline for teachers in eligible rural schools to meet federal requirements for teacher qualifications. This regulation had not been reviewed and finalized by the Office of Administrative Law when this newsletter went to press, and thus it has not been reflected in the March revision of CSBA's sample policy and administrative regulation BP/AR 4112.24 - Teacher Qualifications Under the No Child Left Behind Act. However, BP/AR 4112.24 does include a note advising eligible districts to revise the deadlines in their materials as appropriate.

The No Child Left Behind Act requires that all teachers newly hired to teach in programs supported by Title I funds meet the definition of a "highly qualified teacher." All teachers of core academic subjects, even those in non-Title I schools, must meet the definition by the end of the 2005-06 school year.

However, the U.S. Department of Education offered a delay in the timeline for teachers employed by rural schools eligible to participate in the Small Rural School Achievement program. 5 CCR 6113 addresses the issue of middle and high school teachers who are assigned to teach multiple core academic subjects in such schools. Teachers who teach multiple subjects in these schools and are highly qualified in at least one core academic subject they teach, but who do not meet all the criteria for a highly qualified teacher in the other core academic subjects they teach, may be given until the end of the 2006-07 school year to meet the requirements. Newly hired teachers in these districts will have three years from the date of hire to become highly qualified in each core academic subject that they teach.

To use this flexibility, districts will be required under 5 CCR 6113 to provide:

- high-quality professional development that increases the teachers' content knowledge in the additional subjects they teach, and
- mentoring or a program of intensive supervision that consists of structured guidance and regular, ongoing support.

What's new at CSBA

Wellness survey

CSBA, in conjunction with California Project LEAN (Leaders Encouraging Activity and Nutrition), is conducting a nationwide online survey addressing implementation of the federal mandate for a districtwide "student wellness" policy. The survey seeks responses from school board members, leaders of state school boards associations, state nutrition policy directors, and members of Action for Healthy Kids (a public-private partnership of more than 50 national organizations and government agencies representing education, health, fitness and nutrition; see www.actionforhealthykids.org).

Survey questions address the current status of wellness policy development and implementation; perceived barriers and opportunities; resources and tools being used by districts; and the types of support that districts need as they work toward developing, implementing, and evaluating student wellness policies.

The survey is scheduled to be disseminated this month. For further information, contact Martin Gonzalez at (800) 266-3382.

Phase-out of GAMUT™ CD

GAMUT™ (Governance and Management Using Technology), CSBA's computerized policy information service, currently comes in two formats: CD-ROM and online. As more districts have access to the Internet and are switching to GAMUT™ Online, CSBA anticipates phasing out the CD version by 2007-08.

Districts that want to check out the online service are invited to sign up for a free 30-day trial. To order the trial, go to www.csba.org/gamut/30day.cfm or call Dianna Parker, director, Governance Technology, at (800) 266-3382.

Curriculum Institute

As part of the association's focus on defining what it means to "ensure accountability" for student achievement and to assist districts in closing the achievement gap, CSBA's Curriculum Institute offers opportunities for board members, superintendents, and other district staff to renew their sense of purpose in raising student achievement. California's premier conference on student learning and achievement will demonstrate how to strengthen curriculum, create critical thinkers, and engage students.

The conference has moved back to its Monterey location, and will be held July 7-8, 2006, at the Hyatt Regency Monterey. To register, call CSBA at (800) 266-3382 or register on-line through the Events Calendar section of CSBA's Web site, www.csba.org.