



Topics:

- A. IDEA reauthorization impacts policies**
- B. New preschool policy and resources available from CSBA**
- C. Districts should begin to develop process for wellness policy**
- D. Survey provides feedback on policy services**
- E. Upcoming issues**
 - Vocational education

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

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.

A. IDEA reauthorization impacts policies

Legislation reauthorizing the Individuals with Disabilities Education Act (Public Law 108-446), signed by President Bush on Dec. 3, 2004, includes a number of provisions affecting teacher qualifications, identification for special education, individual education programs, due process, student discipline and other program requirements. The law becomes effective July 1, 2005, except for teacher qualification provisions which went into effect immediately upon the signing of the legislation on Dec. 3. CSBA and the National School Boards Association have issued statements calling the new law a significant improvement in the program.

A number of CSBA sample policies and regulations issued in March reflect changes of this new law, and additional changes are expected in the coming months. In addition to reviewing CSBA's sample materials, local education agencies may find it useful to review summaries of the law available from NSBA (www.nsba.org) and to consult with their Special Education Local Plan Area or special education director regarding policy, budget and other program implications.

Existing federal regulations and state law will need to be revised to conform to the newly reauthorized federal statute. Where conflicts currently exist between these laws and regulations, LEAs are obligated to follow whichever law provides greater rights and protections. LEAs should consult legal counsel if they have questions about which law prevails.

Teacher qualifications

The No Child Left Behind Act includes requirements for teachers in core academic subjects and Title I programs to be "highly qualified" as defined by each state. P.L. 108-446 (Section 602(10)) added a definition of "highly qualified teacher" as it pertains to special education.

In general, special education teachers may meet the requirements in the same manner as general education teachers except that they must also have obtained full state certification as a special education teacher or must have passed the related state licensing exam and hold a license

to teach special education in the state. “New” special education teachers who already meet the qualifications of “highly qualified” teachers in language arts, math or science and who teach multiple subjects may use the high, objective, uniform state standard of evaluation (HOUSSE) process to be “highly qualified” for the other subjects. (See BP/AR 4112.24 - Teacher Qualifications Under the No Child Left Behind Act for information about HOUSSE.)

In addition, the law creates two new options based on whether the special education teacher (1) teaches core academic subjects exclusively to students who are assessed against alternative achievement standards established under NCLB, or (2) teaches two or more core academic subjects exclusively to students with disabilities. The first option has caused confusion in California because there are no alternative standards for special education students. The California Department of Education has requested clarifying language in federal regulations so the option could be applied to teachers who exclusively teach students who take the California Alternate Performance Assessment. Requirements for teachers who do not meet one of these two criteria are somewhat unclear.

Both federal and state regulations addressing these issues are anticipated. LEAs are advised to proceed cautiously until further information is available.

CSBA policy revisions: When federal and/or state regulations are approved, CSBA plans to reissue BP/AR 4112.24 - Teacher Qualifications Under the No Child Left Behind Act. BP 4112.23 - Special Education Staff may also be affected.

Identification for special education

When determining eligibility for special education and related services, P.L. 108-446 provides that the LEA cannot identify a student for special education when the primary factor leading to the identification is a lack of appropriate instruction in reading or mathematics or limited English proficiency. Other amendments establish procedures to follow when parents/guardians refuse to consent to an initial evaluation.

CSBA policy revisions: AR 6164.4 - Identification of Individuals for Special Education (3/05)

Individualized Education Program

As amended, federal law now allows, when school officials and parents/guardians agree:

- excusal of a team member from an IEP team meeting if certain conditions are met; and
- a decision to forego an IEP meeting and instead amend or modify the IEP through a written document, for changes in an IEP after the annual meeting for the school year.

CSBA policy revisions: AR 6159 - Individualized Education Program (3/05)

Due process

Some amendments to IDEA affect qualifications of persons serving as hearing officers and criteria that may be used by hearing officers in making decisions; these topics are not addressed in CSBA’s sample policies and regulations. Other amendments affect due process hearing procedures, including timelines for filing a complaint, procedures for amending a complaint, the sufficiency of the complaint notice, and issuance of a procedural safeguards notice.

When an individual is to be assigned to act as a surrogate parent in order to protect the rights of a student, P.L. 108-446 requires that reasonable efforts be made to appoint the surrogate within 30 days of the determination that a surrogate is needed.

CSBA policy revisions: AR 6159.1 - Procedural Safeguards and Complaints for Special Education (3/05) and BP/AR 6159.3 - Appointment of Surrogate Parent for Special Education Students (3/05)

Student discipline

When making decisions about the suspension or expulsion of a student with disabilities, federal law has long required a “manifestation determination” to determine the relationship between the disabled student’s misbehavior and his/her disability. The law now allows school personnel to remove a student to an interim alternative educational setting without regard to a manifestation of the disability when he/she has inflicted serious bodily injury upon another person, thus increasing the circumstances under which such removal is allowed.

Criteria for determining whether the LEA had prior knowledge that a student was disabled even though he/she was not yet identified for special education were also amended.

CSBA policy revisions: AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities) (3/05)

B. New preschool policy and resources available from CSBA

“In recent years we have learned so much about how the early brain development of young children impacts their success in school and beyond,” says Samantha Tran, senior research and policy consultant with CSBA. “This research, and the growing momentum to increase access to preschool for all children in California, create a unique opportunity for school districts and county offices of education to evaluate what role they could play in expanding access to these programs.”

With the assistance of a grant from the David and Lucile Packard Foundation, CSBA has been exploring how school districts and county offices of education can impact early childhood education opportunities in their communities. CSBA’s work is examining both the benefits and the challenges of increasing preschool opportunities throughout the state.

CSBA has worked with six local education agencies — San Jose Unified School District, Elk Grove Unified School District, Merced County Office of Education, Los Angeles Unified School District, Santee School District and Romoland School District — to investigate issues related to universal preschool, including governance, finance and facilities, program quality, personnel, access, partnerships and data.

“Board members and superintendents have expressed interest in learning more about how to expand access to high-quality preschool programs in their communities,” Tran reports. “Thus, CSBA wanted to provide resources that describe a full range of strategies for school leaders — from learning more about preschool to using the bully pulpit, partnering with existing preschool providers and providing preschool programs through the school district.”

In April, CSBA expects to issue a comprehensive guide, *Expanding Access to High-Quality Preschool Programs: A Resource and Policy Guide for School Leaders*, on its Web site at www.csba.org. The guide presents research showing the academic and economic benefits of preschool, describes components of effective programs, provides information about statewide efforts to increase access to preschool for all children in California, and describes how districts and county offices of education can get involved.

The guide also details a policy development process to assist districts in adopting policies on preschool. It presents critical components that should be included in the policy and a series of questions to guide the board’s discussion of:

- the board’s philosophy about early childhood education and the relationship between preschool and elementary student achievement;
- accessibility of programs to children in the

community;

- components of a high-quality preschool program, including services needed to address the needs of the whole child;
- effective administration and governance of preschool programs;
- adequacy of facilities for preschool programs;
- qualifications of preschool teachers, paraprofessionals and administrators; and
- collaboration with other agencies, organizations and providers in the community.

Along with this guide, CSBA has developed a sample board policy BP 6300 - Preschool/Early Childhood Education. Issued in March, the policy may be used by districts that want to provide or expand their own preschool programs and/or those that want to collaborate with other agencies and providers to increase the quality and availability of programs in the community.

In addition to providing resources to districts and county offices, CSBA has been an active participant in state and regional activities supporting universal preschool, including conducting workshops, building relationships with other key organizations, and tracking related legislation and a Preschool for All initiative that will likely be on the June 2006 ballot.

For further information, see CSBA’s Web site at www.csba.org/is/ps/index.cfm or contact Tran at stran@csba.org.

C. Districts should begin to develop process for wellness policy

Under federal law signed in 2004, districts participating in the National School Lunch program, School Breakfast Program or other program authorized by the federal Child Nutrition Act are mandated to adopt a “wellness policy” by the beginning of the 2006-07 school year. The Federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act (P.L.108-265, Section 204) specifies components that must be included in the policy and requires participation of certain specified groups in the policy development process.

Although district wellness policies need not be adopted until the start of the school year after July 1, 2006, districts are encouraged to begin the process now. “Districts must allow sufficient time to engage in an inclusive policy development process involving many stakeholders,” advises Martin Gonzalez, CSBA’s assistant executive director, Governance and Policy Services. “The district

may need to appoint a new committee or reexamine the membership of existing school health councils. These groups will need to examine relevant research and 'best practices.' Recommendations must be developed and submitted to the board. Then the board needs time to hold its discussions at public meetings. If a district has not already started this process, it should begin now to identify the process it will use and establish timelines that will allow for a thoughtful examination of the issues."

In March, CSBA issued BP 5030 - Student Wellness (3/05) which describes the policy development process and lists required and optional topics to be addressed in the district's board policy. In addition, CSBA's Healthy Food Policy Resource Guide provides comprehensive information that will help districts in the development of the wellness policy. The guide is currently being revised to reflect the wellness policy requirements, update statistics, provide additional questions for boards to consider when developing policies on student nutrition and physical activity, and provide information on school-based commercial activities related to foods and beverages.

For more information, see CSBA's Web site at www.csba.org/ps/hf.htm.

D. Survey provides feedback on Policy Services

Survey results

In January, CSBA conducted a survey of its Policy Services clients to determine satisfaction with the services, areas needing improvement and possible new services. Among the 193 respondents, satisfaction with the current services and with the schedule of policy packets was very high. Typical comments addressed the accessibility, accuracy and timeliness of materials and the responsiveness of CSBA staff to district and county office of education requests. Small districts noted that CSBA helps them remain up to date on issues that they are unable to track themselves. Cost is the primary factor in decisions not to upgrade to a higher level of service.

The most frequent suggestions for additional services that would be useful to districts and county offices included tip sheets for use by board members when adopting policies on controversial issues, sample parental notifications, sample student or staff handbook, translation of policies into other languages, and an annual policy calendar. Some users of the hard-copy Policy Update Manual, GAMUT CD and GAMUT Online indicated a desire for additional indexes (such as alphabetical or by topic area).

CSBA will continue to analyze the survey results in more detail to determine areas where services

could be improved or expanded. Districts and county offices of education are welcome to provide additional feedback at any time to Martin Gonzalez, assistant executive director, Governance and Policy Services, at (800) 266-3382 or mgonzalez@csba.org.

Winners of complimentary policy services

Districts and county offices of education responding to CSBA's Policy Services survey were entered into a drawing to receive a complimentary developmental service or GAMUT Online subscription. CSBA congratulates the following winners:

Developmental Service:

Orcutt Union ESD

GAMUT Online Subscription:

Pleasanton USD

Strathmore Union ESD

E. Upcoming issues

Vocational education

Federal legislation (H.R. 366 and S 250) that will reauthorize the Carl D. Perkins Vocational and Technical Education Act is receiving strong bipartisan support as it moves through the House and Senate. The Vocational and Technical Education for the Future Act include provisions designed to strengthen the academic component in vocational programs, streamline accountability measures and increase coordination between high school and postsecondary programs. Funding and activities for the Perkins state grant and Tech-Prep programs would be combined.

If approved by the full House and Senate this spring, the bills will be forwarded to a conference committee which will negotiate a final version of the legislation.

CSBA will be tracking this legislation and analyzing the final bill to determine the policy implications, if any, for BP/AR 6030 - Integrated Academic and Vocational Instruction and BP 6178 - Vocational Education.